SENATE—*Monday, February 1, 1988*

The Senate met at 11:30 a.m. and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

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

Let us pray.

And, behold, the Lord passed by, and a great and strong wind rent the mountains and brake in pieces the rocks before the Lord; but the Lord was not in the wind: and after the wind an earthquake; but the Lord was not in the earthquake: and after the earthquake a fire; but the Lord was not in the fire: and after the fire a still small voice.—I Kings 19:11-12.

Mighty God, Creator and Ruler of the Universe, may we learn from Elijah's experience—to listen for the "still small voice" by which You speak to us. In our culture it is important for us never to reveal vulnerability or weakness. We must be strong—appear strong even when we feel weak. It is when we are alone with ourselves that we need the comfort of God—when we think of what we ought not to have done but did—and what we ought to have done and did not. In our loneliness, we are sometimes overwhelmed by the failure which we are never free to acknowledge to anyone. So the pressure builds up within and the burden is compounded. Loving Father, on this fast track which is life in the Senate help those who labor here to find daily a quiet moment that they may discover that God is not in the wind nor the earthquake nor the fire but in the "still small voice." In His name who invited "come unto me all who labor and are heavy laden. I will give you rest." Matthew 11:28. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Richard C. Shelby, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his good prayer and for the particular choice of the story of Elijah and the reference to the words of Jesus. It is a story that should give us all strength, and I thank him.

RESERVATION OF LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that my time be reserved, and I ask unanimous consent that the time of the Republican leader be reserved.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 20 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

NO CONTRA AID ON ANY TERMS

Mr. PROXMIRE. Mr. President, what is the sense of Congress voting that this debt-ridden Government of ours should borrow still another $36 million to provide a combination of so-called lethal and nonlethal aid to the Contras in Nicaragua? Sure $36 million is a small part of our more than $1 trillion Federal budget. But this $36 million is only the beginning. It means we are continuing aid to the Contras for a few months on a limited basis. If the Contras are to succeed it is clear that Contra appropriations will have to increase greatly in the future. On the other hand if the Congress denies the $36 million it may mean the end of this costly project.

The Arias peace plan Central America would stop the tragic Nicaraguan civil war. The international Nobel Peace Committee has awarded its coveted prize to President Arias for the contribution his proposal to stop the killing in Nicaragua has made to world peace and especially to peace in this hemisphere.

The Arias plan is not simply a cease-fire proposal. It would advance democratic institutions in Nicaragua. It would provide effective Central American guarantees against Nicaraguan aggression against its neighboring nations. The Central American nations that would be principally affected by Nicaraguan aggression unanimously favor the Arias plan. They oppose the continuation of U.S. aid to the Contras. Do they know what they're doing? Of course, they do. They are right.

Mr. President, what possible basis is there for the Congress to continue spending American taxpayer money year after year to fund a rebellion in Nicaragua? If ever Federal spending truly deserved a Golden Fleece Award, it is here. In the first place the Contras have not won a single military victory in Nicaragua in the years the United States has been funding them. They have, to be sure, killed some Nicaraguan Government soldiers. But they have killed far more Nicaraguan civilians. They have undoubtedly weakened the economy of their pathetically poor country by burning the homes of Nicaraguan families, by killing many of its able bodied people and by destroying the livestock that is critical for feeding Nicaraguans. That the United States has subsidized this cruel slaughter and impoverishment of thousands of Nicaraguans is a national shame.

It is an embarrassing international joke that the Reagan administration contends that Nicaragua represents a threat to our security. How ridiculous can the administration get? Nicaragua has a population that is less than 2 percent of the American population. It has a pathetically weak economy with a GNP that is a small fraction of 1 percent of ours. It has virtually no navy. It has no air force. It has a sad sack army equipped with a few old style Soviet tanks and personnel carriers. Its weapons would be a disgrace for any one of America's 50 State National Guard units. But what happens if Nicaragua should invade one of its

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

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neighbors? If that happens the United States would have not just the right but the duty to respond if called upon to do so under the Rio Treaty. The United States could swiftly establish air control, sea control, and land control.

So Nicaragua is a military pygmy. By contrast the United States has immense economic, peaceful power in Central America, infinitely greater than Cuba or the Soviets. Our country constitutes the prime market for export businesses in all central American countries including Nicaragua. Of course, both Cuba and the Soviet Union provide military weapons and military personnel to Nicaragua. Certainly Ortega follows a Cuban and Soviet Communist Party line in international relations. And yes, it would be highly desirable to secure a free, democratic, pro-American government in Nicaragua. But is support for the Contra and a bloody revolution overthrowing the Sandinistas the way to achieve it. Consider our bitter historical experience. Pro-American governments like the Somoza government have been one party dictatorships that suppressed dissent as ruthlessly as Ortega and the Sandinistas suppress it. Isn't it logical that in the long run we would have at least as good a chance to win a free, democratic government in Nicaragua by relying on a military and political hands-off policy that would encourage trade and tourism between the two countries. Why not try it?

Throughout this century the United States has treated Nicaragua as either our puppet or our enemy. In neither case have we succeeded in establishing the kind of democratic institutions in Nicaragua that now characterize most other central American countries. It is time we follow a hands-off policy in Nicaragua. From the standpoint of the freedom and democracy we espouse we can't do any worse. We have tried military domination. It has only succeeded in giving us a reputation as an international bully. Let's apply the good neighbor policy of Franklin Roosevelt and the Peace Corps policy of John Kennedy. We can't do any worse in Nicaragua, and we might do a great deal better.

SUPPORT FOR REPEAL OF THE GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials from Pennsylvania newspapers that support my bill to repeal the Glass-Steagall Act be printed in the RECORD.

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

[From the Pittsburgh Press, June 30, 1987]

OBSOLETE BANKING LAWS

When a major law controlling an industry is more than 50 years old, you can be sure its outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and, indirectly, the American economy.

In writing Glass-Steagall, experts sought to separate the commercial securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortuntely, their explanation of the Depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's largest 25, whereas seven ranked in the top 10 not too many years ago.

As a result they're finding it increasingly difficult to compete with well-capitalized banks from Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commercial paper, for example, even though many businesses increasingly use that form of short-term unsecured credit instead of relying on traditional bank loans.

Thus, banks have lost some of their most reliable customers. A law intended to protect banks from high-risk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commercial paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities for banks: stock brokerage, the underwriting of insurance and municipal revenue bonds, the operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

[From the Pittsburgh Post-Gazette, July 7, 1987]

BANKING THAT WORKS

The U.S. Supreme Court's recent decision to allow the Bankers Trust Co., a commercial bank, to sell a specialized instrument of corporate borrowing known as commercial paper marked another milestone in the piecemeal deregulation of the nation's banking system. It also provided a new reminder that Congress, where resistance to deregulated banking is mounting in response to lobbying from Wall Street and the insurance industry, should be playing a more positive role in deciding the future of American banking.

The Bankers Trust case offers a quick drill in some key issues of banking deregulation, which can be most clearly defended as a way of allowing banks to respond to competition in their traditional markets from unregulated financial institutions. Commercial paper underwriting and resale, for instance, is probably one of the safest credit operations in the financial market place. But regulated banks have been kept out of it under the Banking Act of 1933, known as the Glass-Steagall Act, which prevents banks from engaging in any kind of underwriting.

Meanwhile, investment banks and other unregulated finance companies have been convincing corporations that commercial paper represents a less expensive method of raising capital than borrowing from a commercial bank at the prime rate. Similarly, other financial products have been devised to challenge the traditional role of banks as the primary source of credit in American society.

In this context, worries that deregulation will increase the risk of commercial banking are academic. The highly restricted participation of commercial banks in the revolution in financial services has already encouraged the migration of many of their most credit-worthy customers to other providers of service. Riskier lending in the Third World and the oil patch may be one result.

Unfortunately, Congress is listening more carefully to the aggressive opposition of those financial interests that have competed most effectively for the customers of commercial banks. A constructive way of dealing with the present drift of Congress' attention would be a proposed blue-ribbon commission of all interested parties to work out a legislative solution.

The most important issue—and the largest philosophical obstacle in the path of commercial banking deregulation—is how to maintain regulatory oversight of insured deposits while separating them from unregulated ventures. Critics of deregulated banking make an effective (if not totally persuasive) point when they argue that federal depository insurance provides banks with a safeguard against risk that other corporations do not enjoy.

The concern is that insured deposits will give bankers an exaggerated sense of safety when they expand into risky ventures. Or, conversely, that insured deposits will suddenly become a safety net for failing industrial ventures when major corporations enter commercial banking. However, as Federal Reserve Chairman nominee Alan Greenspan argues, deposit insurance insures depositors against risk, not the banks themselves. So bank managers will have no reason to believe that their unregulated ventures—or their own positions within their corporations—will be shielded against failure by deposit insurance.

Recognizing that there is no absolute guarantee against risk, even in a regulated industry, Congress should focus more positive attention on maintaning regulatory oversight of depositors' interests and allow commercial banks to meet the challenges of a radically changed environment.

[From the Pittsburgh Press, Nov. 21, 1987]

DEREGULATING BANKS

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto, and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-

stop financial service is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means their potential for growth and profitability is limited. Credit the situation to a 54-year old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between one-tenth and three-tenths of a percent.

That would add up to enormous savings that are worth going after.

Mr. PROXMIRE. Mr. President, I thank the majority leader for his forbearance and fine leadership. I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time remains under morning business?

The ACTING PRESIDENT pro tempore. Fifteen minutes.

Mr. BYRD. Mr. President, I yield the time that I have—I believe 10 minutes under the standing order—to Mr. INOUYE. I understand he wishes to speak longer.

I ask unanimous consent that he may have such additional time within the overall time limit that has been set for morning business but without being limited to the 5-minute restriction.

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

The Senator from Hawaii.

UNFOUNDED CRITICISM OF FRENCH REFUGEES' SCHOOL FUNDING

Mr. INOUYE. Mr. President, I have made an error in judgment and I intend to correct that error, for I fear that I have embarrassed my colleagues.

It is my intention to move as quickly as possible to bring before the Senate a proposal to rescind the $8 million earmarked in the continuing resolution for the construction of schools in France for Jewish refugees from north Africa.

Mr. President, in the 25 years that I have served in the Senate, and in my 3½ years in the House of Representatives, I have faced many controversies and endured much criticism.

My service on the Watergate Committee and my service as chairman of the Iran-Contra Committee have each brought their share of criticism and negative personal attack. I did not seek those positions, but accepted the will of the Senate that I be named to those committees. I sought only to serve our country and the institutions of our Government.

My role in the defense of Senator Harrison Williams also brought criticism and condemnation to me. I accepted that; I knew it would come, but I could not deny an old friend who was in trouble; I could not wipe away his long and honorable record of service because of one mistake. Criticism of me was insignificant in comparison to the pain my friend and colleague was suffering.

As chairman of the Appropriations Subcommittee on Foreign Operations I have become accustomed to criticism for my support of our Nation's foreign assistance programs. In what has become almost an annual ritual, abuse has been heaped upon those programs and their defenders, even though, privately, critics will admit to the national security interest in maintaining effective foreign aid programs. I have accepted that criticism and remained a supporter of foreign aid, because I believe that it is possible to combine humanitarian concern with the rational analysis of national security interests. I have sought to serve our country by supporting these important programs; I have taken the criticism.

Indeed, Mr. President, some may believe that I have become inured to criticism; that because I "have neither winced nor cried aloud," that I do not feel the sting of bitter accusation. That is not true, Mr. President. I do feel.

I have had my share of criticism—some of it just and some of it well deserved. But never before have I felt the lash of such unjust and unfounded accusation. Never before have I been accused of taking 30 pieces of silver. Newspapers which I had always regarded as responsible publications have ignored the facts and have charged that my efforts in support of refugee schools in France took place in "the secrecy of the closed-door House-Senate conference."

I have been accused of actions which are "shabby and self-serving." Some have even said that I sold my reputation and my honor for $1,000.

Mr. President, in view of these accusations, I hope that my colleagues will grant me a few moments to review what transpired during the months of November and December of last year. Let us see how I acted and let my colleagues and my constituents judge if I "sneaked pet causes through the back door at the last minute."

Mr. President, for some time—for several years—I had been aware of the plight of north Africans who, having fled persecution in their home countries as the French withdrew from their colonies in north Africa, found themselves subject to discrimination and prejudice in France because of race, religion, culture, and national origin. The most wretched among these were the Jews. I am not a sociologist, but I imagine that, when many Frenchmen look upon these unfortunate Jews from north Africa, they are reminded not only of the loss of their empire, but also of the shameful complicity of many of their countrymen in the Holocaust.

These unfortunates, these Jews from north Africa, have not been absorbed or assimilated. Though many have been in France for years, they remain refugees; subject to abuse and discrimination and fearful of a rising tide of right wing nationalism, they continue to seek refuge. Mr. President, they are refugees.

Last summer, I was called upon by a group of leaders of an organization known as Ozar Natora. It is a small group, headquartered in New York City, and it has a 40-year history of support for Jewish refugees, particularly those who are Sephardic or eastern Jews.

To date, this organization has established schools serving approximately 3,000 students in Paris, the suburbs of Paris, and in Toulouse and Marseille, which are the areas of the largest concentration of the north African Jewish refugees. The school system is being aided by voluntary contributions from Americans. Unfortunately, however, the organization does not have sufficient funds from these sources to compete the construction program.

Ozar Hatora came to me requesting support for the construction of several additional schools for these Jewish refugees from north Africa.

The proposal had the support of the French Government in the person of the Prime Minister, Jacques Chirac, who is also the mayor of Paris. Moreover, not only are the schools approved by the French Ministry of Education, the program of studies also meets the requirements set by the ministry. The French would provide the land and would provide assistance meeting about 50 percent of the operating budget of the schools. Under French law, however, the Government cannot provide funds for construction.

As I considered this proposal, I thought of many things. I thought of the extraordinary efforts our country has made to provide assistance to Indochinese refugees, many of whom—more than 10 years after the

fall of Vietnam—remain in camps in Thailand and elsewhere.

I thought of the schools, cultural centers, and workshops generously provided by America to ease the plight of these Hmong tribesmen, Vietnamese, and Cambodian refugees. I thought of the many Catholic refugees who fled political and religious persecution in Eastern Europe and who were helped to emigrate to the United States through church-sponsored programs. And I thought of the assistance our Government now provides to those who are persecuted for their religious beliefs in Poland—assistance provided through the Polish Catholic Church.

Mr. President, it did not seem unusual, or extraordinary, to me to offer humanitarian assistance to those in need. Frankly, I did not consider questions of church and state. Persecution is persecution, whether it be against Baptists in the Soviet Union, Protestants in North Korea, or Catholics in Poland. My country believes in the separation of the church and the state, that is true; but it also believes in religious freedom. Persecution of anyone anywhere because of his religious belief was abhorrent to those who raised me and it is abhorrent to me today.

And so, I offered to support this proposal. I did not hide my support of it. I openly supported it. In June of last year, we began the laborious process of drafting legislation affecting fiscal year 1988 appropriations. This process lasted for a longer time than is normal because the Foreign Operations Subcommittee delayed its markup until after the President set forth the overall funding reductions which would be required to comply with his November sequestration order.

So, we did not begin our formal subcommittee markup until Tuesday, December 1, although some preliminary drafts had been prepared and circulated beforehand.

On November 4, Senator KASTEN and I met in the traditional advance meeting between the chairman and ranking minority member. Senator KASTEN reviewed the merits of the proposal and had no objection. I have been grateful for his support throughout this process.

On November 30, the staff of the subcommittee briefed the staffs of the subcommittee members and distributed documents which showed the funding levels that Senator KASTEN and I had agreed to recommend to the subcommittee.

Mr. President, on Tuesday, December 1, at 10 a.m. in the Appropriations Committee room in the Capitol Building, the Foreign Operations Subcommittee met to mark up S. 1924, a Senate-originated bill to provide fiscal year 1988 appropriations for foreign assistance and related programs. I wish to emphasize several aspects of this markup session:

The markup was held at 10 o'clock in the morning, not late at night.

The session, from gavel to gavel, was open to the press and to the public.

Representatives of the administration, and in particular the Department of State, were present throughout the markup.

The draft committee print of S. 1924, which was before each Member, contained the language earmarking the funds for construction of the schools for north African Jewish refugees.

I submit that I did not sneak this legislation into the law. The meeting was held during normal business hours and members of the press and public were in attendance, along with representatives of the Department of State. No one raised any objection to the earmarking!

Mr. President, on Wednesday, December 2, the following day, each of the 29 members of the Senate Committee on Appropriations received two copies of both S. 1924 and the draft of the committee report. Both documents noted the earmarking of the $8 million for construction.

On Thursday, December 3, the Committee on Appropriations met in plenary session to markup the defense appropriations bill and the foreign assistance appropriations bill. Again, the committee meeting was held during business hours and was, from start to finish, open to the press and the public. The bill before the committee, and the report on it, had been available to the members for the period of time required by the rules of the Senate. We had a lengthy markup session. Nothing was "sneaked through." There was no objection to the earmarking.

Mr. President, on December 8, the Committee on Appropriations met again, this time to consider the fiscal year 1988 continuing resolution, and the committee incorporated the full text of S. 1924 into the continuing resolution. This measure, containing the $8 million earmarking, was fully debated in open session. The press and the public were present, as were representatives of the Department of State. Again, there was no objection to the earmarking.

Finally, Mr. President, the legislation came before the full Senate on December 12. It will be recalled that the continuing resolution was on the floor for several days. There was prolonged consideration: many Members offered amendments to various chapters and sections of the committee reported bill. No amendments were offered to the section providing appropriations for refugee assistance.

The continuing resolution then went into the House-Senate conference. As is customary, we met in plenary session and then separated into subconferences of the relevant appropriations subcommittees. The Foreign Operations Subcommittees met in room S-126 in the Capitol Building. We did not, as has been reported, meet in secret. For the first time in my memory, we held an open conference session. Members of the press and the public—and representatives of the Department of State—were present.

The $8 million earmarking was openly discussed. It was not passed over quickly, nor in secret. In fact, Congressman DAVID OBEY, the chairman of the House subcommittee, asked that approval be delayed to allow him to confer with his colleagues. Twenty-four hours later, in the full light of day, and with the session still open to the press and public, the earmarking was adopted by the conference.

Mr. President, not once during the time that this matter was under consideration—not once from the time it first appeared in the Appropriations Committee print of S. 1924—not once during the 3-week period that the bill was under consideration did I hear of any opposition to the earmarking.

I was not aware of any opposition from unnamed State Deaprtment refugee officials. Only after the President signed the bill into law, did these officials—under a cloak of secrecy—begin to make their spurious charges.

Mr. President, I find it odd that these unnamed Department of State refugee officials charge that the $8 million earmarking reduces the amount available for refugee assistance. The Department of State, in the President's budget for the current fiscal year, proposed a cut of some $32 million from the amounts the Congress provided in the previous year for refugee assistance. My recommendation to the Senate, which was ultimately adopted and signed into law by the President, restored this funding to refugee programs.

Mr. President, throughout our consideration of fiscal year 1988 funding of foreign assistance and related programs, I consulted frequently with the Secretary of State. His words, upon final passage were expressions of gratitude for the work the subcommittee had done. In fact, shortly after the bill was passed, I received a telephone call from our former colleague, Howard Baker, the President's Chief of Staff, extending the gratitude of the President of the United States. I went home at the end of the session with the belief that I had done my work well.

I was tired then, like most of us, exhausted really, from the long days and sleepless nights. I spent the Christmas and New Year's Day holidays in bed, sick with the flu. My wife mentioned that there were some articles in the

press, but she set them aside until I had recovered. When I began to read the press stories, I began to realize the depth of suspicion and resentment which clouded the actions of the Congress in the closing days of the last session and, in particular, my support for this refugee program.

I soon went to Hawaii, to speak with and to listen to those who know me best, my constituents. They understood my motives because they have known me and my work for many years. They knew that my actions were guided—as I have explained to the Senate today—by a humanitarian concern for those who have been persecuted.

Mr. President, let me be direct. I was disappointed, hurt, and angered by the accusation that I had supported the earmarking because of a $1,000 contribution to my reelection campaign.

I have been blessed by a supportive and knowledgeable constituency which has judged me on the basis of my record and not on the amount I have raised in campaign funding. As many of my colleagues are well aware, I have not found it necessary to raise large sums of money for my campaigns. I wish to assure my colleagues that I was not aware of this contribution and I did not solicit the funds.

Mr. President, I did not sneak a pet project of a campaign contributor into the continuing resolution. I do not behave that way.

Mr. President, I value my close and abiding relationship with my colleagues. The facts show that I did not do anything to mar the record of achievement—and honor—that I have tried to contribute during my life in public service. Nonetheless, I have concluded that, if this avalanche of criticism is allowed to continue, this institution—this Senate, which I honor and respect—could suffer. I continue to believe that what I have done is appropriate, but to fight the criticism and to prolong the controversy in order that I might win vindication would risk a further loss of public confidence in the Senate.

It is not easy for me to withdraw from this fight. But I recognize that to continue, to place my colleagues and the Senate at risk in order to win personal vindication, would be an act of prideful arrogance. I am not that kind of a person. I will never place my pride in front of my duty to my colleagues, my constituents, and the American people.

Mr. President, I have asked my friend and colleague, Congressman DAVID OBEY, to place before the House a bill to rescind the $8 million appropriated for the construction of schools for north African Jewish refugees in France.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise today on the floor of the Senate sharing to a great degree the anguish that I am sure is in the heart of the Senator from Hawaii [Mr. INOUYE] as he has taken this very unusual step to simplify something that has become very, very complex as it has been reported in the press and so forth.

I regret this action that he has seen fit to take because I believe that the Senator's integrity is without challenge. I think that anyone who has known the Senator from Hawaii, as I have known him and served with him on the Appropriations Committee, realizes that he is a man of complete and total integrity. I regret very much that there are those groups and individuals, and other forces outside of the Congress that have taken this matter to such a degree as to even in any way impugn the integrity of the Senator from Hawaii.

First of all, I think the record ought to be very clear that the Senator from Hawaii had proposed this amendment to the appropriation bill on foreign assistance, and that report of that bill was in the hands of other Members, available for the public in the early part of December. And it was not until the 23d of December, or the 22d of December that the appropriations CR was completed. So there was no effort at all to "hide" or to "sneak" into the bill as has been implied by those making such unfounded charges.

Mr. President, I went on the Appropriations Committee at the last part of 1971 following the end of my first term, and I served with the Senator from Hawaii during the years since that time. And I have been privileged to be on the subcommittee that he has chaired, both now and prior to the time, the 6 years, the Republicans controlled the Senate. The Senator's wisdom, his judgment, has always been a very valued part of our committee discussions because he has dealt with some of those controversial parts of the Appropriations Committee; namely, foreign assistance.

And I have known throughout the years that I have served with the Senator his impartiality, his fairness, his even-handedness, and I admired him for it. I admire him today for it.

Mr. President, I have been identified with the refugee needs of the world, and I have made that a very high priority in my own legislative record.

As many of my colleagues know, we have fought battles here in the committee and on the floor on behalf of the Refugee Assistance Program, the Admissions Program. Even this year, we rewrote some of the program as it related to Southeast Asian refugees.

The fiscal year 1987 carried a figure of $350 million to make our contribution to help feed and house and process some of the world's 12 million refugees. This year, 1988, the administration came in with a $314-million request, which would have severely reduced the capacity to assist many of these refugees all over the world.

The House passed a bill of $319 million, to illustrate a higher level of compassion and concern. The Senate, in turn, increased the appropriations to $340.5 million, which is close to the fiscal year 1987 level.

Mr. President, that means we are able to help many thousand more refugees in the world, some politically involved by our own foreign polity or some who were created in part by our own foreign policy, particularly those in Southeast Asia.

None of this could have happened in the U.S. Senate without the leadership and the support, the enthusiastic support, of the Senator from Hawaii [Mr. INOUYE].

I think that any credit I may have received for giving this kind of support to a people without a constituency, a people without advocates, a people without representation, would have to be shared in a major part with the Senator from Hawaii.

I merely wanted to review the facts of the record, that in no way and under such circumstances that have occurred should there be any validity given to any challenge to the integrity of the Senator from Hawaii; and, second, that he should be given, in the context of the subject of refugees, the major credit in the Senate for the kind of compassion demonstrated and the kind of support exercised through the action of the Senate against, in effect, the lesser degreee of commitment that exists both in the administration and in the House of Representatives.

Mr. SASSER. Mr. President, I take this opportunity to commend our distinguished colleague from Hawaii, Senator INOUYE, for the very thoughtful and very statesmanlike approach he has taken this morning. I am sure I speak for many of our colleagues when I say that the senior Senator from Hawaii is one of the most respected Members of this body, and we view his actions this morning as a matter of conscience on his part. I respect and commend him for those actions.

DEFENSE BURDEN SHARING

Mr. SASSER. Mr. President, earlier this month, the Government of Spain and the Reagan administration reached an agreement which calls for the removal of the 401st Tactical Fighter Wing from Spain.

If, as a result of that agreement, our 79 F-16's are removed from the European theater of operations, deterrence in southern Europe will be weakened and weakened at a time when concerns are being raised that the INF Treaty will necessitate a buildup in our re-

maining conventional forces in Europe.

Since the agreement with Spain was concluded, one option the Pentagon has been reviewing is the disestablishment of the F-16 wing altogether—deactivating it and turning the aircraft over to the Air National Guard.

I certainly agree that the Guard could use some additional F-16's but not at the expense of terminating the F-16 mission in southern Europe entirely.

I cannot believe that our NATO allies will stand back and allow the defense of Southern Europe to be summarily weakened. Our southern defenses now are already second-rate compared to our defense structure in the central front of Europe. While NATO could forestall a breakthrough of Warsaw Pact before in central Europe—and I have very little doubt—our southern flank defense is not as formidable and should it come under very serious Soviet pressure, there is a possibility that it could crumble. The missions of the F-16's based in Spain would make that bleak scenario, I believe, less likely.

I have written to the Secretary of Defense, Mr. Carlucci, expressing my opinion that base rights should be viewed as a valid measure of equitable burden-sharing among allies. What occurred was NATO essentially standing aside taking no hand in the matter and watching while Spain, a NATO member, placed the F-16 mission in jeopardy.

I think it is incumbent upon our NATO allies to now assist in finding another country that will accept the F-16 mission in southern Europe.

Our European allies must also be called upon, in my view, to pay the entire cost, as much as $500 million, to move that wing of the United States fighter aircraft to another location.

I included in the continuing resolution an amendment which I sponsored which prevents the expenditure of United States funds to build new facilities to relocate that wing in Europe. Europe and NATO must bear the cost of relocating the wing, in my judgment. And most importantly, we must not allow the experience with Spain to lead to further erosion of United States base rights around the world.

Already we see other countries, having watched the relative ease with which Spain dictated its position during the negotiations preparing to seek similar reductions in the United States forces or, in the alternative, substantial increases in foreign aid from the United States. In other words, what is occurring, even with some of our NATO allies, is they hold these NATO bases that are for the common defense at ransom for increased U.S. aid.

The point should be made, I think, very strongly, that the U.S. forces deployed abroad are there for the defense of the NATO alliance. They are there for the defense of Europe. They provide a shield for freedom for all of the Western nations. And NATO has certain responsibilities to ensure that base right negotiations are not viewed merely in the context of bilateral negotiations or bilateral relationships between the United States and the NATO country in which the bases are located.

We are deployed abroad to defend Europe. And Europe must never forget that fact.

Mr. President, I do not disagree with those who say that our force structure in Europe can be reduced. Indeed, perhaps it should be reduced. But these reductions should be done in a deliberate manner, not in the face of blackmail or base negotiations, and in the context of balanced conventional force reductions with the forces of the Soviet Union and the Warsaw Pact. We cannot allow force structure decisions to be dictated by base rights negotiations particularly when those negotiations result in the wrong forces being eliminated in the wrong place.

It must have caused a real chuckle in the Kremlin when the results of the Spanish base negotiations were announced. I suggest that the NATO Alliance wipe the smile off the faces of those in the Soviet defense forces and find another location to base these formidable F-16 aircraft. As far as this Senator is concerned, what happens to those American F-16's is a litmus test, if you will, of the intention of our allies. It will tell us a great deal about whether they intend to be full partners in meeting the common defense needs in the Post-INF environment. Or are they going to continue to plug along as if it was 1949 and 1950 and 1951 all over again?

Mr. President, I ask unanimous consent that a copy of my letter to Secretary Carlucci be included in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, January 15, 1988.

Hon. FRANK CARLUCCI,
Secretary, Department of Defense, Washington, DC.

DEAR MR. SECRETARY: As the author of statutory language in the continuing resolution which prevents Department of Defense funds from being used to design or construct facilities to support the withdrawal of the 401st Tactical Fighter Wing from Spain, I wanted to share with you my concerns with reports which indicate that the United States has concluded an agreement with the Government of Spain to withdraw the F-16s.

Removal of the F-16 missions from Spain is a major mistake for a number of reasons. Defense of Europe's southern flank has always been a stepchild in NATO and U.S. military planning and preparations. Yet, defense of the central front would be substantially weakened if the Soviets successfully attacked Europe's vulnerable flanks.

Spain has been an ideal location for basing the F-16s which are critical to southern flank defenses. Removal of these aircraft, unless they are to be based directly in Italy or Turkey, will make southern flank defense even more difficult than it already is. Especially in the context of an INF agreement, removal of the F-16s out of the theater of operations could severely weaken deterrence in Southern Europe.

A most troublesome aspect of an agreement with Spain to remove the F-16s is the potential impact such an agreement may have on other base rights negotiations. Many of those negotiations are directly associated with southern flank bases in Turkey, Greece, and potentially Portugal. The capitulation of the United States to Spain on the F-16 issue will embolden our allies, strengthen their position and increase their demands at the bargaining table, while weakening the U.S. hand.

Further contraction of base rights along the southern flank is not in the interests of NATO. Yet, other members of the Alliance failed, as did the United States, in persuading Spain of the necessity to maintain adequate basing structures in Southern Europe. I am especially concerned about this aspect of base rights negotiations in the region.

U.S. forces are deployed in Europe for the defense of the NATO Alliance. Our NATO allies have a particular responsibility to work with their neighbors to assure that necessary base rights, a critical element in equitable burden sharing, are provided.

The language which I attached to the military construction portion of the continuing resolution was intended to provide U.S. negotiators with additional leverage during the discussions with Spain. The prohibition on spending U.S. military construction funds to move the F-16s out of Spain was intended to force NATO to finance any such cost. In the report accompanying the continuing resolution, the conferees state directly that this should be a responsibility of NATO. Earlier last year, the Congress approved a similar legislative provision on the Supplemental Appropriations Act.

My committee will strongly oppose providing any funding to pay for the removal of the F-16s to another country. That cost must be the responsibility of NATO. In this instance, I believe, our NATO allies have let us down in a very critical test of burden sharing. NATO should provide the $300 million it will cost to move the wing.

I hope you will inform the NATO defense ministers that the executive branch of the United States government must rely on the Congress to provide funds for the common defense. As you know, by almost every measure, our allies are failing to shoulder their fair share of the defense burden. Providing base rights is one tangible expression that our NATO allies are committed to being a full partner in sharing the future cost of defense.

In the negotiations with Spain, our allies have let us down, and potentially weakened the Alliance. They must not let us down in the remaining base rights negotiations.

Sincerely,

JIM SASSER,
Chairman, Subcommittee on Military Construction.

Mr. SASSER. I thank the Chair. Mr. President, I yield the floor.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. WIRTH). The time for morning business has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes and that Senators may speak therein for 5 minutes each.

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

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 12:30 p.m., recessed until 12:45 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. WIRTH].

Mr. BYRD. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Morning business is closed.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12:45 p.m., recessed until 1:15 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be not to exceed 10 additional minutes for morning business and that Senators may speak therein.

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

The Senator from Colorado.

Mr. WIRTH. Mr. President, I thank the majority leader for extending the time of morning business.

CONGRATULATIONS TO THE REDSKINS

Mr. WIRTH. Mr. President, I offer my congratulations to the Washington Redskins. Joe Gibbs obviously had a very well-prepared team. Anybody who can defense John Elway as well as they did deserves everybody's commendation. Obviously, the Redskins got an extraordinary performance from Doug Williams and Timmy Smith and their offensive line. It was a very impressive performance, and those of us in Denver wish the Redskins well in 1988. The Broncos, of course, were once again the AFC champions in 1987, and we hope that Jack Kent Cooke's group does as well and they meet the Broncos again in the Super Bowl a year from now.

CONVENTIONAL ARMS CONTROL IN EUROPE: PROSPECTS AND PERSPECTIVES

Mr. WIRTH. Mr. President, the treaty eliminating United States and Soviet intermediate range nuclear force [INF] missiles will create new challenges and opportunities for the United States and its NATO allies. On the one hand, the NATO alliance will be challenged to decide how the elimination of INF missiles will affect its military strategies and doctrines. This will neither be a simple nor an easy process, and will require substantial analytical and political effort on the part of all alliance nations. On the other hand, the agreement clearly opens up many potential opportunities for the United States and its allies in their relations with the Soviet Union. In particular, the accord may have broken new ground on which further arms control agreements can be built.

Both the process of assessing NATO's strategy after INF and of exploring future directions for arms control are intimately related to the question of conventional arms control and military stability in Europe. Much of the unease expressed in some quarters about the INF Treaty has focused on the concern that NATO is seriously outmanned and outgunned by the opposing Warsaw Pact conventional forces. This concern, combined with the favorable arms control climate created by the INF Treaty, has renewed interest in the issue of conventional arms control in Europe.

The problem of an imbalance in conventional forces in Europe is not a new one, nor is it one that arms control efforts have ignored. For 15 years now, representatives of NATO and Warsaw Pact nations have met in Vienna, Austria, under the auspices of what we in the West call Mutual and Balanced Force Reduction [MBFR] negotiations attempting to reduce military forces in central Europe. Those negotiations have, unfortunately, failed to produce an accord, in spite of the substantial analytical and diplomatic effort that the Western side has devoted to developing its approach in these talks. The main problem, historically, has been that Western estimates of Warsaw Pact troop strengths in the reduction area differed substantially from Warsaw Pact assertions concerning the number of forces they maintain in Central Europe. Even one Western attempt to bypass this problem with an imaginative proposal in 1985 failed to attract serious Warsaw Pact interest.

Now, a new opportunity appears on the horizon. For the last year, all the NATO and Warsaw Pact countries have been meeting to discuss a new framework for conventional arms control negotiations. This new framework will cover Europe from the Atlantic to the Urals, instead of the more limited MBFR focus on Central Europe. And, while the MBFR negotiations focused primarily on military manpower as its principal measure for reductions, the new negotiations will specifically cover armaments and military equipment as well. These new negotiations could provide a way out of the impasse that developed in the MBFR negotiations.

The advent of this new opportunity coincides with, and may in part be due to, the emergence of a regime in the Soviet Union under Mikhail Gorbachev that is taking many new approaches in both its domestic and foreign and defense policies. The fact that Mr. Gorbachev wants to modernize the Soviet economy appears to have influenced the Soviet Union's greater flexibility toward military relations with the West in general and toward arms control in particular.

The INF Treaty signed by the Soviet leader and President Reagan reflects a revolutionary Soviet attitude toward arms control inspection measures. When the treaty is implemented, the United States will have unprecedented opportunities to conduct inspections of certain military facilities in the Soviet Union. This innovation runs counter to centuries of Russian paranoia toward the outside world. It also flies in the face of the intense secrecy with which the Soviet Union, until now, has protected virtually all aspects of Soviet life, and most particularly those having to do with its national security, from outside scrutiny.

And yet, as these new talks approach, their promise of a way toward a more acceptable East-West military relationship in Europe is threatened by the potential for deadlock in these new negotiations as well. Already, because the Warsaw Pact argues that there is "rough parity" between NATO and Warsaw Pact military forces, while the West believes that substantial asymmetries favor the East, it appears that the talks could bog down shortly after NATO and Warsaw Pact diplomats take their places around the negotiating table.

This prospect and the importance of the conventional military balance in Europe suggests that we should make a special effort to analyze, assess, and understand the nature of that balance. We should question all our assumptions to ensure that they remain factually well grounded. We should also carefully assess the evolving East-West political context and ask whether new political circumstances warrant new approaches to assessing military relations in Europe.

This reassessment needs to combine reasoned political judgments with the data and factual information available from our own intelligence agencies and other Western governmental and private sources. Such factual information is at the base of our understanding of the military balance and must

ultimately provide the foundation for any conventional arms control agreement. But simple bean counting, adding up the tanks, artillery, aircraft, and so forth on either side, is neither an accurate way of judging the nature of the East-West military balance nor of finding the way toward a more acceptable East-West military relationship in Europe. Our colleague, Senator CARL LEVIN, has made an important contribution to this analysis in his recent paper, "Beyond the Bean Count."

A static bean counting approach to the military balance excludes many factors that, in historical experience, have been central to the outcome of military conflicts. Such factors include political will, military doctrine, quality of weapons, leadership, training, morale, logistical support, mobilization capabilities, geography, terrain, weather conditions, and other considerations. In a NATO-Warsaw Pact confrontation, other factors, including alliance political solidarity, the reliability of allied forces, crisis decisionmaking, and the ability of allied forces to work in unison, all would play a special role.

Of course, analysts and officials within the United States and allied governments are aware of these considerations, and much analytical effort over the years has been devoted to understanding the interaction between statistical measures of military forces and other less quantifiable factors. Unfortunately, in public debate, the quantifiable factors tend to dominate because they are easier for officials to portray and also for the average nonexpert to understand. They are also easier to portray in the most important medium—television. It would be very difficult indeed to create a meaningful bar chart or table demonstrating political will or morale of forces, factors that could be crucial to the outcome of an armed conflict. But we find it quite easy to parade out illustrations of missile and tank forces, tables listing men under arms, or maps covered with symbols representing the imbalance of forces.

The question of conventional arms control is too important now to reduce discussions of the military balance to their lowest common denominator. Those of us in the Congress, as officials dealing regularly and directly with the public, responsible for sanctioning important U.S. defense commitments and appropriating the funds to support our national defense, have a special responsibility to try to see issues of military balance in all their complexities.

That is why I have decided to review in a series of presentations, the great variety of ways of looking at the military balance. For the next several weeks, I will present summaries of some of the more interesting analyses of the East-West military balance and conventional arms control issues. I will attempt to draw attention to factors that are all too often left out of generalizations made about the military balance and its consequences. I will also attempt to suggest some of the issues raised by these factors for the West's approach to the forthcoming conventional arms control talks.

For example, recent analyses of the East-West military balance published by the North Atlantic Treaty Organization have, in many ways, presented objective force comparisons between NATO and the Warsaw Pact. But these analyses, first published in 1982 and last updated in 1984, have been seriously deficient because they do not include the forces of NATO members France and Spain. Exclusion of French and Spanish forces, on the insistence of these allied governments, is based on the fact that they do not participate in NATO's integrated command structure. But even though French and Spanish forces are not in NATO's integrated command structure, both countries maintain that they would join the defensive efforts of other allies in the event of Soviet aggression. An objective consideration of the balance therefore must in some fashion take these forces into account. Otherwise, we seriously understate NATO's real ability to deter a Warsaw Pact attack and defend against one if it should come.

Mr. President, these and other analyses will be presented over the coming months. I want to note at this point my appreciation for the help in preparing these analyses and identifying the article of the Congressional Research Services and the Library of Congress, particularly Stanley Sloan, specialist in U.S. alliance relations, and many others who have contributed. The comments that I will make in no way suggest that this is the position taken by the Library of Congress or any other group. It is my attempt to lay out a variety of different ways of looking at the conventional balance in Europe, of understanding that and to make sure that our colleagues are aware of the extensive literature which exists out there and to give a flavor of that literature in the CONGRESSIONAL RECORD.

Some other assessments of the military balance fail to take into account important distinctions about the quality of various Warsaw Pact forces. For example, simply lumping together Soviet, East German, Polish, Czechoslovak, Hungarian, Bulgarian, and Romanian force totals misses a number of important differences. Does the Soviet Union count on the enthusiastic participation of Polish forces on any attack against the West? Should Bulgarian motor rifle divisions be judged as threatening as similar divisions fielded by the Soviet Union? Is the average less-well equipped and motivated East European Warsaw Pact conscript as threatening as the average Soviet soldier?

How are "category 3" Soviet units that are manned at substantially less than their intended wartime strength to be compared to their readily usable category 1 and 2 units. Soviet and Warsaw Pact category 3 units in Central Europe have only 10 to 25 percent of their manpower available at any one time and would take 30 to 90 days to prepare for combat. Should such units be lumped together with category 1 and 2 units on tables illustrating the balance?

A quick survey of balance assessments by Western governments and private institutions reveals immediately that there are many different ways of looking at the balance, depending on a number of subjective choices made by the authors. Objective analysis is complicated by the secrecy of the Soviet Union concerning its military forces. Western analysts often operate within fairly substantial margins for error because of this secrecy. The problem is even more severe with regard to estimates of military spending, where even our own intelligence agencies cannot agree on the proper methodologies.

Further complicating the problem is the fact that we also must look closely at the motivations that lie behind military forces and attempt to assess the intentions revealed by force deployments. Most West European and American analysts now agree that Moscow has no burning desire to attack Western Europe, given the potential consequences for the Soviet Union of such an attack. And yet it still appears that the pact maintains far in excess of the reasonable numbers of forces necessary to defend against an imaginary threat from the West. Part of the explanation for this phenomenon, of course, resides in the fact that some portion of Soviet forces stationed in Eastern Europe are there for the purpose of maintaining Warsaw Pact cohesion, rather than as insurance against external attack or as instruments of aggression. But even if we acknowledge this reality, we cannot quantify it. In negotiating conventional arms control, we certainly cannot "credit" the Soviet Union with a portion of forces for internal stability, but we can at least understand that this remains a factor conditioning Soviet behavior.

Perhaps because of these and other unquantifiable factors that affect the military equation in Europe, we should even resist using the military "balance" per se as the exclusive indicator driving our national positions. Rather, it is the overall military and political relationship between NATO and Warsaw Pact nations that we

should assess when we are structuring our own military forces and designing our arms control proposals. Analyses of balances in various categories of forces and weapons systems can be an important contribution to such an assessment, but by no means tell the whole story. Given the inherent difficulties in dealing with gross asymmetries in the current relationship between NATO and Warsaw Pact forces, and the dissimilar roles played by those forces, the new conventional arms control negotiations should perhaps first seek to stabilize military relationships and build further cooperative measures into those relationships to help construct the foundation for substantial force reductions in the future.

In conclusion, how we look at the relationship between NATO and Warsaw Pact military forces will have a profound effect on the prospects for conventional arms control. If we are too optimistic about the future, we will be vulnerable to superficially-attractive agreements that could put Western interests at risk. If we are too pessimistic about our own capabilities, we will limit the opportunities to make progress toward increased military stability in Europe. We need a realistic approach, based both on sound assessments of the facts and pragmatic interpretations of the political environment. On a firm factual and analytical foundation we can develop a solid NATO defensive capability as well as imaginative arms control approaches designed to build down the military confrontation in Europe in the years to come.

Mr. President, I look forward to further discussion of this issue in the coming weeks and months.

AVIATION HISTORY

Mr. EVANS. Mr. President, on Monday of this week, aviation leaders gathered in Seattle for two important events: first, to celebrate the rollout of the two newest models of Boeing airliners, the 747-400 and the 737-400; and second, to recognize the remarkable career of T. Wilson on his retirement as chairman of the board of the Boeing Co.

In all fields of human endeavor, the most enduring legacy is achievement and the most honored tradition is trust. It is this legacy and this tradition that T.A. Wilson leaves to those who will follow him at the helm of the Boeing Co. as he moves into a new career of busy retirement.

"T," as he is known to his friends, was born in Missouri, the home, ironically, of one of Boeing's biggest competitors. During his brilliant career, he truly lived the motto of that great State as he showed everyone what first class management talent could accomplish.

The Boeing Co., throughout T's career, has been the world's preeminent producer and seller of commercial aircraft. Today, their market share for free world sales continues to exceed 50 percent despite major competitive challenges both at home and abroad. Sales backlogs continue at record-breaking levels.

Recently, the company was awarded a major contract to build America's space station. Thus, Boeing continues as a world leader in space, national security, and civilian air transport.

At a time when we are enthralled by a crisis of competitiveness, T's efforts at Boeing are a shining example of American industry at its best. Because he insisted on research, he ensured that Boeing would stay on the leading edge of technology. Because he insisted on quality, he ensured that Boeing stayed in the forefront of sales. We can compete as Americans. Just ask T.

In a career filled with awards, accolades, and successes, three accomplishments stand out. T should perhaps be proudest of his contributions to the security of our country through his work on two of the mainstays of our strategic arsenal, the B-52 bomber and the Minuteman ICBM. These two programs are still heralded by military procurement experts as models of public-private partnership.

For his second major achievement, I turn the clock back to the aerospace recession of 1969, a particularly painful time in the State of Washington. I know, I was Governor at the time. Through decisive and innovative management action, T preserved Boeing's manufacturing base and laid the groundwork for the immensely successful years which followed.

For his third major achievement, T and Boeing received the prestigious Collier Trophy. In the mid-1970's, as foreign government supported efforts to crack the commercial aviation market intensified throughout the world, Boeing, under T's leadership, boldly undertook to develop privately a new family of long-range, fuel efficient aircraft: the 757 and 767. The resounding commercial success of these aircraft is a testament to the courageous vision of T.A. Wilson.

Although T will be stepping out of the pilot's seat at Boeing, he will still be in a position to advise the new management from his chair at the board of director's table. He will still be in the front row as Boeing moves toward the 21st century as not only a commercial aviation giant, but as a major defense contractor and space technology innovator.

OZONE LAYER THREATENED

Mr. WIRTH. Mr. President, new scientific evidence has recently been released that further indicates that man's activities are threatening the Earth's delicate ozone layer. This latest data argues forcefully that the United States must excercise leadership to prevent the depletion of stratospheric ozone. I submit for the RECORD articles from the Washington Post and the New York Times and ask unanimous consent that they be printed at the conclusion of my remarks.

The ozone layer shields the Earth, and all living things, from exposure to the Sun's damaging ultraviolet radiation and plays a key role in regulating global temperature levels. For more than a decade, scientific research into the possibility and consequences of ozone depletion has been accelerating. We now know that the composition of the Earth's atmosphere is being changed by human activities. In particular, there is agreement in the scientific community that worldwide emissions of several chlorofluorocarbons [CFC's] threaten to break down the stratospheric ozone layer.

The impacts of continued ozone depletion could be enormous. Without purposeful multilateral action, the incidence of skin cancer and eye cataracts could increase dramatically. Scientific evidence also suggests that ozone depletion could trigger significant harmful changes in agricultural production and fish and wildlife populations.

Ozone depletion, and the related concern of the gradual warming of the Earth's atmosphere, are distinct threats to life on this planet as we know it. Unchecked, these developments could dramatically alter the delicate balance that exists between the Earth and its atmosphere, between the oceans and the continents, and most importantly, between man and the environment.

This issue is no longer simply a question of scientific inquiry, but rather, a question of what steps we can take to mitigate, and reverse, these adverse effects of human activity. This is, in large part, a man-made problem. And while we clearly need to do more research, all nations must immediately work together to dramatically and rapidly reduce emissions of harmful CFC's.

We can be proud of the fact that the United States has shown strong leadership in working with other nations to curb the production and use of these CFC's. In 1977, unilateral action by the United States banning the use of CFC's as aerosol propellants cut back CFC emissions significantly. However, in the last decade, the worldwide production and use of CFC's has steadily increased, as new uses for these chemicals were developed.

Recently, President Reagan transmitted to the Senate for ratification an international agreement that will significantly reduce CFC emissions. The Montreal Protocol on Substances

that Deplete the Ozone Layer was signed last fall by 24 nations and the European Economic Community. Beginning in July of 1989, this agreement will freeze CFC production at 1986 levels. The agreement also calls for a 50-percent reduction in both production and use of ozone-depleting CFC's over the ensuing decade.

Mr. President, this agreement demonstrates the enormous advantages of international cooperation for protecting the global environment. Implementation of this agreement will lead to significant reductions in CFC emissions around the world. I recognize that we must carefully monitor ozone levels—and we must leave open the possibility that further reductions will be needed. The Montreal protocol is a positive step forward in this regard, however, and I urge my colleagues to join me in pledging support for swift hearings and ratification of this treaty.

I look forward to working with my colleagues to ensure that the United States leads the way in protecting the ozone layer. We can begin by ratifying the Montreal protocol.

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

[From the Washington Post, Feb. 1, 1988]

OZONE LEVEL FELL 5 PERCENT FROM 1979 TO 1986

(By Boyce Rensberger)

The ozone content of Earth's atmosphere declined about 5 percent between 1979 and 1986, according to the first report from an effort to monitor ozone levels worldwide.

The decline was as high as 30 to 40 percent over the poles—where, during a seasonal Antarctic "ozone hole," more than 60 percent of the ozone was depleted—and as low as zero over the tropics. Over the United States ozone levels were down between 0.5 and 1 percent.

Ozone molecules in the stratosphere, six to 20 miles up, absorb much of the sun's ultraviolet light, preventing potentially harmful amounts from reaching the Earth's surface.

Although the findings suggest global ozone is declining faster than some had predicted it would because of continued release of chlorofluorocarbons (CFCs)—the ozone-destroying chemicals used as refrigerants and aerosol propellants-scientists said most of the decline so far may be the result of natural processes. There is evidence going back 30 years that ozone levels have fluctuated naturally by comparable amounts in cycles of 10 to 15 years.

It is believed that CFCs released on the ground eventually find their way into the stratosphere where ultraviolet light splits off the molecule's chlorine atom.

Chlorine then acts as a catalyst that turns ozone, a molecule made of three oxygen atoms, into ordinary oxygen gas, which has two oxygen atoms. The loss of the third atom renders oxygen unable to absorb ultraviolet light. Atmospheric chemists fear even a small chlorine buildup in the stratosphere because each chlorine atom can catalyze the same ozone-destroying reaction over and over indefinitely.

Ultraviolet light can cause skin cancer, cataracts and immune deficiency. As ozone is depleted, increasing doses are expected to raise the risk of all these diseases.

The findings were reported in today's Science magazine by Kenneth P. Bowman, an atmospheric chemist at the University of Illinois at Urbana-Champaign. They are based on data from Nimbus 7, a research satellite that since 1979 has been taking daily ozone readings all over the world, except when the poles were in darkness.

Although beneficial in the upper atmosphere, ozone at ground level is a potential pollutant. In high enough concentrations, which usually extend over a relatively small area, ozone can irritate eyes, nose and throat, damage plants and corrode various nonliving materials.

Forecasts of CFC effects have varied considerably. More conservative estimates have suggested depletions from 3 to 8 percent over the next 50 to 100 years. More extreme projections hold that the ozone layer could be destroyed in a hundred years.

Although satellite ozone monitoring did not begin until 1979, earlier spot measurements begun in 1957 indicate that ozone levels were declining until 1961 when they began rising to a peak in 1970. From that peak, ozone declined again until the mid-1970s, when it began rising again, peaking once more in 1979.

"It was kind of a coincidence that the satellite monitoring began in 1979, just when we had a peak," Bowman said. "So far there's no reason to think the decline we're seeing from the satellite is anything other than part of the up and down that we've known for 30 years."

Bowman said the 1986 ozone level, the latest that has been analyzed, appears to be about the same as the low recorded in the early 1960s. He said the 1986 data suggest the decline may have bottomed out and that the ozone "may be beginning to recover."

Bowman said, however, that this was no reason to discount the CFC concerns because effects of the chemical, now widely agreed to threaten stratospheric ozone, would be added to those of natural rises and falls.

The Nimbus 7 satellite measures ozone indirectly by comparing the amount of ultraviolet light directly from the sun that strikes a white panel on the satellite with the amount reflected up from Earth, which has been filtered twice by ozone, once on the way down from the sun and once on the way up.

Last Sept. 30, countries signed an agreement to cut production of CFCs by 20 percent by 1994 and to consider a further 30 percent reduction by 1999.

[From the New York Times, Dec. 19, 1987]

NEW FINDING ON OZONE "HOLE" RAISES CONCERN

(By Philip Shabecoff)

WASHINGTON, Dec. 19.—The winter mass of extremely cold air over Antarctica remained weeks longer than usual this year, along with the seasonal "hole" in the atmosphere's protective ozone layer, British and American scientists have reported.

The scientists said in interviews today and Thursday that they could give no definitive explanation for the events. It might simply be quirk in the weather, some of them said. But several said they were worried about the possible implications for both climate change and the earth's protective ozone shield.

Scientists have previously reported that atmospheric ozone over the Antarctic fell this year to the lowest levels recorded in the several years since measurements of the seasonal thinning began. Some speculated that the extremely low ozone level itself directly contributed to the extended cold weather because there was little ozone in the atmosphere to absorb the sun's warmth.

LATE BREAKUP OF COLD AIR

In the past the cold air mass over Antarctica in its winter has tended to break up by early to mid-November, in the Antarctic spring. At that point the ozone levels climb back toward normal too. But measurements taken by American scientists at the South Pole found that the breakup did not begin this year until Nov. 29 or 30. Scientists of the British Antarctic survey, who took measurements at Halley Bay, 1,000 miles from the pole, where ozone levels are often lowest, found the usual warming had only begun in move within the pass three or four days.

Scientists from both countries said the warming of the air mass had been delayed in the past, but that this year the breakup was at least two weeks later than in any Antarctic springtime since monitoring began in 1957.

Jonathan D. Shanklin, a scientist with the British Antarctic survey who was among the first to obeserve the "hole" of depleted ozone in the Antarctic atmosphere, said that on Dec. 3 the measured ozone level was about a third lower than the previous year. It was, he said, "by far the lowest" ozone readings ever made on that date.

ULTRAVIOLET RADIATION

Atmospheric ozone, a form of oxygen, protects the earth's surface from harmful ultraviolet radiation from the sun that can cause skin cancer and other health problems in humans and other life on earth. Recent evidence has indicated that the man-made chemicals have played an important role in creating the seasonal ozone hole over the South polar region.

Several of the scientists, including F. Sherwood Rowland, who first proposed in the early 1970's that atmospheric ozone could be destroyed by chlorine chemicals, suggested that the extended duration of the cold air mass was directly related to the low ozone levels. Because there was so much less ozone to absorb heat from the sun, the air over Antarctica was warming up more slowly, the scientists said.

Ralph J. Cicerone, director of the National Science Foundation's National Center for Atmospheric Research in Boulder, Colo., said the duration of the ozone-poor air mass could be dangerous for organisms in Antarctica. When the ozone first begins to disappear late in the polar winter, the sun is very low on the horizon and little ultraviolet radiation penetrates the earth. But with the ozone hole remaining until late in the Antarctic spring, the sun is higher and much more radiation can penetrate the thin atmospheric shield, Dr. Cicerone explained.

The Antarctic is rich in animal life, such as krill, a custracean on which other marine life feeds, that plays an important part in the global food chain.

CHANGES IN CLIMATE FEARED

Mr. Shanklin of the British Antarctic Survey, interviewed by telephone in Cambridge, England, said the temperature measured at Halley Bay was still at minus 60 degrees centigrade on Dec. 10, much colder than at that date in the past. He said the

long duration of the frigid air mass in the Antarctic was likely to produce variations in "short-term weather systems and long-term climate changes" in the Southern Hemisphere.

"The problem is that we really don't know enough about the atmosphere to predict what this is going to do," Mr. Shanklin said. He added, however, that from now on those who try to predict climate patterns "are going to have to put the ozone hole into their models."

Arlen J. Krueger, an atmospheric scientist for the National Aeronatics and Space Administration, cautioned that the extended duration of the ozone hole might simply be a variation from normal patterns and would not necessarily reoccur.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 1:32 p.m. the Senate recessed until 1:39 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 15 minutes to 2 p.m. today.

There being no objection, the Senate recessed at 1:39 p.m. until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 1:46 p.m., recessed until 1:56 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 1:56 p.m., recessed until 2:01 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes.

There being no objection, the Senate, at 2:02 p.m., recessed until 2:12 p.m., whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. SHELBY].

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes.

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, at the present time, 40 minutes remains in the morning hour. Am I correct?

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

Mr. BYRD. Mr. President, under the rules, I could, at this time, move to proceed to a bill, and in this instance it would be my intention to move to proceed to the consideration of Calendar Order No. 128, the campaign finance reform bill.

Under the current circumstances, such a motion would not be debatable. Am I correct?

The PRESIDING OFFICER (Mr. GRAHAM). The majority leader is correct.

Mr. BYRD. Mr. President, I do not want to delay action on the conventions in connection with which agreements were entered last week. At the same time, I do not want to make a motion until the distinguished assistant Republican leader has had an opportunity to contact other Senators on his side.

That being the case, I shall propound the following unanimous-consent request so that the distinguished assistant Republican leader will have further opportunity to contact Senators on his side. The Senate can proceed with the conventions in executive session as was agreed to in the time agreement of last week. My rights will nonetheless be preserved so that following the action on the conventions and the return to legislative session, I would be in the same position that I am at this very moment, namely, with 40 minutes of the morning hour still to be utilized and with the right under the rule to move to take up a measure off the Legislative Calendar. That motion having been made during the morning hour, during the second hour of the morning hour, would be nondebatable.

So for those reasons, I shall make the following unanimous-consent request:

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the two conventions on which time agreements were entered last week; that the action in executive session be confined to those two conventions only and in accordance with the time agreements of last week; that upon the disposition of the two conventions and/or upon the return to legislative session, that I be recognized for the making of a motion to proceed to the consideration of Calendar Order No. 128; provided further, that the circumstances as they pertain to all parties as of this moment, to wit, the morning hour, the Senate is still in the morning hour and 40 mintues remain within the morning hour, that such circumstances as are the status quo at this moment be returned precisely as they are as of now with the rights of all parties reserved.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, it is our desire on this side of the aisle to try and cooperate where we can. We want to do that and we started off doing that well last week. We intend to continue to do that. We want to proceed with these two conventions and the rollcall votes on these two conventions. Senators have been alerted to that. As we come to these new things, the quality of life is good and they know this is coming. We know we can accommodate them.

Mr. President, I will terminate my remarks in a moment. The 15-minute votes, for example, will be helpful as we go forward.

In this instance, and the majority leader portrayed it clearly, the leadership could make a nondebatable motion to proceed to S. 2 or any other legislation under the rules. But we do need this bit of time to inform our Members. There are logistical problems. No small number is interested in this particular matter.

In order to allow Senators MOYNIHAN and HATCH to proceed with these two important conventions and the votes on those, we will agree with this request to preserve the right in the majority leader that he has at this moment.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

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

EXECUTIVE SESSION

ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

ILO CONVENTION (NO. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

The PRESIDING OFFICER. The clerk will report the first convention.

The assistant legislative clerk read as follows:

ILO Convention (No. 144) concerning tripartite consultations to promote the implementation of international labor standards.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the presentation of the

resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Certified Copy of the Convention (No. 144) Concerning Tripartite Consultations to Promote the Implementation of International Labor Standards, adopted by the International Labor Conference at Geneva on June 21, 1976, subject to the following declaration:

There is agreement by the U.S. Government agencies concerned, the AFL-CIO, and the U.S. Council for International Business, that each ILO convention will be examined on its merits on a tripartite basis; that if there are any differences between the convention and Federal law and practice, these will be dealt with in the normal legislative process; and that there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination will include possible conflicts between Federal and State law that would be caused by such ratification.

Mr. MOYNIHAN. Mr. President, will the clerk report the second convention as well?

The PRESIDING OFFICER. The clerk will report the second convention.

The assistant legislative clerk read as follows:

ILO Convention (No. 147) concerning minimum standards in merchant ships.

The PRESIDING OFFICER. Without objection, the convention will be considered as having passed through its various parliamentary stages up to and including the resolution of ratification, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a Certified Copy of the Convention (No. 147) Concerning Minimum Standards in Merchant Ships, adopted by the International Labor Conference at its 62d Session in Geneva on October 13, 1976, subject to the following understandings:

(1) It is the understanding of the United States that its obligations under Article 1 of this Convention do not extend to uninspected ships, including tugboats, of less than 300 tons;

(2) It is the understanding of the United States that Article 1, paragraph 4(b) of the Convention includes fish processing vessels of not more than 5000 tons and fish tender vessels of not more than 500 tons as ships engaged in fishing or in whaling or in similar pursuits;

(3) It is the understanding of the United States that the term "substantially equivalent" as it appears in Article 2(a) requires the ratifying state to take account of the general goal of the instruments in the Appendix, but does not require it to adhere to the precise terms of these instruments. This means that national laws and regulations may be different in detail, if the ratifying state has satisfied itself that the general goals of the instruments in the Appendix are respected;

(4) The United States Government understands and is satisfied, as required under Article 2(a) of the Convention, that the substantive provisions of United States statutes and regulations are substantially equivalent to the rights and responsibilities established in the instruments enumerated in the Appendix; and

(5) It is the understanding of the United States that the legal status of the terms of collective bargaining agreements relating to shipboard conditions of employment and living arrangements have no greater effect than that accorded such terms under United States labor statutes.

Mr. MOYNIHAN. Mr. President, this is a historic moment for the Senate, one which gives those of us on the Committee on Foreign Relations great satisfaction, which I think the Senate will share.

My distinguished colleague, Senator HATCH, and I will be explaining in fairly brief compass what we have in terms of the specifics of the two treaties. However, a general point is to be made at the outset. Here for the first time in 35 years, the Senate is about to consider a resolution of ratification of two International Labor Conventions drawn up under the auspices of the International Labor Organization.

Mr. President, our relationship with this organization and the ideals behind it is a primal one for the United States. The constitution of the International Labor Organization was drawn up by commission. The commission, which met in Paris in 1919, was headed by Samuel Gompers, then head of the American Federation of Labor. It was a matter of the greatest interest to President Wilson.

The three organizations of the League of Nations system were the league International Court of Justice and the ILO. It might have been thought that the ILO would have been the organization we were least likely to join. Yet it was the one we did join in 1934 under President Franklin Roosevelt, who felt he had a mandate from Woodrow Wilson himself. Scarcely the last words Woodrow Wilson spoke in Pueblo, CO, during his trip across the country in support of the Versailles Treaty, virtually his last words before he collapsed, never to be heard publicly again save once were words on the subject of the ILO.

It is particularly important, Mr. President, that we note we are dealing here with a nice combination. On the one hand we have in Convention No. 147 a specific treaty giving nations the power to inquire into and, if need be, remedy the conditions of safety and health aboard ships in harbor, in home ports, ships which traditionally have been under the jurisdiction of the flag country—we have now gotten beyond that tradition—but more importantly, the first of these treaties, 144, is a treaty that reaffirms the right of association and the central principles of the ILO. First, labor questions must be dealt with by organizations of workers, by business organizations, associations and by government. And second, business and labor will be separate from and independent of government, entitled to be heard in the ILO conference. The one organization of the league that survived World War II was the ILO. It comes down to us this day after a period of doubt. It was unclear whether the totalitarian nations would ever recognize that when they joined the ILO they committed themselves to democratic standards of representation of workers and business, and that if they could meet those standards so much the worse for them. In fact, they are committed to them in words of the preamble of the constitution. Samuel Gompers was certainly aware of the Preamble of the American Constitution and its words about the general welfare. The Preamble of the ILO constitution begins, "Whereas, universal and lasting peace can be established only if it is based on social justice." It goes on to speak of provisions of an adequate wage, of protection of workers against sickness, disease, and injury, protection of children, young persons and women, protection for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, and recognition of the principle of freedom of association. These are ideals, written in to that constitution, are, if not wholly, at least principally addressed to the democratic nations of the world. If those ideals are not fulfilled by democratic states, when will they ever be fulfilled? To make that distinction between democratic and undemocratic states, to insist on it, and to ask why, form the reasons for the creation of Convention No. 144. There are now 43 countries that have ratified this measure. You may be sure they are democratic countries. We will be the 44th. We will go into these debates in Geneva and around the world inquiring into the condition of organized labor in Poland. We will ask, "What happened to Solidarity?" We will speak as a nation which has ratified the same treaty that 43 other nations have ratified because these are our principles. It was an American who wrote this constitution and we are proud to be part of it.

Mr. President, today the Senate has a historic opportunity. The Foreign Relations Committee has favorably reported two conventions that were negotiated under the auspices of the International Labor Organization, generally known as the ILO. These could be the first ILO conventions ratified by the United States since February 17, 1953, very nearly 35 years ago. The Senate can set in

motion a new chapter in the long and important history of the ILO.

Formed in 1919, the ILO was one of two semiautonomous bodies created along with the League of Nations. Samuel Gompers chaired the Commission which developed the first charter of the ILO. Although the United States did not join the league, we did join the ILO in 1934, and it became one of the specialized agencies of the United Nations in 1945. With 150 current members, the ILO represents a large majority of states in the world. The United States is one of 10 member nations of the governing body, the executive council of the organization.

Since its inception, two of the principal ILO functions have involved the setting of international labor standards and the supervision of their observance. These standards are codified in ILO conventions adopted by the International Labor Conference which meets annually in Geneva. Each member of the ILO sends to the conference a delegation composed of government, labor, and business representatives. This characteristic tripartite structure enhances the value of the standards. For the United States, representatives of the Departments of State and Labor fill the Government role. The labor representatives are selected from the AFL-CIO. The U.S. business representatives are selected from the U.S. Council for International Business. Both the U.S. Chamber of Commerce and the National Association of Manufacturers are members of the Council.

The first agreement under before the Senate today is ILO Convention No. 144. This convention sets forth a procedural standard for establishing administrative machinery to ensure effective tripartite consultations between Government, employers, and workers relating to ILO matters.

The second agreement, Convention No. 147, expands the ability of "port states" to protect the health and safety of seamen manning merchant vessels calling at their ports. The adoption of this convention within the ILO was the culmination of a long and arduous negotiating process in which the United States strove to achieve minimum health and safety standards for the world's merchant fleets.

By ratifying these conventions, the United States can support the ILO at a critical juncture in its history. The organization has successfully resisted efforts to force it to apply the moral double standard that disruptive nations have sought to impose on the entire United Nations system. I had a personal role in the ILO's rejection of that double standard.

In 1975, when I was permanent representative to the United Nations, it fell to me to draft the letter to the ILO which gave the required 2-year notification of our intention to withdraw. The ILO proceedings had become preoccupied with antidemocratic and anti-Israel polemic. In this, it had violated its own norms and become arbitrary in the extreme.

The letter noted four particular trends. The ILO had allowed the erosion of tripartism. It had demonstrated selective concern for human rights. It had lost regard for due process. And it had become increasingly politicized through the pursuit of extraneous issues unrelated to the purposes of the ILO. Our letter stated that we did not wish to leave the ILO and that we hoped that changes in the proceedings would allow us to remain, but that we would leave if we had to.

When the ILO failed to reverse these trends, President Carter withdrew the United States in November 1977, at the end of the notification period. It fell to me in the Senate to move our withdrawal from the ILO. Once again, however, we asserted our hope that we would return.

The United States had the desired result. In November 1978, the governing body censured Czechoslovakia for firing dissidents from their jobs in violation of ILO standards. Also in 1978, the conference defeated an Arab resolution against Israel which violated long established ILO procedures. In 1978 and 1979, ILO conferences adopted resolutions aimed at strengthening the tripartite system of decisionmaking. In 1979, the conference adopted a secret ballot procedure allowing worker and employer delegates to vote their consciences without fear of recrimination. Finally, there was a general decrease in the politicization of ILO meetings.

As a result of these improvements, President Carter resumed U.S. membership in the ILO in February 1980. I had the happy opportunity to move our return to the ILO in this Chamber.

Progress has continued. The ILO had cited the Soviet Union for failure to comply with the convention on freedom of association. It has rejected anti-Israeli resolutions. It has continued to criticize treatment of dissident Czech workers. And it has turned back efforts to politicize the conference.

Most notably, the ILO has established a commission to inquire into government interference with the right of workers in Poland to organize a free trade union. And last June, after a 4-year boycott, Poland finally participated in the commission's discussion of its cases.

These conventions have broad support. My esteemed friend Senator HATCH testified that "by ratifying conventions Nos. 144 and 147, we can strengthen and reinforce the position and credibility of our representatives at the ILO."

Lane Kirkand, president of the AFL-CIO, called Convention 144 "a major breakthrough after 30 years of frustration in seeking United States ratification of ILO conventions * * *." Abraham Katz, president of the U.S. Council for International Business, testified in support of the ratification of that convention. After thorough consideration, the National Association of Manufacturers has helped to clear the path for Convention 144.

Convention 147 has received full support from every quarter. It has no opposition.

Ratification of these coventions should signal increasing U.S. willingness to participate in a new era of ILO history. We go beyond contract to rights. Senate advice and consent is the necessary first step.

The action we take today could easily be underestimated. The substance of these two conventions—only the eighth and ninth the United States has ratified in a long relationship with the ILO that began under President Franklin D. Roosevelt—is not perhaps momentous. But that is not the point. The point is that after a third of a century of quiescence or distrust the United States is resuming an active role in the affairs of the ILO. And when we say the United States we mean just that: labor, business, and Government. That has been the secret of the ILO's endurance: the tripartite base which sustained it through the ups and downs of exclusively governmental politics.

I would note that during the 1920's and 1930's it was widely assumed that the United States, even if it did not join the League of Nations, would surely join the World Court. But in the event it was the ILO we did join. And we did because the labor movement and business groups such as the NAM and the U.S. Chamber of Commerce were committed to having us do so. Even, that is, when administrations in Washington would not hear of the thought.

The early advocates of international labor conventions saw them as a means to overcome the reluctance of national legislatures to adopt domestic labor standards that would jeopardize international competitiveness, as the term is used today. The early ILO conventions probably achieved something of this sort among the European states. But before long it was evident that the great opportunity of the ILO was to set standards and oversee practices in the area of governmental conduct that affects basic human rights. The rights referred to in general in the Preamble of the United Nations Charter were laid out in specific detail in the constitution of the ILO many years earlier, a constitution, I think the Senate should remind the world, which was drafted in Paris by a commission headed by the president of the

American Federation of Labor. The constitution states:

Whereas universal and lasting peace and justice can be established only if it is based on social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required; as for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle or equal remuneration for work of equal value, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, and with a view to attaining the objectives set forth in this preamble, agree to the following Constitution * * *.

Over 150 nations have signed this Constitution and committed themselves to freedom of association. The Soviet Union has done so. South Africa has done so. Chile, the People's Republic of China, Cuba, Nicaragua, and Poland have done so. By giving our consent to the ratification of these treaties today the United States puts the world on notice that we intend to pursue the fulfillment of those rights of workers and of business in the ILO setting for generations to come. And beginning anew this very year.

I want to offer special thanks to Senator HATCH for his cooperation and support in moving these conventions forward. His bipartisan cooperation stands in the best tradition of this body.

I also offer thanks to Secretary of Labor Ann Dore McLaughlin and former Secretary of Labor William E. Brock for their support and initiative in bringing these conventions to the Senate. It should be noted that a Republican administration has brought these conventions before the Senate. The President is to be congratulated.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment my colleague for his energetic leadership on these two conventions and the ratification thereof. He probably more than any other person in Congress knows more about the importance of these conventions with regard to international labor relations. I personally appreciate his leadership in his area.

Mr. President, today marks an extremely important day in the history of American labor policy, because today we will vote on ratifying two important international labor conventions. By ratifying International Labor Organization Conventions 144 and 147, we can reaffirm our commitment to this important world organization and, at the same time, protect the role of Congress in formulating labor policy.

On September 11, 1985, I chaired a hearing of the Committee on Labor and Human Resources to consider first, whether there was a link between our failure to ratify conventions and our influence within the ILO; and, second, the feasibility of U.S. ratification of an ILO labor convention without a detrimental effect on U.S. labor law.

The hearing made it quite clear that our failure to ratify a single ILO convention during the last three decades has undermined the effectiveness of our representatives to this important international organization. While the ILO has suffered from several political problems that seem inherent in international organizations, it still serves several important functions. Based on the concept of tripartition, it provides a common forum for representatives of employers, employees, and governments to fashion labor standards. It also provides our country with a unique opportunity to demonstrate favorably its brand of labor-management relations and employee rights, especially compared to the labor force realities of Communist countries. This latter feature was perhaps best evidenced by our role in the condemnation by the ILO of the Polish Government's suppression of the Solidarity movement.

Unfortunately, when we have criticized Communist violations of ILO standards, our credibility has always been somewhat suspect given our own refusal to even consider ratifying ILO conventions. To be taken seriously in this organization, Congress must break away from the policy of abstention we have practiced for the last 30 years, the policy of not ratifying a convention regardless of its content.

Nonetheless, we must also take great pains to ensure that Senate ratification of ILO conventions does not usurp this country's traditional bicameral formulation of labor policy. An ILO convention should not be ratified if it would overturn existing Federal or State labor law. Similarly, ratification of one convention should not be considered sufficient precedent for ratifying others. Each convention must be considered on its own merits.

It is my understanding that, to address this latter concern, the President's committee on the ILO has agreed to certain ground rules governing the examination of ILO conventions. First, each ILO convention will be examined on its own merits on a tripartite basis. Second, if there are any differences between the convention and Federal law and practice, the differences will be dealt with in the normal legislative process. And, third, there is no intention to overturn State law and practice by Federal action through ratification of ILO conventions. The examination will include a review of possible conflicts between Federal and State law that could result from ratification. These procedures provide an excellent mechanism for allowing us to consider ILO conventions without jeopardizing existing Federal and State statutes.

When considered in light of these principles, convention 144, which concerns tripartite consultation with regard to ILO issues, and convention 147, which establishes certain minimum standards on merchant ships, should be ratified. They will not overturn existing labor law, and convention 144 really mirrors our current practice. More importantly, their ratification will send an important signal to the other members of the ILO.

Mr. President, there are many individuals who played a critical role in helping move these two conventions through this body. Lane Kirkland and Irving Brown have been extremely helpful, not only this year, but in the past, and much credit must go to them for their willingness to work with both sides of the aisle to ensure that the ratification process is truly bipartisan. Former Secretary of Labor Brock was tireless in his efforts to push these conventions forward and to establish a realistic consultation process for consideration of future conventions. Secretary of State Shultz has also been a longstanding supporter of these efforts. Also, Ambassador Katz and Ed Potter should be congratulated for their role in bringing the business community around to its current position.

Finally, Mr. President, I wish to commend the senior Senator from New York. He is a recognized scholar on the ILO and, of all of us in this body, perhaps knows best how important ratification of these conventions is to our role in the ILO. He has worked long and hard to have these conventions before the Senate and should be applauded for his courage and diligence. I hope our colleagues will join us today and vote in favor of ratification.

Mr. President, I ask unanimous consent that a letter of our present distinguished Secretary of Labor, Ann McLaughlin, be placed in the RECORD.

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

DEPARTMENT OF LABOR,
Washington, DC, January 29, 1988.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR ORRIN: In the near future, the Senate will consider International Labor Organization (ILO) Conventions 144 and 147. The Senate Committee on Foreign Relations favorably reported these conventions on December 17, 1987, with the recommendations that the Senate give its advice and consent to their ratification. I am writing to urge your support during this important vote.

Your vote for ratification will represent a turning point in U.S. participation in the International Labor Organization. For the first time since 1953, the President and the Senate Foreign Relations Committee are seeking ratification of ILO standards. If successful, this precedent-breaking bipartisan effort will strengthen our leadership in the ILO. This is especially important now, when international labor standards are becoming an important domestic, as well as foreign policy, issue.

Convention 144 simply requires the government to consult with representatives of business and labor on ILO matters. Convention 147 sets minimum working and living standards for seafarers. Both conventions are consistent with current U.S. Federal and State laws. Their ratification will in no way change the U.S. domestic labor laws.

Our labor laws and standards generally meet—or even surpass—ILO standards. However, our failure to ratify ILO conventions since the 1950's has resulted in unwarranted questioning of our commitment to the fundamental human worker rights the ILO seeks to advance. Your vote will help quiet that criticism.

The ILO is the only international organization where representatives of government, workers and employers work together as equal partners. This organization was created in 1919 to improve working conditions, generate employment and promote human rights in the world at large. The rationale for its founding was not merely high minded internationalism, but also hard headed national self interest. As the ILO Constitution notes, "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

U.S. leadership in the ILO is important, and I hope I can count on your support for ratification of Conventions 144 and 147.

Sincerely,

ANN MCLAUGHLIN,
Secretary of Labor.

Mr. HATCH. Mr. President, at this time I would like to have a colloquy with my distinguished colleague from New York and again I thank him for his leadership on this matter.

Mr. MOYNIHAN. I wonder, Mr. President, if my distinguished colleague will yield just for a moment.

Mr. HATCH. I am delighted to yield.

Mr. MOYNIHAN. May I thank him for his courtesies and say that the Senator from Utah, as former chairman of the Committee on Labor and Human Resources and now ranking as member has been absolutely tenacious in getting to the facts of our circumstances the manner in which we could advance the interests of American business, no less than labor. The National Association of Manufacturers and the U.S. Chamber of Commerce have been involved with the ILO matters for 70 years. They have interests in other nations of the world just as does our labor movement. The Senator from Utah has faithfully represented those interests and advanced them. I want to tell him personally I appreciate it.

Mr. HATCH. I thank the Senator so much.

Mr. President, there has been a valid concern raised about one possible ramification of Senate ratification of International Labor Organization Conventions; namely, that ratification of an ILO Convention which differs from Federal or State labor law would supersede that law. I would like to propound a question to Senator MOYNIHAN. What steps have been taken, in conjunction with Convention 144, to ensure that ILO conventions are not ratified if they would amend or overturn existing Federal or State labor law?

Mr. MOYNIHAN. I thank my learned friend from Utah. He addresses a question which is necessarily of immediate interest to the Committee on Labor and Human Resources which he has chaired with such distinction, and on which he is ranking member at this point. I believe that we do indeed have a very good answer to a very necessary question.

Mr. President, Convention No. 144 establishes the tripartite arrangement, involving labor, business and government, under which subsequent conventions will be reviewed for ratification.

Mr. President, the three points I am about to make in the colloquy with the distinguished Senator from Utah are in fact part of a declaration in the resolution of ratification. This resolution is a statute binding in the most explicit form. Beyond a colloquy, this will be a statute.

First, each subsequent convention will be examined on its merits on a tripartite basis. Representatives of labor, business and government will collectively review the treaty in question prior to its ratification.

Second, if there are any differences between the convention under consideration and existing Federal law and practice, these differences will be dealt with in the normal legislative process. That is to say, and perhaps I could get an affirmative answer from my friend, we will pass a bill——

Mr. HATCH. That is correct.

Mr. MOYNIHAN. Which will have to be signed by the President, and become a law. We will not use a treaty as a substitute for the law.

Finally, there is no intention to change State law and practice by Federal action through ratification of ILO conventions, and the examination of each convention will include possible conflicts between Federal and State law that would be caused by such ratification.

These ground rules were agreed upon by the United States Council for International Business, the AFL-CIO, and the U.S. Government agencies concerned in order to make clear that U.S. labor law is not intended to be changed merely by ratification of a treaty. Any required changes in domestic law will be handled through domestic legislation. Under current practice, any legislation necessary to make domestic law consistent with the provisions of a proposed treaty is submitted to the Congress at the time the treaty is submitted for ratification. At present, three ILO conventions already approved by the Senate have not been ratified because the necessary implementing legislation has not been passed.

Mr. HATCH. I want to thank, Mr. President, my colleague for his lucid explanation of my question. Again, I want to thank him for the leadership he had provided on these matters, and I hope that we can proceed from here to ratify other ILO conventions that will help us to have more influence in this very important management organization. It is I think probably one of the most important of all of our affiliated union organizations.

Before I sit down, we would like to vote in just a couple of minutes. I would like to pay a special thanks to Lane Kirkland, our leader in America for the AFL-CIO, and above all his cohort and colleague, Irving Brown. I think these two have done a terrific job of representing at least labor's interest but I think our country's interest in past ILO conventions; and in past ILO proceedings. In particular, Irving Brown has done more it seems to me to foster the dissemination of democracy all over the world than almost any other single living human being. There are very few people I have met since I have come to Washington that I have a greater respect for than Irving Brown. He is not only a hero in my eyes but he is also one of the most brilliant people in the world and certainly one who has throughout his lifetime dedicated himself to principles of democracy and free trade unionism. I have great admiration for him, and I would feel very remiss if I did not pay respect here on the Senate floor, especially as we hopefully ratify these conventions.

I would also like to express my appreciation to former Secretary of Labor, Bill Brock, to whom we brought the issue of ratifying further conventions. Secretary of State Shultz became a great supporter of what we are trying to do here today; Ambassador Katz, who has done an excellent

job in Switzerland and, of course, has done an excellent job with regard to the ILO; and of course, Ed Potter who has represented business interests for so long. All of these people mean a great deal to me having gone back and forth to the ILO over a number of years and having worked with each of them in the best interests I think of the world, and certainly of our country.

So I would like to pay those particular respects to these particular people at this particular time, and again thank my distinguished colleague from New York for his wonderful leadership on this matter.

Mr. MOYNIHAN. Mr. President, the Senator from Utah is generous in his energies and his compliments, and also the respects I think he just gave are remarkably accurate. When the history of the 20th century is written there will be a place in it for Irving Brown.

Mr. HATCH. I would say.

Mr. MOYNIHAN. I do not know that that would be said of everyone who has passed through this Chamber. The American labor movement has been faithful to this enterprise. In the mid-1970's, when the ILO was going wrong, they asked us to leave and business agreed. We left saying we did not wish to leave but we gave notice we would. When we left, I had to move the matter on this floor. I said we want to come back, and then we did. Because of the strength of an organization that, while governments come and go, recognize that business, industry, and labor have continuity.

If you counted the number of Presidents of the United States in the period of only four presidents of the AFL-CIO, you would reach a multiple of eight or nine.

I think Secretary of Labor Brock is very much in our minds today, more in the minds of colleagues on the other side of the aisle than on this side as he has slogged his way through Iowa. We ought to pay him our respects. Secretary McLaughlin has been a faithful successor in this regard, and Secretary Shultz has been as well.

ILO CONVENTION (NO. 144) CONCERNING TRIPARTITE CONSULTATIONS TO PROMOTE THE IMPLEMENTATION OF INTERNATIONAL LABOR STANDARDS

Mr. PELL. Mr. President, in 1919, the International Labor Organization [ILO] was created to bring governments, employers and trade unions together for united action, to improve working conditions, generate employment, and promote human rights in the world at large. The rationale for this undertaking was not just high-minded internationalism, but also hardheaded national self-interest. As the ILO Constitution notes, "the failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

The ILO's unique tripartite structure—its fundamental principle of tripartitism, of cooperation between government, labor and business—makes it a natural forum for promoting American concepts of democracy, pluralism, free trade unions and free enterprise.

The essential characteristic of the ILO is the fact that it is composed not only of government representatives, but also representatives of employers' and workers' organizations. Article 3 of the ILO's constitution provides that all the meetings of the general conference—held once a year—shall be composed of four representatives of each of the member nations, of whom two shall be government delegates and the other two shall be delegates representing respectively the employers and work people of each member nation.

Article 7 of the ILO Constitution provides that the governing body of the ILO shall consist of 56 persons, 28 representing governments, 14 representing the employers, and 14 representing the workers. Thus, employers' and workers' representatives make up half the membership of both the general conference and the governing body.

Beyond the general conference and the governing body, meetings in the ILO take many other forms: Special conferences on particular issues, committees, groups of experts or specialists, and ad hoc meetings. With rare exceptions, all these meetings are tripartite, so that all decisions reached in them represent the views of employers and workes as well as those of governments. Thus, tripartitism is the very essence of the ILO.

Mr. President, the purpose of Convention No. 144 concerning tripartite consultations to promote the implementation of international labor standards and recommendation No. 152 is to provide a procedural standard relating to the administrative machinery for participating in the ILO. It does not change U.S. domestic labor law. It simply provides that ILO member nations which ratify the convention must establish and maintain machinery to ensure effective tripartite consultations between governments, employers, and workers on matters relating to the ILO.

The United States has had since 1975 an elaborate tripartite consultative process which fully complies with the standards set forth in the convention. The ratification of this convention will not change this process.

During the consideration of this convention, the National Association of Manufacturers [NAM] expressed concern about the effect of article 5(c)(1) on the U.S. process. That subsection calls for consultations by member nations on the reexamination of unratified ILO conventions to consider what measures might be taken to promote their ratification. NAM fears that this provision might undermine the current agreement between the U.S. Government, the AFL-CIO and the U.S. Council for International Business. According to that agreement: First, each ILO Convention will be examined on its merits on a tripartite basis; second, any differences between such a convention and Federal law and practice will be dealt with in the normal legislative process; and third, there will be no attempt to change State law and practice by Federal action through the ratification of such a convention.

In response to this concern, Senator MOYNIHAN, much to his credit, proposed within the Committee on Foreign Relations on amendment to the resolution of ratification which restated this agreement in the form of a declaration. The Moynihan declaration is a creative, intelligent response to a legitimate concern.

Mr. President, in conclusion I urge my colleagues to support this convention and the Moynihan declaration. The ratification of these instruments will help U.S. efforts to support the ILO's very substantial human rights activities, help us play a more effective leadership role in that organization, and thereby help us promote American democratic values and interests abroad.

Mr. HELMS. Mr. President, I would appreciate the response of the distinguished Senator from New York who has given so much time and effort to bring these conventions to the floor. I respect his commitment to the principles of the International Labor Organization, just as I respect and appreciate the views of the distinguished Senator from Utah. However, I still remain concerned over the possibility of the use of ILO conventions, specifically through the mechanisms provided by Convention No. 144, to change American domestic law.

In mid-November of last year on the op-ed page of the Los Angeles Times, a prolabor columnist claimed that "Congress may find that it will have to revise U.S. labor laws before this Nation can comply with some of the ILO standards." Then he went on to write: "Liberals want to make more use of the ILO to improve labor laws in all countries, particularly this one."

Therefore, I would like to ask my good friend, the distinguished Senator from New York, what guarantees exist that will prevent this kind of situation from occurring, where a treaty or convention will be used to remake or revise domestic U.S. labor law?

Mr. MOYNIHAN. I thank the Senator from North Carolina for his kind words. The resolution of approval for Convention No. 144 contains a declaration on the ground rules relating to

ratification of future conventions. These ground rules make clear that U.S. law will not be amended by treaty without Federal and State law meeting the requirements of a particular ILO convention prior to its ratification by the President. That is, any changes in domestic legislation that might be caused by ratification of an ILO convention must be passed by both Houses of Congress before the treaty is ratified. This has been the consistent practice of the Senate with respect to the ratification of other ILO conventions in order to avoid U.S. law being made by treaty.

Mr. HELMS. I am also concerned with article 5(c)(1) of Convention No. 144 which calls for consultations on the reexamination of unratified ILO conventions. I must say to my good friend from New York that it looks to me like this reexamination procedure will deal with measures which might be used to secure approval and ratification of conventions that the Senate had in the past refused to approve or to consider. What kind of protections can be provided with respect to the reintroduction of agreements which the Senate has already rejected pure and simple?

Mr. MOYNIHAN. I would say to the Senator from North Carolina that the ground rules address the legal examination of ILO conventions by the concerned government agencies, the U.S. Council for International Business and the AFL-CIO. Under the ground rules, only conventions that are in conformance with U.S. law and practice, or conventions for which implementing legislation has been introduced to reconcile the difference between U.S. law and practice and a convention's requirements, are appropriate for Senate action. In other words, consideration of other conventions that do not fit in these two categories would violate the ground rules and would be presumptively inappropriate for Senate action.

Mr. HELMS. I do appreciate the answer, though I am still concerned about the issue. Finally, I am also troubled by the declaration attached to Convention No. 144, as that declaration is currently phrased. It is not legally binding. It is merely recommendatory. It is not mandatory. Therefore, it affords no legal protections, since the declaration is a statement of intent only and not binding by operation of law. I must once again indicate my continuing concern over any possibility of changing domestic law by treaty or convention.

Mr. MOYNIHAN. Regarding the Senator's concern that the declaration is not binding, it can be unambiguously stated that Convention No. 144 will be implemented in accordance with the ground rules as agreed to by the parties. These ground rules are the exclusive means by which article 5(1)(c) is to be implemented. They mean that U.S. law will not be amended by treaty without both Houses of Congress acting first.

Mr. HELMS. I am going to support Convention No. 147, as it is a maritime convention within the tradition and scope of U.S. ILO participation during the last half century. My objections to No. 144 have already been noted, and I will add a further objection to a process which shuts out 85 percent of the American work force—those workers who have exercised their freedom of choice not to join a labor union. Nonunion labor has no voice in the process established by the so-called Tripartite Convention. I therefore will vote against Convention No. 144.

Mr. MOYNIHAN. Although I have great respect for my friend, the distinguished Senator from North Carolina, I am afraid that we must remain in disagreement. These two conventions serve not only the interests of all American workers, but the interests of business and Government as well. The broad support that labor, business, and Government have extended to these conventions speaks for itself.

Senator HELMS has been very careful throughout this matter. He wanted to see these matters go forward. He supports the second of our treaties, No. 147, in the Maritime Committee, which has been traditionally the one we have had but he did not feel sufficiently comfortable with the provisions of Convention 144.

ILO CONVENTION (NO. 147) CONCERNING MINIMUM STANDARDS IN MERCHANT SHIPS

Mr. PELL. Mr. President, the International Labor Organization's Convention No. 147 Concerning Minimum Standards in Merchant Ships will improve employment conditions in merchant vessels and expand the ability of port States to take steps necessary to protect the health and safety of seamen manning merchant ships calling in those States. There is no dispute on the need for an international arrangement mandating minimum standards for merchant vessels. Worldwide cases of abuse by unscrupulous shipowners who engage seafarers from countries with subsistence economies at very low wage rates and few other social advantages are widespread.

Cost savings achieved by ignoring standards at sea is a formula for human misery, unreliable crews, and lost ships. Well-trained professionals will not accept such conditions of employment; that is the reason that most substandard vessels or vessels under fly-by-night registries are often manned by unskilled, poverty stricken nationals of developing countries, for whom a job at sea appears to represent a chance for betterment, but which in fact often represents further impoverishment.

The close relationship between safety at sea and conditions of employment cannot be underestimated. Vessels registered under traditional maritime flags have lower loss rates because of higher training standards and Government enforced operation regulations. The stark contrast between the limited losses among traditional maritime nations with high manning and safety standards and acceptable conditions of employment and the high loss record of convenience registries with no crew restrictions and little or no safety and training enforcement is perhaps the most compelling reasons for ratification of minimal international standards as found in ILO Convention 147.

In transmitting this convention to the Senate, the administration has proposed five understandings to clarify possible inconsistencies between the domestic laws of the United States and the convention. These understandings were overwhelmingly adopted by the Committee on Foreign Relations by a vote of 18 to 0.

Mr. President, in conclusion I urge my colleagues to vote in favor of Convention No. 147 along with the five understandings proposed by the administration. This convention will not only improve the working conditions of merchant seamen but will go a long way in enhancing the safety of life at sea.

Mr. HATCH. Mr. President, I think we are ready to vote.

Mr. MOYNIHAN. Mr. President, I see no other Senators have risen asking for the floor. I move the ratification of the two treaties in sequence, a separate vote to be held on each.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Would the Senator who controls time yield time back?

Mr. HATCH. I gladly yield my time.

Mr. MOYNIHAN. I yield all time back.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MOYNIHAN. Mr. President, before the clerk speaks, I ask that the first vote be on Convention 144.

The PRESIDING OFFICER. The first vote will be on the resolution approval of Convention No. 144 to be followed immediately with a vote on resolution of approval of Convention 147.

VOTE ON ILO CONVENTION (NO. 144)

The question is on agreeing to the resolution of ratification of ILO Convention (No. 144) Concerning Tripartite Consultations To Promote the Implementation of International Labor Standards.

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

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Georgia [Mr. NUNN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

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

The yeas and nays resulted—yeas 81, nays 2, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—81

Adams	Grassley	Murkowski
Armstrong	Harkin	Nickles
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hecht	Pressler
Bond	Heflin	Proxmire
Boschwitz	Heinz	Pryor
Bradley	Hollings	Quayle
Breaux	Humphrey	Reid
Bumpers	Inouye	Riegle
Burdick	Johnston	Rockefeller
Byrd	Kassebaum	Roth
Chafee	Kasten	Sanford
Cohen	Kennedy	Sarbanes
Conrad	Kerry	Sasser
D'Amato	Lautenberg	Shelby
Danforth	Leahy	Simpson
Daschle	Levin	Specter
Durenberger	Lugar	Stafford
Evans	Matsunaga	Stennis
Exon	McCain	Stevens
Ford	McConnell	Thurmond
Fowler	Melcher	Trible
Garn	Metzenbaum	Warner
Glenn	Mikulski	Weicker
Graham	Mitchell	Wilson
Gramm	Moynihan	Wirth

NAYS—2

Helms	Symms

NOT VOTING—17

Baucus	Dixon	McClure
Boren	Dodd	Nunn
Chiles	Dole	Rudman
Cochran	Domenici	Simon
Cranston	Gore	Wallop
DeConcini	Karnes	

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON ILO CONVENTION (NO. 147)

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution of ratification on ILO Convention (No. 147) concerning minimum standards in merchant ships.

The yeas and nays have not been ordered.

Is there a request for the yeas and nays?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Illinois [Mr. SIMON], and the Senator from Arizona [Mr. DECONCINI] are necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

I also announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Wyoming [Mr. WALLOP] are absent on official business.

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

The yeas and nays resulted—yeas 84, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—84

Adams	Bradley	Conrad
Armstrong	Breaux	D'Amato
Bentsen	Bumpers	Danforth
Biden	Burdick	Daschle
Bingaman	Byrd	Durenberger
Bond	Chafee	Evans
Boschwitz	Cohen	Exon
Ford	Kerry	Quayle
Fowler	Lautenberg	Reid
Garn	Leahy	Riegle
Glenn	Levin	Rockefeller
Graham	Lugar	Roth
Gramm	Matsunaga	Sanford
Grassley	McCain	Sarbanes
Harkin	McConnell	Sasser
Hatch	Melcher	Shelby
Hatfield	Metzenbaum	Simpson
Hecht	Mikulski	Specter
Heflin	Mitchell	Stafford
Heinz	Moynihan	Stennis
Helms	Murkowski	Stevens
Hollings	Nickles	Symms
Humphrey	Nunn	Thurmond
Inouye	Packwood	Trible
Johnston	Pell	Warner
Kassebaum	Pressler	Weicker
Kasten	Proxmire	Wilson
Kennedy	Pryor	Wirth

NAYS—0

NOT VOTING—16

Baucus	Dixon	McClure
Boren	Dodd	Rudman
Chiles	Dole	Simon
Cochran	Domenici	Wallop
Cranston	Gore	
DeConcini	Karnes	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, may I first thank the Senate for its overwhelming vote of approval of these conventions, a unanimous vote with respect to 147 and an overwhelming vote, with two dissenting Senators in the case of the all-important convention 144.

This could not have been done without the cooperation of many persons. Not least, I think, ought to be recognized those persons who have associated themselves over the years both with the International Labor Office, Washington Brand, and the International Labor Office in Geneva. They have a long and honorable lineage, including, of course, David Morse, who was once Under Secretary of Labor. He went on to be the Director General of the ILO, and was there when the International Labor Organization, won the Nobel Peace Prize for a half-century of service with no equal in the history of world organizations.

For our part, Mr. President, Senator HATCH, the distinguished Senator from Utah, would wish to join me in thanking the staff of the Committee on Labor and Human Resources and the Committee on Foreign Relations.

With respect to the Committee on Foreign Relations, I would like to particularly thank Mr. Bob Friedlander, associate of the distinguished Senator

from North Carolina, Prof. Edwin Smith and Mr. Jon Alterman, who ably managed these affairs on this side of the aisle. For the Committee on Labor and Human Resources, the representative of Mr. HATCH, Kevin McGuiness, has been throughout this matter a source of great strength. I hope they feel this success is in part theirs, as it surely should be.

Mr. President, I yield the floor.

I see the distinguished majority leader is striding to his accustomed place at the helm, in the van, the charge about to take place.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session. I recognize the majority leader.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished senior Senator from New York [Mr. MOYNIHAN] for his usual skill and his usual eloquence. Both are appreciated. I commend him for them and also express appreciation on behalf of the Senate for the good work that was done.

Mr. MOYNIHAN. Thank you.

Mr. BYRD. I also thank the distinguished Senator on the other side of the aisle who helped to manage the treaties, who is the ranking member, Mr. HATCH.

Mr. President, for the moment I shall not make the motion to proceed to the bill. I am awaiting the arrival of a Senator. So I ask unanimous consent that my right to the floor be reserved and that at such time as I am recognized again, that the same rights that were preserved following the disposition of the two conventions, namely, the right to make a nondebatable motion to proceed with 40 minutes remaining in the morning hour, that that situation be preserved notwithstanding the fact that I will put in a quorum call.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the distinguished assistant Republican leader and I have discussed the request which I shall make. We discussed it earlier. We propounded the unanimous-consent request to preserve the status quo of that moment while in executive session, while in the morning hour, in the second hour of the morning hour. And, incidentally, morning business has been completed, although that would not matter at this particular time.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. BYRD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 128, S. 2.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration with an amendment to strike all after the enacting clause and insert in lieu thereof new language.

[Note: The correct text of the committee amendment, as modified by star print on August 7, 1987, is printed in the RECORD of February 17, 1988, at page S 786. Through inadvertence in the daily RECORD of today, February 1, 1988, the earlier committee amendment, as it appeared before the star print modification of August 7, 1987, was printed as follows:]

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person;

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided

that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the difference between the amount of the limitation on expenditures established in section 503(b) and the amount of payments provided for in paragraph (1)(A) or (2)(A) of section 504(a), as the case may be;

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for a payment as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based

on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) an eligible candidate who is a major party candidate shall be entitled to—

"(A) a payment under section 506 in an amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1); and

"(B) a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election; or

"(2) an eligible candidate who is not a major party candidate shall be entitled to—

"(A) matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1); and

"(B) matching payments under section 506, equal to the amount of each contribution received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate; and

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (1)(B), (2)(B), or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The monies designated for such ac-

count shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special

election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held more than one year after the date of enactment of this Act.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his cooperation.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 4:30 p.m. today and that Senators may speak therein for not to exceed 10 minutes each.

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

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

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

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

The Senator from North Carolina is recognized for not to exceed 10 minutes.

Mr. SANFORD. Mr. President, I ask unanimous consent that I may be allowed to speak for as long as 20 minutes.

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

The Senator from North Carolina is recognized for not to exceed 20 minutes.

CONTRA AID

Mr. SANFORD. Mr. President, as we approach our vote on additional aid to the Contras, I have tried to provide for myself a careful, objective analysis of the dangers and opportunities of Central America. For a century and more its people have been the victims of exploitation, high-handed interference, and our well-intentioned but inadequate economic assistance. More recently and positively, those nations establishing democratically elected governments have had our encouragement and support in their successful efforts. We are, at this moment in Washington, observing, and influencing beyond what might be our intention or our privilege, a turning point in the arduous history of this still-promising region of the Western World.

THE PEACE PLAN

The situation requires wisdom and diplomacy. There is a proposed Central American solution, the Arias peace plan. All Central American countries have signed and are supporting it. It deserves our understanding and support. In all the five nations there are forces ready to champion a free society and defend the freedoms the people have already achieved. They need our encouragement.

The shaky danger is that there is an instability in the governments of perhaps three of these nations, making them vulnerable to a return to military or other forms of dictatorship. Our task is to help them stabilize. This peace plan will do just that. It commits the five nations to no armed aggression, to national reconciliation of opposing groups, to human rights, to open and democratic elections, and opens the way to broad economic and social development.

Our hesitancy, our dilemma, is that in one of the nations, Nicaragua, there is a government we consider unacceptable. Its leaders are avowedly Marxist,

and they receive military and monetary support from the Soviet Union.

For 7 years our compelling national policy has been to support armed resistance committed to overthrowing the Nicaraguan Government. Now the Nicaraguan President has signed the Arias peace accord. What now should be our policy? What should we do? What have we to gain, and what have we at risk, and what do we have to lose? Should we continue Contra aid? Should we bring this phase of our Central American policy to a close?

U.S. NATIONAL SECURITY

Putting aside whether we have a right to insist on their conforming their government to our blueprint, we do have every right to base our policy on the dangers the Sandinista government presents to the national security of the United States.

I do not think there is any real danger to our national security, but here are the assumptions and assertions that raise those fears:

Nicaragua will become a Soviet base, from which an air, missile or land attack on the United States can be launched.

The Nicaraguan Government will invade its neighboring countries in its communistic compulsion to dominate and control the region. It has a plan to increase to 600,000 the number of troops in its military forces.

The Nicaraguan Government, if it doesn't invade, will promote and support insurgency in one or more neighboring countries to achieve the same results.

Communism is a blight on the hemisphere, Nicaragua is communistic, and therefore we should assist in the overthrow of the Nicaraguan Government. The Contras are willing to risk their lives to fight for freedom, and the least we can do is furnish the funds.

All of these assertions are sincere concerns for many American people. The President can easily remove the threat and fear, and without bloodshed.

Certainly we do not want a Soviet base in Central America. We do not want any nation in Central America to invade another. We do not want one country destabilized by another. All of those events would, in varying degrees, be a danger to the national security of our Nation. Everyone should expect us to protect our security interests.

The trouble now with our policy of providing Contra aid is that not only does it not achieve our national security aims, it actually retards their achievement. It does not enhance our national defense; it promotes an instability that continues to pose a risk in the Western Hemisphere.

If Contra aid is the wise course, why is the United States not pursuing the same course with regard to Cuba, which is clearly communistic, clearly an authoritarian dictatorship, clearly already allied to the Soviet Union, clearly possessing a greater capacity to destabilize other countries?

Reason, if not emotion, tells us that Cuba, without Soviet missiles or installations, is no more of a threat to us than a patch of fleas on a St. Bernard. It itches, but it doesn't hurt. The same is true of the Sandinistas. To believe otherwise is to disregard blindly the strength, power, and potential of the United States of America.

Instead of the destabilizing policy we have been following in Nicaragua, a policy that has contributed to the abuse and death of thousands, we simply need to be firm and do what finally we did, albeit in a stumbling manner, about the same kind of threat from Cuba.

We need the President, at a total cost of pen and paper, to declare fairly and simply:

First, we will not permit the installation of threatening Soviet military facilities in Nicaragua, or anywhere else in Central America, that we perceive to be the establishment of a Soviet military base. We will inform Chairman Gorbachev, the Government of Nicaragua, and the world generally, that we consider such to be an act of invasion of the Western Hemisphere, and we will remove or destroy such facilities or equipment.

Second, we will not tolerate an invasion by principal or proxy of a neighboring country by a Central American country. We will immediately respond with U.S. forces to a call from an invaded neighbor, and take appropriate military action against the aggressor nation.

If indeed the President thinks our security is jeopardized, we should not be sending the Contras to protect our security. He should deal directly with what he perceives the threat to be.

I am certainly not suggesting another Vietnam. We would be limiting our action directly to our continental national security. We are not talking about military interference with the governments of Central America. Having given fair warning, this in itself becomes an effective deterrent, and that is the best way to use military strength. Nicaragua and the Soviet Union will not likely defy such an assurance that we have a firm resolve about these two possible adventures.

Dealing with infiltration cannot be as precise, but infiltration requires a local force in insurgency, as in El Salvador. To calm and contain the insurgents, the best tools are the national reconciliation promoted by the Arias plan, and the promise of support of a long-range economic development plan now being designed by and for Central Americans. The latter should be the heart of our Central American policy.

ECONOMIC DEVELOPMENT

Economic opportunity, jobs, education, decent living conditions are what the people of Central America want to achieve, and those are the forces that will promote the freedoms we all aspire to see them achieve. We should be helping them help themselves, in long range programs aimed at lasting prosperity and peace.

Participation in the regional economic development plan, which the five nations are presently designing, can be conditioned on adherence to the peace agreement by each of the five countries, and this is the best weapon the four presidents can use to make certain the fifth adheres to the agreed terms. They can make it clear, and we can make it clear, that economic development assistance will be withheld from any country that supports a neighbor's insurgents. Our goal should be the political and economic stabilization of all Central American countries. That is the only long range solution. That is the only sensible and decent U.S. policy.

CAN SANDINISTAS BE TRUSTED?

The President and others contend that we must go on supporting the Contras because the Sandinistas cannot be trusted, and Communists generally cannot be trusted. They say that Communists always break their word. Putting aside for the moment that the President is trusting the word of Chairman Gorbachev in his INF Treaty, let's assume that we cannot trust the Sandinistas to keep their word. I am inclined to believe that this could be true. Even if President Ortega wanted to keep his word, the other Nicaraguan commandants have varying views. At least one or two, it appears, are hostile to their President's peace efforts. So let's assume that we cannot trust the Sandinistas to keep their word. Calm reason informs us it does not really make any difference to the security of the United States whether the Sandinistas keep their word on other matters, because they have been amply warned about our security policy.

OUR RIGHT TO INTERFERE

There is, however, a point beyond all of this. That is whether we have a right to interfere with the internal governments of sovereign nations. Of course we do not like, or that is to say, we do not trust, certain types of government. If you will sweep your mind around the world, you would have to say that a large number of the governments on Earth do not suit us. They are either one party, one strong man, some Communist or Facist, some simply dictatorship, but they do not suit our notion of how people ought to govern themselves. In our broader relations, we might want to come to the aid of a nation invaded, such as Afghanistan, but that does not argue for

a minute that we ought to interfere with or support insurgency against all those governments not in our mold. Our legitimate rights in Nicaragua are absolutely limited to our national security interests, which is linked to the territorial integrity of the other Central American countries. Beyond that, we cannot justify using the resources of the United States of America to attempt to force our idea of government on the internal Government of Nicaragua. Not only do we not have any moral right to do this, but it is not a wise and workable foreign policy.

THE WISDOM OF INTERFERING

If it is internal change we want, our continuing Contra involvement has an absolutely opposite effect. It mobilizes the natural hemispheric opposition to the United States. Our additional aid actually strengthens the hands of the Sandinistas. It makes it virtually impossible for any local opposition parties to oppose the Sandinistas without appearing to be great friends of the United States. Nothing could be more fatal in seeking opposition votes or arousing resistance in Nicaragua than to be branded a friend of the United States. The Members of this Senate are all vote-getting politicians and they ought to recognize that bashing the United States is a winning issue in Nicaragua.

If we will examine Nicaraguan history, even superficially, we will find that the one underlying, overwhelming, uniform theme, is resentment and distrust of the United States. It goes back to the marines invading. It goes back to the U.S. support or tolerance of the Somoza regime. Written into the Nicaraguan Constitution, as a part of the preamble, is a statement of hostility toward the United States. Of course the Sandinista-controlled Assembly wrote this constitution, but no other constitution in the world refers adversely to the United States. The more we beat up on the Sandinistas, the more difficult we make it for an opposition party to win against the Sandinistas.

WEAK SANDINISTA ECONOMY

It stands to reason that the Sandinistas' weakness is their inability to handle the economy. This is true not only in Nicaragua, but as Gorbachev's perestroika is indicating, it is true throughout the Communist world. Not only do the regimes, by their bureaucratic incompetence, fail to manage the economy, but history has proven the Communist economic system does not lend itself to a strong and bustling economy. There are plenty of reasons to expect that in the future the Nicaraguan people can successfully resist the Sandinistas' incompetence and inadequacy. If we would relax a bit, if we would take a somewhat different approach, we would be holding out the only hope that the opposition parties to the Sandinistas have for this generation. There is no such thing as a winning pro-American political party in Nicaragua. Our basic premise has been just plain wrong.

DON'T ROCK THE BOAT

One can argue, and I will not dispute it, that the Contra action helped get the Sandinistas to the Arias peace table. But they are now at the table. The table is there, however, because of the Guatemala peace accords. We should be flexible enough to change our emphasis. Will continuation of Contra aid help or hurt the delicate chance of success of the accords? Getting the five presidents to support the plan was a historic achievement. It will not take much disruption to topple the negotiations. If we yell "sic 'em" to the Contras, we make it difficult to get the cease-fire and reconciliation that is at the heart of what the Central Americans are trying to achieve. The Catholic cardinal, the other four presidents, are alert to the rights of the Contra opposition. Failure of the Sandinistas to deal fairly with the Contras will defeat the peace plan. Failure of the Contras to deal fully and honestly in the negotiations will stalemate the peace plan. We need to steady the hands of all the parties. We don't need to throw meat to the lions.

CONTRAS ARE INEFFECTIVE

Not only do the lessons of history indicate that further Contra aid is counterproductive, but the evidence is that the Contras themselves are not an effective fighting force. If the President really thinks our national security is at stake, then we ought not to rely on such a weak reed.

The Contras have been at it a year full force, and a half dozen years before that, and they have done nothing of note. They have gained dominance in two or three remote mountain areas, where they can stay holed up forever. But they cannot muster the power and the strength to beat the Sandinista army. This is not the place for detailed military analysis, but the Members of the Senate have available confidential analyses that indicate clearly that the Contra forces cannot become a winning military movement, cannot overthrow the Sandinista government, cannot occupy Nicaragua.

General Bermudez of the Contras told me that their great weakness is that they have not been able to mobilize public opinion in their favor, and he does not think that it can be mobilized. It is obvious that public support cannot be mobilized, because the Contras are pro-American, by definition and by the source of their support. They are representative, rightly or wrongly, in the minds of the majority of the Nicaraguan people, of the old Somoza tyranny, of the distrusted United States, and they are not going to flock to the support of the Contras. The only way the Nicaraguan people are going to be mobilized is not by pro-American forces, but rather by the domestic anti-Sandinista opposition, the church groups, the independent business leaders, the other political parties, who all are pro-Nicaraguan, and who must be publicly anti-American, campaigning against the inadequacy of the Sandinistas in managing the country. The peace plan, if successful, will give them that chance.

I asked the three Contra leaders who live in Costa Rica, what could they hope to accomplish in the next 12 months if we gave them $250 million for military assistance. The unanimous answer was they could not hope to take Managua and environs, where almost half of the people live, that they could not hope to overthrow the Sandinista government, but they could pretty well occupy the rest of the countryside. Well, that is no military objective at all. That does not serve any lasting purpose, and it would take tremendous continuing resources to give them adequate military support to maintain that kind of a control in territory that is mostly hostile, and where the more they spread out in the open the more they are exposed to Sandinistan attack.

MONITORING THE SANDINISTAS

Assuming that the peace and freedom plan is worked out, what about monitoring the Sandinistas? How do we keep up and see that they are doing what they said they were going to do?

The Constitution of Nicaragua is an interesting document. I could argue, and it is probably true, that it doesn't make any difference what the Constitution says, that it can be violated. On the other hand, it is a written document, and they are pledging to observe the terms of it in the peace accord entered into with the other four countries. If they fail to observe it, the written proof is there for the other four Presidents to cite. If the accords are agreed to are violated by the Nicaraguans, it is up to the other countries to insist that Nicaragua is not in compliance. Whether they comply or not becomes a matter for the other four neighboring countries, who certainly are in a better position to monitor, verify, and insist on compliance than we are. The Nicaraguan Constitution provides for open elections and it lays out a written commitment to other fair practices, to a free press, to human rights. Violations by the Sandinistas can clearly be measured. So that members of Congress might know what they are dealing with, if finally the Sandinistas do not keep their word, I ask unanimous consent that the translation of the Nicaraguan Constitution be printed at the conclusion of my remarks.

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

(See exhibit 1.)

In conclusion, if the Sandinistas fail to keep their word by building a stronger military establishment, then we do have a security concern. I have suggested how we deal with the use of such military forces. It appears from the evidence that a large buildup is not realistic. We turned somersaults when it was reported that Nicaragua had planned an armed force of 600,000 troops. We were so traumatized that we did not recognize the foolishness of that claim. The President raised its credibility by including a reference in his State of the Union message. There is no reason for the United States to exhibit such fear. Nicaragua has about 3 million citizens. Some of the males are old and some of them are infirm and some of them have already been injured in the battle. Over half of the citizens are youth. It would take most of the able-bodied men in the country to put an army of 600,000 together. Even if they did manage to form such a force, we will have warned them that they will not be allowed in the territory of any other nation.

"SURRENDER TO COMMUNISTS?"

It is quite possible that we have been carried away with emotionalism, with the feeling that we must stamp out communism wherever it is found. It is a tricky, plausible, appealing phrase to say that in guiding the Contras to the peace table we are surrendering to the Communists. That simply is not a logical assertion. We haven't surrendered to communism. We have been successful in getting the Sandinistas to cooperate with their neighbors. We have permitted Cuba to exist under the rule of Castro, but minus Soviet missiles or aggressive weapons. It is no more than an irritation we have absorbed. We are not going to invade Cuba. We are not going to attack the Soviet Union. We cannot undertake to use military force to stamp out communism wherever we find it. Nor do we need to do so. Democracy and free societies are on the upswing in the world. The appeal of communism is slipping because it has not worked as promised. The best way to defeat it in Central America is to support the efforts of the four neighbors of Nicaragua.

UNREASONED FEAR

We are far too strong, far too mighty, far too wealthy, far too large, for Nicaragua to be anything but an irritant. For us to go into contortions because a mosquito is buzzing around our head is not in keeping with the best of America's past bravery and its self-confidence. To say that failure to vote Contra aid will be a great victory for Russia or communism is ludicrous. A vote for Contra aid, in substance, is a manifestation of fear and lack of confidence on the part of citizens of the United States, and totally unworthy of our great American tradition. I do not intend to cast my vote for such unreasoned fear.

EXHIBIT No. 1

POLITICAL CONSTITUTION, NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA, MANAGUA, NICARAGUA, JANUARY 9, 1987

(As printed by the U.S. Department of State, from "Copy of the Sandinista Constitution Provided by the Embassy of Nicaragua")

The President of the the Republic hereby makes known to the people of Nicaragua that the Constituent National Assembly after consulting with the people, has discussed and approved the following Political Constitution:

PREAMBLE

We, The Representatives of the People of Nicaragua, united in the Constituent National Assembly, invoke the struggles of our Indian ancestors;

The spirit of Central American unity and the heroic tradition of our people who, inspired by the exemplary actions of General Jose Dolores Estrada, Andres Castro and Enmanuel Mongalo, destroyed the dominion of the filibusters and the United States intervention in the National War;

Benjamin Zeledon's anti-interventionist deeds;

Augusto C. Sandino, General of Free People and Father of the Popular and Anti-imperialist Revolution;

The heroic action of Rigoberto Lopez Perez, who initiated the beginning of the end of the dictatorship;

The example of Carlos Fonseca, the greatest perpetuator of Sandino's legacy, founder of the Sandinista National Liberation Front and Leader of the Revolution;

The generations of Heroes and Martyrs who forged and carried forward the liberation struggle for national independence.

In the name of The Nicaraguan people; the democratic, patriotic and revolutionary political parties and organizations of Nicaragua; the men and women; the workers and peasants; the glorious youth; the heroic mothers; those Christians who moved by their faith in God committed and dedicated themselves to the struggle for the liberation of the oppressed; the patriotic intellectuals; and all others who through their productive labor contribute to the defense of the Nation;

Those who guarantee the happiness of future generations by offering their lives in the struggle against imperialist aggression.

For the establishment of the legal framework to protect and preserve the achievements of the Revolution and the building of a new society dedicated to the elimination of all forms of exploitation and to the achievement of economic, political and social equality for all Nicaraguans and absolute respect for human rights.

For the homeland, for the revolution, for the unity of the nation and for peace.

We hereby proclaim the following political constitution of the Republic of Nicaragua:

TITLE I—FUNDAMENTAL PRINCIPLES

Chapter I

Art. 1 Independence, sovereignty and self-determination are inalienable rights of the Nicaraguan people and the foundation of the Nicaraguan nation. Any foreign interference in the internal affairs of Nicaragua or any attempt to undermine these rights is an attack upon the life of the people.

It is the right of the people and the duty of all citizens to preserve and defend, with arms if necessary, the independence of the Nation, its sovereignty and national self-determination.

Art. 2 National sovereignty rests with the people, the source of all power and forgers of their own destiny. The people exercise democracy by freely deciding upon and participating in the construction of the economic, political and social system which best serves their interests. The people exercise power both directly and through their representatives elected by universal suffrage; equal, free, and direct elections and secret ballot.

Art. 3 The struggle for peace and the establishment of a just world order are unrenounceable national commitments of the Nicaraguan nation. We therefore oppose all forms of colonialist and imperialist domination and exploitation. The Nicaraguan people are in solidarity with all those who struggle against oppression and discrimination.

Art. 4 The Nicaraguan people have created a new state to promote their interests and guarantee their social and political achievements. The state is the principal instrument through which the people eliminate all forms of exploitation and oppression, promote material and spiritual progress of the nation, and ensure that the interests and rights of the majority prevail.

Art. 5 The state guarantees the existence of political pluralism, a mixed economy and non-alignment.

Political pluralism assures the existence and participation of all political organizations in the economic, political and social affairs of the nation, without ideological restrictions, except for those who seek a return to the past or advocate the establishment of a political system similar to it.

A mixed economy assures the existence of different forms of property: public, private, associative, cooperative and communal; these forms of property must serve the best interests of the nation and contribute to the creation of wealth to satisfy the needs of the country and its inhabitants.

Nicaragua's international relations are based on the principle of non-alignment, the search for peace, and respect for the sovereignty of all nations; therefore, Nicaragua opposes all forms of discrimination and is anti-colonialist, anti-imperialist, and anti-racist. Nicaragua rejects the subordination of any state by another.

TITLE II—THE STATE

Chapter I

Art. 6 Nicaragua is an independent, free, sovereign, unitary and indivisible state.

Art. 7 Nicaragua is a participatory and representative democratic republic. It has four branches of government: Legislative, Executive, Judicial and Electoral.

Art. 8 The people of Nicaragua are multiethnic and are an integral part of the Central American nation.

Art. 9 Nicaragua is a firm defender of Central American unity. It supports and promotes all efforts to achieve political and economic integration and cooperation in Central America. It also supports the efforts to establish and preserve peace in the region.

Nicaragua, inspired by the ideals of Bolivar and Sandino, strives for the unity of the people of Latin America and the Caribbean.

Consequently, Nicaragua will participate with other Central and Latin American countries in the creation and election of the

bodies necessary to achieve such goals. This principle shall be regulated by appropriate legislation and treaties.

Art. 10 The national territory is located between the Atlantic and Pacific Oceans and the republics of Honduras and Costa Rica. It includes the adjacent islands and keys, soil and subsoil, territorial waters, continental platform, continental rise, airspace and stratosphere.

The precise boundaries of the national territory are defined by laws and treaties.

Art. 11 Spanish is the official language of the state. The languages of the Communities of the Atlantic Coast shall also have official use in the cases established by law.

Art. 12 The city of Managua is the Capital of the Republic and the seat of government. In exceptional circumstances these can be established elsewhere in the nation.

Art. 13 The symbols of the nation are the National Anthem, the Flag and the Official Seal, as established by the law that defines their characteristics and use.

Art. 14 The state has no official religion.

TITLE III—NICARAGUAN NATIONALITY

Chapter I

Art. 15 Nicaraguans are either nationals or nationalized.

Art. 16 Nationals are:

1. Those born in Nicaraguan territory, excepting children of foreigners in diplomatic service, children of foreign officials serving international organizations or those sent by their government to work in Nicaragua, unless they choose to solicit Nicaraguan nationality.

2. Children of a Nicaraguan father or mother.

3. Children born abroad to fathers or mothers who originally were Nicaraguan, if and when they apply for citizenship after reaching legal age or independence.

4. Infants of unknown parents found in Nicaragua, subject to correction in accordance with the law should their filial identity become known.

5. Children born to foreign parents on board a Nicaraguan aircraft or vessel, if and when they solicit Nicaraguan nationality.

Art. 17 Native born Central Americans who reside in Nicaragua have the right to apply for Nicaraguan nationality from the competent authorities without renouncing their previous nationality.

Art. 18 The National Assembly may grant nationality to foreigners deserving this merit by virtue of extraordinary service rendered to Nicaragua.

Art. 19 Foreigners who have renounced their nationality may be nationalized by applying to the competent authorities when they have fulfilled the requirements and conditions established by law.

Art. 20 No national may be deprived of nationality except upon voluntary acquisition of another; nor shall a national be deprived of Nicaraguan nationality because of having acquired that of another Central American country or any country with which Nicaragua has an agreement of dual nationality.

Art. 21 The granting, loss and recuperation of nationality shall be regulated by law.

TITLE IV—RIGHTS, DUTIES AND GUARANTEES OF THE NICARAGUAN PEOPLE

Chapter I.—Individual Rights

Art. 23 The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Art. 24 All persons have duties to their families, the community, the Homeland and humanity. The rights of each person are limited by the rights of others, the collective security and the just requirements of the common good.

Art. 25 All persons have the right to:

1. personal freedom;

2. security;

3. seek legal redress.

Art. 26 All persons have the right to:

1. privacy and the privacy of their family;

2. the inviolability of their home, correspondence and communications;

3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law.

The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons.

Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Art. 27 All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition.

Foreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law; foreigners may not intervene in the political affairs of the country.

The state respects and guarantees the rights recognized in this Constitution to all persons who are in Nicaraguan territory and subject to its jurisdiction.

Art. 28 Nicaraguans who are temporarily out of the country have the right to enjoy amparo[1] and protection by the state through its diplomatic representatives.

Art. 29 All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

Art. 30 Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Art. 31 Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country.

Art. 32 No one is obligated to do what is not required by law, or barred from doing what is not prohibited by law.

Art. 33 No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures. Therefore:

1. An individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.

2. All detained persons have the right to be:

2.1. Informed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings.

2.2. Brought before a competent legal authority within 72 hours.

3. No one shall be detained after a release order has been granted by the appropriate authority or once the sentence imposed has been completed.

4. The responsible authority shall be liable for any illegal detention.

5. The appropriate authorities shall attempt to maintain those awaiting trial apart from those who have been sentenced.

Art. 34 All those awaiting trial have equal rights to the following minimum guarantees:

1. To be presumed innocent until proven guilty according to the law.

2. To be tried without undue delay by a competent court established by law.

3. Not to be removed from the jurisdiction of a competent judge except in cases provided for in this Constitution or by law.

4. To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.

5. To be represented by a public defender when legal counsel has not been selected by the time of the first hearing, or in the event that no prior call was decreed. The accused shall have the right to communicate freely and in private with his or her legal counsel.

6. To have the assistance of an interpreter free of charge if they do not understand or speak the language used by the court.

7. Not to be obligated to testify against themselves or against a spouse or a partner in a stable de facto union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt.

8. To be found guilty or not guilty within the legal time period, by each of the relevant courts.

9. To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgment of conviction or acquittal has been issued.

10. Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for matters of the public order or national security.

Art. 35 Minor shall not be subjected to nor the object of judgment, nor shall they be submitted to any legal proceeding. Minors who violate the law cannot be taken to penal rehabilitation centers. They shall be attended in centers under the responsibility of a specialized institution, as provided by law.

Art. 36 All persons shall have the right to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment. Violation of this right constitutes a crime and shall be punishable by law.

Art. 37 The penalty shall not extend beyond the accused. No sentence may independently or consecutively total more than thirty years.

Art. 38 The law is not retroactive except in penal matters that favor the accused.

[1] In Nicaragua, "amparo" is a legal procedure used to seek review of administrative acts, similar to the writs of prohibition, mandamus and habeas corpus in the United States judicial system. It is originally a Mexican constitutional concept.

Art. 39 In Nicaragua the Penitentiary System is humane, its fundamental objective is to transform the detainee into a person capable of reintegration into the society. In the progressive stages, the Penitentiary System shall promote family unity, health care, educational and cultural advancement and productive occupation with financial compensation. Detention has a reeducational character. Women and men serving prison sentences shall be held in separate penal centers. Women shall be provided guards of the same sex.

Art. 40 No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.

Art. 41 No one shall be detained for indebtedness. This principle does not limit the powers of competent legal authorities to issue warrants for the non-fulfillment of support or alimony orders. All national and foreign citizens have the duty to pay their debts.

Art. 42 Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights. The granting of political asylum shall be determined by law in accordance with international agreements ratified by Nicaragua. If a political refugee or exile is expelled from Nicaragua, that person may not be sent back to the country in which he or she was persecuted.

Art. 43 Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion. Extradition for other common crimes is regulated by law and International Treaties. Nicaraguans shall not be extradited from Nicaragua.

Art. 44 Nicaraguans have the right to the personal property and necessary goods that are essential for the integral development of each person.

Art. 45 Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of habeas corpus or amparo,[2] according to the circumstances and the Law of Amparo.

Art. 46 All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights, and the full benefit of the rights set forth in the Universal Declaration of Human Rights; the American Declaration of the Rights and Duties of Man; the International Pact of Economic, Social and Cultural Rights and the International Pact of Civil and Political Rights of the United Nations; and the American Convention of Human Rights of the Organization of American States.

CHAPTER II.—POLITICAL RIGHTS

Art. 47 All Nicaraguans who have reached 16 years of age are full citizens.

All citizens enjoy the political rights set forth in the Constitution and in other laws, without limitations other than those established for reasons of age.

A citizen's rights may be suspended when serious corporal or specific related punishments are applied and when a final judgment of civil injunction is decreed.

Art. 48 Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women.

[2] See footnote to Article 28.

It is the obligation of the state to remove obstacles that impede effective participation of Nicaraguans in the political, economic and social life of the country.

Art. 49 In Nicaragua workers in the cities and countryside, women, youth, agricultural producers, artisans, professionals, technicians, intellectuals, artists, religious persons, the Communities of the Atlantic Coast and the population in general have the right to form organizations in order to realize their aspirations according to their own interests, without discrimination, and to participate in the construction of a new society.

Such organizations may be formed by the voluntary participation and free will of their members. They shall have a social function and may have a partisan character, according to their nature and objectives.

Art. 50 Citizens have the right to participate under equal condition in public affairs and in state management.

Effective participation by the people at local and national levels shall be guaranteed by law.

Art. 51 Citizens have the right to elect and be elected in periodic elections, and to vie for public office.

Art. 52 Citizens have the right, individually or collectively, to petition, to denounce irregularities and to make constructive criticisms to the branches of government or to any authority, and to obtain a quick resolution or response and to have the result made known within the time period established by law.

Art. 53 The right to peaceful assembly is recognized; the exercise of this right does not require prior permission.

Art. 54 The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Art. 55 Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power.

CHAPTER III.—SOCIAL RIGHTS

Art. 56 The state shall grant special attention in all of its programs to those who defend the dignity, honor and sovereignty of the nation, and to their families, as well as to the families of those fallen in defense of the nation, in accordance with the laws.

Art. 57 Nicaraguans have the right to work in keeping with human nature.

Art. 58 Nicaraguans have the right to education and culture.

Art. 59 Every Nicaraguan has an equal right to health care. The state shall establish the basic conditions for the promotion, protection, recuperation and rehabilitation of the health of the people.

The organization and direction of health care programs, services and activities is the responsibility of the state, which shall also promote popular participation in support of health care.

Citizens are obliged to respect stipulated sanitary measures.

Art. 60 Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.

Art. 61 The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.

Art. 62 The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.

Art. 63 It is the right of all Nicaraguans to be protected against hunger. The state shall promote programs which assure adequate availability and equitable distribution of food.

Art. 64 Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy. The state shall promote the fulfillment of this right.

Art. 65 Nicaraguans have the right to sports, physical education, relaxation and recreation. As part of their integral development, the state shall promote sports and physical education, through the organized and mass participation of the people and specific programs and projects.

Art. 66 Nicaraguans have the right to accurate information. This right includes the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.

Art. 67 The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.

Art. 68 The mass media is at the service of national interests. The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly.

The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.

Art. 69 All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV.—FAMILY RIGHTS

Art. 70 The family is the fundamental nucleus of society and has the right to protection by society and the state.

Art. 71 It is the right of Nicaraguans to form a family. The law shall regulate and protect this right.

Art. 72 Marriage and stable de facto unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Art. 73 Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman.

Parents must work together to maintain the home and provide for the integral development of their children, with equal rights and responsibilities. Furthermore, children are obligated to respect and assist their parents. These duties and rights shall be fulfilled in accordance with the pertinent legislation.

Art. 74 The state grants special protection to the process of human reproduction.

Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits.

No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

Art. 75 All children have equal rights. There shall be no discrimination for reasons of filial relations. In ordinary legislation, dispositions or classifications that reduce or deny equality among children shall be null and void.

Art. 76 The state shall promote programs and develop special centers for the care of minors; minors have the right to protection and education from their family, the society and the state, according to their needs.

Art. 77 The elderly have the right to protective measures from their family, society and the state.

Art. 78 The state shall protect responsible paternity and maternity and establish the right to investigate paternity and maternity.

Art. 79 The right of adoption based on the best interest of the child is established, as regulated by law.

CHAPTER V.—LABOR RIGHTS

Art. 80 Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation. The state shall strive for full and productive employment under conditions that guarantee the fundamental rights of the individual.

Art. 81 Workers have the right to participate in the management of their enterprises, through their organizations and in conformity with the law.

Art. 82 Workers have the right to working conditions that guarantee:

1. Equal pay for equal work under identical conditions, suitable to their social responsibility, without discrimination for political, religious, social, gender or other reasons, which assures a standard of living compatible with human dignity.

2. Payment of legal tender in their work place.

3. Minimum wage and social security payment shall not be legally attached except for support of the family and only by the terms established by law.

4. Work conditions that guarantee physical safety, health and hygiene and minimize work hazards to guarantee the worker's occupational health and safety.

5. An eight-hour work day, weekly rest, vacations, remuneration for national holidays and a thirteenth month bonus, in conformity with the law.

6. Work stability in conformity with the law and equal opportunity to be promoted, subject to length of service, capacity, efficiency and responsibility.

7. Social security for protection and subsistence in case of disability, old age, occupational hazards, illness or maternity; and for family members in case of death, according to the conditions established by law.

Art. 83 The right to strike is recognized.

Art. 84 Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic or social exploitation.

Art. 85 Workers have the right to cultural, scientific and technical development; the state shall facilitate this through special programs.

Art. 86 All Nicaraguans have the right to choose and exercise freely their profession or trade and to choose their place of work with no requirements other than requisite schooling and that the work serve a social purpose.

Art. 87 Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law.

No workers are obligated to belong to a particular union, nor to resign from the one to which they belong. Full union autonomy is recognized and the legal rights of organized labor are respected.

Art. 88 In defense of their individual or organizational interests, workers are guaranteed the inalienable right to negotiate with their employers, in conformity with the law:

1. Individual contracts;

2. Collective bargaining agreements.

CHAPTER VI.—RIGHTS OF THE COMMUNITIES OF THE ATLANTIC COAST

Art. 89 The Communities of the Atlantic Coast are indivisible parts of the Nicaraguan people, enjoy the same rights and have the same obligations as all Nicaraguans.

The Communities of the Atlantic Coast have the right to preserve and develop their cultural identities within the framework of national unity, to be granted their own forms of social organization, and to administer their local affairs according to their traditions.

The state recognizes the communal forms of land ownership of the Communities of the Atlantic Coast and their enjoyment, use and benefit of the waters and forests of these communal lands.

Art. 90 The Communities of the Atlantic Coast have the right to the free expression and preservation of their languages, art and culture. The development of their culture and values enriches the national culture. The state shall create special programs to enhance the exercise of these rights.

Art. 91 The state is obligated to enact laws promoting and assuring that no Nicaraguan shall be the object of discrimination for reasons of language, culture or origin.

TITLE V.—NATIONAL DEFENSE

Chapter I

Art. 92 It is duty and right of Nicaraguans to struggle for the defense of life, Homeland, justice and peace for the full development of the nation.

Art. 93 The Nicaraguan people have the right to arm themselves in defense of their sovereignty, independence and revolutionary gains. It is the duty of the state to direct, organize and arm the people to guarantee this right.

Art. 94 The defense of the Homeland and the Revolution rests on the mobilization and organized participation of all the people in the struggle against their aggressors. The state shall promote mass incorporation of the people into the various structures and tasks of the country's defense.

Art. 95 The Sandinista Popular Army has a national character and must protect, respect and obey this Political Constitution.

The Sandinista Popular Army is the military arm of the people and direct descendant of the Army in Defense of National Sovereignty. The state prepares, organizes and directs popular participation in the armed defense of the Homeland through the Sandinista Popular Army.

No armed groups may exist in the national territory other than those established by the law, which shall regulate military organizational structure.

Art. 96 Nicaraguans have the duty to bear arms to defend the Homeland and the gains of the people against the threats and aggressions of a foreign country, or of forces directed or supported by any country. Patriotic Military Service is established in accordance with the terms of the law.

Art. 97 The struggle against externally promoted actions to undermine the revolutionary order established by the Nicaraguan people and the confrontation with criminal and anti-social actions are integral to the defense of the Revolution. The state creates the internal security forces, whose functions are determined by law.

TITLE VI.—NATIONAL ECONOMY, AGRARIAN REFORM AND PUBLIC FINANCES

Chapter I.—National Economy

Art. 98 The principal economic function of the state is to promote the country's material development, overcome the inherited backwardness and dependence of the economy, improve the country's standard of living and create a more just distribution of wealth.

Art. 99 The state directs and plans the national economy to guarantee the protection of the interests of the majority and the promotion of socio-economic progress.

The Central Bank, the National Financial System, Insurance and Foreign Commerce, instruments of the economic system, are irrevocable responsibilities of the state.

Art. 100 The state shall promulgate a Foreign Investment Law that contributes to the socio-economic development of the country, without damaging national sovereignty.

Art. 101 Workers and other productive sectors have the right to participate in the creation, execution and control of economic plans.

Art. 102 Natural resources are national patrimony. Preservation of the environment, and conservation, development and rational exploitation of natural resources are responsibilities of the state; the state may formalize contracts for the rational exploitation of these resources when required by the national interest.

Art. 103 The state guarantees the democratic coexistence of public, private, cooperative, associative and communal property; all these form parts of the mixed economy, are subject to the overriding interests of the nation and fulfill a social function.

Art. 104 Enterprises organized under any of the forms of ownership established in this Constitution enjoy equality before the law and the economic policies of the state. The economic plans of enterprises must be prepared with the participation of the workers. Free economic initiative exists.

Art. 105 The state is obligated to fairly and rationally regulate the supply and distribution of basic consumer goods, both in the countryside and in the cities. Speculation and hoarding are incompatible with the socio-economic system and constitute serious crimes against the people.

Chapter II.—Agrarian Reform

Art. 106 Agrarian reform is the fundamental instrument for achieving a just distribution of land and an effective means for revolutionary transformation, national development and the social progress of Nicaragua. The state guarantees the social progress of Nicaragua. The state guarantees the development of the agrarian reform program, to fulfill the historic demands of the peasants.

Art. 107 Agrarian reform shall abolish landed estates, rentism, inefficient production and the exploitation of peasants. It shall promote forms of ownership compatible with the economic and social objectives

of the nation, as established in this Constitution.

Art. 108 Land ownership is guaranteed to all those who productively and efficiently work their land. The law shall establish specific regulations and exceptions in conformity with the goals and objectives of agrarian reform.

Art. 109 The state shall promote the voluntary association of peasants in agricultural cooperatives, without sexual discrimination. Subject to resources, it shall provide the material means necessary to raise their technical and productive capacity in order to improve the standard of living of the peasants.

Art. 110 The state shall promote the voluntary incorporation of small and medium scale agricultural producers, both individually and in associations, into the economic and social development plans of the country.

Art. 111 The peasants and other productive sectors have the right to participate, through their own organizations, in establishing the policies of agrarian transformation.

Chapter III.—Public Finances

Art. 112 The annual General Budget of the Republic shall regulate public income and expenditure. The Budget must show the distinct sources and recipients of income and expenditure, which must balance, and shall determine the spending limits of the state institutions. Extraordinary spending may only be authorized by law and financed through the simultaneous creation and assignment of resources.

Art. 113 The Budget shall be prepared by the President of the Republic and approved by the National Assembly in the Annual Budget Law, in conformity with this Constitution and the law.

Art. 114 The taxation system must take into consideration the distribution of wealth and income, as well as the needs of the state.

Art. 115 Taxes must be created by laws that establishes their frequency and type and the rights of taxpayers. The state shall not require payment of taxes that have not been previously established by law.

TITLE VII.—EDUCATION AND CULTURE

Chapter I

Art. 116 Education seeks the full and integral development of Nicaraguans; to stimulate them with a critical, scientific and humanist way of thinking; to develop their personality and sense of dignity and to prepare them to assume the tasks of common interest necessary for the progress of the nation. Therefore, education is fundamental to the transformation and development of the individual and society.

Art. 117 Education is a single, democratic, creative and participatory process, which promotes scientific research and links theory with practice and manual with intellectual labor. It is based on our national values; on the knowledge of our history and reality and of national and universal culture; and on scientific and technological advances; it cultivates the values of the new Nicaragua in accord with the principles established in this Constitution, the study of which must be promoted.

Art. 118 The state promotes the participation of the family, community and individuals in education and guarantees the support of the public means of communication for this purpose.

Art. 119 Education is an unrenounceable responsibility of the state, including planning, direction and organization. The national educational system functions in an integrated fashion and in accordance with the national plans. Its organization and functioning are determined by law.

It is the duty of the state to develop and train the technical and professional personnel at all levels and disciplines necessary for the development and transformation of the country.

Art. 120 The creative application of educational plans and policies is a fundamental role of the national teaching profession. Teachers have the right to living and working conditions in accord with their dignity and with the important social function that they perform; they shall be promoted and given incentives in accord with the law.

Art. 121 All Nicaraguans have free and equal access to education. Basic education is free of charge and obligatory. The Communities of the Atlantic Coast have access in their region to education in their native language up to the levels set by national plans and programs.

Art. 122 Adults shall be offered educational opportunities and training programs. The state shall continue its programs to eradicate illiteracy.

Art. 123 Private education centers may function at all levels, subject to the terms established in this Constitution.

Art. 124 Education in Nicaragua is secular. The state recognizes the right of private educational centers with a religious orientation to teach religion as an extracurricular subject.

Art. 125 Higher education enjoys financial, organic and administrative autonomy in accordance with the law. Academic freedom is recognized. The state promotes free creation, research and dissemination of the sciences, arts and letters.

Art. 126 It is the duty of the state to promote the recovery, development and strengthening of national culture, sustained by creative popular participation.

The state shall support national culture in all its diversity, whether collective or individual.

Art. 127 Artistic and cultural creation is completely unrestricted. Cultural workers have full freedom to choose their forms and styles of expression. The state shall strive to provide them with the means necessary to create and present their works, and to protect their rights of authorship.

Art. 128 The state protects the archeological, historical, linguistic, cultural and artistic patrimony of the nation.

TITLE VIII.—ORGANIZATION OF THE STATE

Chapter I.—General Principles

Art. 129 The Legislative, Executive, Judicial and Electoral branches of government are independent of one another and coordinate harmoniously, subject only to the overriding national interest and to the provisions established in this Constitution.

Art. 130 No office holder may exercise functions other than those conferred upon the office by the Constitution and the laws.

All state officials must declare their financial status before assuming and upon leaving public office, as regulated by law.

Art. 131 Elected and appointed officials of the four branches of government are publicly accountable for the proper fulfillment of their duties and must inform the public of their work and official activities. They must be receptive to problems presented by the people and strive to resolve them. Official duties must be exercised in the public interest. All officials must efficiently and honestly carry out their duties; they shall be responsible for their acts and omissions. Civil service shall be regulated by law.

Chapter II.—Legislative Branch

Art. 132 The National Assembly exercises legislative power through representative popular mandate. The National Assembly is composed of ninety Representatives with their respective Alternates, elected by universal suffrage; equal, free and direct elections, and secret ballot in regional districts by means of a proportional representation system, as regulated by the Electoral Law. The number of Representatives may be increased in accord with the general census of the population in conformity with the law.

Art. 133 Unelected Presidential and Vice Presidential candidates who participated in the election also form part of the National Assembly as Representatives and Alternates respectively if they have received a number of votes equal or superior to the average number of votes necessary to win the election in each regional electoral district.

Art. 134 A Representative in the National Assembly must be:

1. A Nicaraguan national;
2. In full enjoyment of political and civil rights;
3. Over twenty-one years of age.

Art. 135 No Representative to the National Assembly may obtain any concessions from the state or be the proxy or agent of public, private or foreign enterprises which have contracts with the state. Violation of this provision annuls the concessions or advantages obtained and terminates the person's representative status.

Art. 136 Representatives to the National Assembly shall be elected for a period of six years, starting from the date of inauguration, which shall be the ninth of January of the year following the election.

Art. 137 Representatives and Alternates elected to the National Assembly shall be sworn in by the President of the Supreme Electoral Council.

The National Assembly shall be inaugurated by the Supreme Electoral Council.

Art. 138 The functions of the National Assembly are to:

1. Draft and approve laws and decrees, as well as amend or repeal existing ones;
2. Officially interpret the law;
3. Decree amnesty and pardons, as well as commute or reduce sentences.
4. Solicit reports through the President of the Republic from the Ministers or Vice Ministers of the state, and Presidents or Directors of autonomous and governmental institutions. Request by the same means their personal appearance and explanation or consultation.
5. Grant and cancel legal status to entities of a civil or religious nature.
6. Consider, discuss and approve the General Budget of the Republic in conformity with the procedures established in the Constitution and by law.
7. Elect Judges to the Supreme Court of Justice, and Members and their Alternates to the Supreme Electoral Council, from slates of three candidates proposed by the President of the Republic.
8. Elect the Controller General of the Republic from a slate of three candidates proposed by the President of the Republic.
9. Consider, acknowledge and decide on the resignations or permanent absences of Representatives to the National Assembly.
10. Consider and acknowledge the resignations or dismissals of Judges of the Supreme

Court of Justice, of Members of the Supreme Electoral Council or the Controller General of the Republic.

11. Ratify or reject international treaties.

12. Regulate all matters related to symbols of the nation.

13. Create honorary orders and distinctions of national character.

14. Create and grant its own orders of national character.

15. Receive the President or the Vice President of the Republic in formal session to hear the annual report.

16. Delegate the legislative faculties to the President of the Republic when the National Assembly is in recess, in accord with the Annual Decree of Delegating Legislative Functions. Matters relating to the codes of the Republic are excepted.

17. Elect the National Assembly's Executive Board.

18. Create permanent, special and research committees.

19. Propose grace pensions and grant honors for distinguished service to the Homeland and to humanity.

20. Determine the political and administrative division of the country.

21. Consider the nation's economic and social development plans and policies.

22. Fill permanent vacancies of the Presidency or Vice Presidency of the Republic.

23. Authorize foreign visits of the President of the Republic which last longer than one month.

24. Review and resolve complaints presented against officials who enjoy immunity.

25. Decree the General Statute and Internal Rules of the National Assembly.

26. Fulfill other functions conferred by the Constititution and the laws.

Art. 139 Representatives shall bear no legal responsibility for their opinions and votes cast in the National Assembly and enjoy immunity in conformity with the law.

Art. 140 Representatives to the National Assembly and the President of the Republic may initiate bills, as may the Supreme Court of Justice and the Supreme Electoral Council in matters pertaining to their respective jurisdictions. This right of initiative shall be regulated by the General Statute and Internal Rules of the National Assembly.

Art. 141 Quorum for sessions of the National Assembly is half the number of its members plus one. To be approved, bills shall require a favorable vote by a simple majority of the Representatives present.

Once a bill is approved, it shall be sent to the President of the Republic for authorization, promulgation and publication.

Art. 142 The President of the Republic may partially or totally veto a bill within 15 days after receiving it. If the President does not veto the bill, and fails to authorize, promulgate and publish it, the President of the National Assembly shall order the law to be published.

Art. 143 A bill partially or totally vetoed by the President of the Republic must be returned to the National Assembly with the reasons for the veto specified. The National Assembly can reject the veto with a vote of half its Representatives plus one, in which case the President of the National Assembly shall order the law to be published.

Chapter III.—Executive Branch

Art. 144 The President of the Republic, who is the Head of State, Head of Government and Commander in Chief of the Defense and Security Forces of the Nation, exercises executive power.

Art. 145 The Vice President of the Republic carries out the functions delegated by the President and shall substitute in that position during the President's temporary or permanent absence.

Art. 146 The election of the President and Vice President of the Republic is by equal, direct, free universal suffrage in secret ballot. The Candidates who receive the largest number of votes will be elected.

Art. 147 The President and Vice President of the Republic must be:

1. Nicaraguan nationals;

2. In full enjoyment of civil and political rights.

3. Over twenty-five years of age.

Art. 148 The President and Vice President shall exercise their functions for a period of six years, starting from their inauguration on January 10 of the year following the election; they shall enjoy immunity during their term of office.

Art. 149 In case of the temporary absence of the President of the Republic, the Vice President shall assume the Presidential functions. When the absence is permanent, the Vice President shall assume the position of the President of the Republic for the remainder of the term and the National Assembly must elect a new Vice President.

In case of the temporary and simultaneous absence of the President and Vice President, the President of the National Assembly, or whoever is serving in that position in accord with the law, shall assume the functions of the President. In case of the permanent absence of the Vice President of the Republic, the National Assembly shall appoint a substitute.

If the President and Vice President of the Republic are permanently absent, the President of the National Assembly or whoever is next in order of succession under law shall assume the functions of the President. The National Assembly must appoint substitutes for the President and Vice President within seventy-two hours after their positions have become vacant. Those appointed shall exercise their functions for the remainder of the term.

Art. 150 The functions of the President of the Republic are to:

1. Comply with and enforce the Political Constitution and the laws.

2. Represent the nation.

3. Initiate legislation and exercise the right to veto, in accordance with this Constitution.

4. Enact executive decrees with the force of law in fiscal and administrative matters.

5. Prepare the General Budget of the Republic and promulgate it upon approval or review by the National Assembly, depending on the case.

6. Appoint and remove Ministers and Vice Ministers of State, Delegate Ministers of the Presidency, Presidents or Directors of autonomous and governmental institutions and other officials whose appointment or removal is not otherwise determined in the Constitution and the laws.

7. Assume the legislative faculties delegated by the National Assembly during its recess period.

8. Conduct the international relations of the Republic, formalize international treaties, agreements or accords and appoint the heads of diplomatic missions.

9. Decree and put into effect the State of Emergency in circumstances defined by this Political Constitution and forward the decree to the National Assembly for ratification within a period of no more than forty-five days.

10. Adopt regulations to give effect to the laws.

11. Grant honorary orders and decorations of a national character.

12. Organize and conduct the government and preside over Cabinet meetings.

13. Administer the economy of the country and determine socio-economic policies and programs.

14. Propose slates of three candidates to the National Assembly for the election of Judges to the Supreme Court of Justice, Members to the Supreme Electoral Council and the Controller General of the Republic.

15. Present the annual report and other reports and special messages to the National Assembly personally or via the Vice President.

16. Fulfill the other functions conferred by this Constitution and the laws.

Art. 151 The President of the Republic determines the number, organization and jurisdiction of the government ministries and autonomous and state institutions. The ministers, vice ministers and presidents or directors of autonomous and governmental institutions enjoy immunity.

Art. 152 Ministers, vice ministers or presidents of autonomous or governmental institutions must be:

1. A Nicaraguan national;

2. In full enjoyment of political and civil rights;

3. Over twenty-five years of age.

Art. 153 Ministers, vice ministers and presidents or directors of autonomous and governmental institutions are responsible for their acts in conformity with this Constitution and the laws.

Chapter IV.—Office of the Controller General of the Republic

Art. 154 The Office of the Controller General of the Republic is the governing body which controls public administration and the "Area of People's Property" (public property).

Art. 155 The Controller General of the Republic has the following responsibilities:

1. The establishment of a system which controls the proper use and prevents abuses of funds.

2. Ongoing supervision of the management of the General Budget of the Republic.

3. Control, examination and evaluation of the administrative and financial management of public institutions, those subsidized by the state and the public or private enterprises which receive investments of public capital.

Art. 156 The Office of the Controller General of the Republic shall enjoy functional and administrative autonomy and shall be directed by the Controller General of the Republic, who shall give annual reports to the National Assembly and enjoy immunity.

Art. 157 The law shall determine the organization and functioning of the Office of the Controller General of the Republic.

Chapter V.—Judicial Branch

Art. 158 Justice emanates from the people and shall be carried out in their name as their proxy by the Judicial Branch, composed of the Courts of Justice established by law.

Art. 159 The Courts of Justice form a single system, headed by the Supreme Court of Justice.

The exercise of judicial powers falls under the authority of the Judicial Branch. Military jurisdiction is established, and its exercise is regulated by law.

Art. 160 The administration of justice guarantees the principle of legality and protects and promotes human rights through the application of law in the matters within its jurisdiction.

Art. 161 A Judge of the Supreme Court of Justice must be:

1. A Nicaraguan national;
2. A lawyer;
3. In full enjoyment of political and civil rights;
4. Over twenty-five years of age.

Art. 162 Judges shall serve for a term of six years and may be dismissed from their position only for reasons determined by law. Judges enjoy immunity.

Art. 163 The Supreme Court of Justice shall be composed of at least seven Judges, selected by the National Assembly, from slates of three candidates proposed by the Persident of the Republic.

The Judges shall take office after being sworn in before the National Assembly.

The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among the Judges selected by the National Assembly.

Art. 164 The functions of the Supreme Court of Justice are to:

1. Organize and direct the administration of justice;
2. Review and decide ordinary and extraordinary appeals presented against the judgments of the Courts of Justice of the Republic, in accord with the proceedings established by law;
3. Review and decide on writs of amparo [3] claiming violations of rights established in the Constitution, according to the Law of Amparo.
4. Review and decide on writs challenging the constitutionality of a law, filed in conformity with the Constitution and the Law of Amparo.
5. Appoint the Judges of the Appeals Courts and the Courts of the Republic, in accord with the procedures established by law.
6. Draft its internal rules and appoint its personnel.
7. Fulfill other functions conferred on it by the Constitution and the laws.

Art. 165 In their judicial activity Supreme Court Judges and other Judges are independent and are subject only to the Constitution and the law; they shall be governed by, among others, the principles of equality, public proceedings and the right to a defense. In Nicaragua justice is free of charge.

Art. 166 The administration of justice shall be organized and shall function with popular participation as determined by the law. The members of the Courts of Justice, be they lawyers or not, have equal authority in the exercise of their legal functions.

Art. 167 State authorities, organizations and legal institutions and individuals must comply with the verdicts and resolutions of the Courts and Judges.

Chapter VI.—Electoral Branch

Art. 168 The organization, management and oversight of elections, plebiscites and referendums are the exclusive responsibility of the Electoral Branch.

Art. 169 The Electoral Branch is composed of the Supreme Electoral Council and other, subordinate electoral bodies.

Art. 170 The Supreme Electoral Council is composed of five Members with their respective Alternates, elected by the National Assembly from slates of three candidates for each position proposed by the President of the Republic. The National Assembly shall select the President of the Supreme Electoral Council from the elected Members.

Art. 171 The Judges of the Supreme Electoral Council must be:

1. Nicaraguan nationals;
2. In full enjoyment of political and civil rights;
3. Over twenty-five years of age.

Art. 172 The President and other Members of the Supreme Electoral Council shall exercise their functions for a term of six years starting from the date on which they take office; during this period they enjoy immunity.

Art. 173 The functions of the Supreme Electoral Council are to:

1. Organize and conduct the elections, plebiscites or referendums convoked in accordance with the Constitution and the law.
2. Appoint the members of the other electoral bodies, in accordance with the Electoral Law.
3. Establish the calendar for elections.
4. Apply the constitutional and legal provisions that refer to the electoral process.
5. Serve as the final arbiter of resolutions enacted by subordinate electoral bodies and of the claims and disputes presented by political parties.
6. Issue relevant measures in accordance with the law to ensure that the electoral process develops under conditions of full legal guarantees.
7. Ensure that the appropriate bodies provide security for the political parties participating in the elections.
8. Make the final check of the votes cast in the elections, plebiscites and referendums, and present the final declaration of the results.
9. Draft its own regulations.
10. Fulfill other functions conferred on it by the Constitution and the laws.

Art. 174 The Members and alternates of the Supreme Electoral Council shall take office after being sworn in by the President of the National Assembly.

TITLE IX.—POLITICAL ADMINISTRATIVE DIVISION

Chapter I.—Municipalities

Art. 175 The national territory shall be divided for administrative purposes into Regions, Departments and Municipalities. The laws regarding this matter shall determine the size, number, organization, structure and operation of the various districts.

Art. 176 The Municipality is the basic unit of political administration in the country. The law shall determine their number and size.

Art. 177 The government and administration of municipalities is the responsibility of the municipal authorities, who enjoy autonomy without abrogating the authority of the central government.

Municipal governments shall be elected by the people through equal, direct, free and universal suffrage in secret ballot, in conformity with the law.

Art. 178 Municipal authorities shall serve six-year terms, beginning from the day they are sworn in before the Supreme Electoral Council.

Art. 179 The state shall promote the integral and harmonious development of the diverse parts of the nation.

Chapter II.—Communities of the Atlantic Coast

Art. 180 The Communities of the Atlantic Coast have the right to live and develop under the forms of social organization that correspond to their historic and cultural traditions.

The state guarantees these communities the benefits of their natural resources, the legitimacy of their forms of communal property and the free election of their authorities and representatives.

Furthermore, it guarantees the preservation of their cultures and languages, religion and customs.

Art. 181 The state shall implement a law which establishes autonomous governments in the regions inhabited by the Communities of the Atlantic Coast to guarantee the exercise of their rights.

TITLE X.—SUPREMACY OF THE CONSTITUTION, ITS REFORM, AND CONSTITUTIONAL LAWS

Chapter I.—Political Constitution

Art. 182 The Political Constitution is the fundamental charter of the Republic; all other laws are subordinate to it. Any laws, treaties, orders or provisions that oppose it or alter its provisions shall be null and void.

Art. 183 No branch of government, governmental body or official shall have any authority, faculty or jurisdiction other than those conferred by the Political Constitution and the laws of the Republic.

Art. 184 Once written, the Electoral Law, Emergency Law and Law of Amparo will have constitutional status under the Political Constitution of Nicaragua.

Art. 185 The President of the Republic may suspend the rights and guarantees consecrated in this Constitution within part or all of the nation in case of war or when demanded by national security, economic conditions or a national catastrophe.

The President's decree shall put the State of Emergency into effect for a specified renewable time period. The Law of Emergency shall regulate its forms. During a State of Emergency, the President of the Republic is authorized to approve the General Budget of the Republic and forward it to the National Assembly for its review.

Art. 186 The President of the Republic can not suspend the rights and guarantees established in articles 23; 24; 25, no. 3; 26, no. 3; 27; 29; 33, nos. 2.1 (final part), 3 and 5; 34, except nos. 2 and 8; 35; 36; 37; 38; 39; 40; 41; 42; 43; 44; 46; 47; 48; 50; 51; 56; 57; 58; 59; 60; 61; 62; 63; 64; 65; 67, first paragraph; 68, first paragraph; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 84; 85; 87; 89; 90 and 91.

Chapter II.—Constitutional Control

Art. 187 Any citizen has the right to seek judicial review of the constitutionality of any law, decree or regulation that is inconsistent with the Political Constitution.

Art. 188 The Writ of Amparo may be used to challenge any provision, act or resolution and any action or omission of any official or authority or his or her agent violating or attempting to violate the rights and guarantees affirmed in the Political Constitution.

Art. 189 The Writ of Habeas Corpus may be used by anyone whose freedom, physical integrity or security is violated or is in danger of being violated.

Art. 190 The Law of Amparo shall regulate the remedies established in this chapter.

Chapter III.—Constitutional Amendment

Art. 191 The National Assembly is empowered to partially amend this Political

[3] See footnote to Article 28.

Constitution and to review and approve its total revision.

The President of the Republic or one-third of the Representatives to the National Assembly can initiate a partial reform.

Half of the total number of Representatives to the National Assembly plus one are necessary to initiate a total reform.

Art. 192 A proposal for partial reform must specify the article or articles to be reformed with a statement of the reasons for the modification. The proposal must be sent to a special commission which shall render an opinion within no more than 60 days; the initiative shall then follow the same process as for the creation of a law.

A proposal for partial reform must be discussed in two sessions of the National Assembly.

Art. 193 A proposal for total reform shall follow the same process as in the previous article, except that upon its approval, the National Assembly shall establish a time period for holding elections for a Constituent National Assembly. The National Assembly shall retain jurisdiction until the installation of the new Constituent National Assembly.

Until a new Constitution has been approved by the Constituent National Assembly, this Constitution shall remain in effect.

Art. 194 Approval of a partial reform shall require a favorable vote by sixty percent of the Representatives. Two-thirds of the total number of Representatives are required to approve a total revision. The President of the Republic must promulgate the partial amendment, which is not subject to veto.

Art. 195 The reform of constitutional laws shall follow the procedure established for partial reform of the Constitution, with the exception of the requirement of discussion in two legislative sessions.

TITLE XI.—FINAL AND TRANSITIONAL PROVISIONS

Art. 196 This Constitution shall govern from the time of its publication in La Gaceta, the official daily legal publication, and shall annul the Fundamental Statute of the Republic, the Statute of Rights and Guarantees of Nicaraguans and all other legal provisions inconsistent with it.

Art. 197 This Constitution shall be widely disseminated in the official language of the country. It shall also be disseminated in the languages of the Communities of the Atlantic Coast.

Art. 198 All aspects of the existing legal order that do not contradict this Constitution shall remain in effect, until such time as they may be modified.

Art. 199 The Special Courts shall continue to function until such time as they come under the jurisdiction of the Judicial Branch. The appointment of their members and their procedures shall be determined by the laws that established them.

Furthermore, the Common Courts shall continue to function in their present form, until a system with popular representation is established. This principle shall be implemented gradually in accord with the circumstances.

Art. 200 The current political administrative division shall be preserved until the law governing it is promulgated.

Art. 201 The President and Vice President of the Republic and the Representatives to the National Assembly, elected November 4, 1984, shall exercise their functions during the term that ends January 10 and 9, 1991, respectively.

The members of the Supreme Court of Justice and the Supreme Electoral Council and other authorities and officials of the diverse branches of government shall continue to exercise their functions until such time as their successors take office in accordance with the Constitution.

Art. 202 Four official copies of this Constitution shall be signed by the President and Representatives to the National Assembly and by the President of the Republic. These copies shall be kept in the offices of the Presidency of the National Assembly, the Presidency of the Republic, the Presidency of the Supreme Court of Justice and the Presidency of the Supreme Electoral Council. Each one shall have the force of the authentic text of the Political Constitution of Nicaragua. The President of the Republic shall cause it to be published in La Gaceta, the official daily publication.

Mr. SANFORD. Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JUDGE ANTHONY M. KENNEDY

Mr. REID. Mr. President, I rise today to speak in favor of the nomination of Judge Anthony M. Kennedy to be an Associate Justice of the U.S. Supreme Court. Judge Kennedy has distinguished himself throughout his educational and professional life. He excelled as an undergraduate student at Stanford University, and, in his senior year, attended the London School of Economics. Judge Kennedy went on to Harvard Law School and then into the private practice of law. In 1975, President Ford appointed Judge Kennedy to the Federal Appeals Court for the Ninth Circuit where he continues to serve with distinction. I take a special interest in the ninth circuity as its jurisdiction encompasses the great State of Nevada.

Throughout his life, Anthony Kennedy has demonstrated a consistent pattern of measured reason and devotion to scholarship. Indeed, the more I have learned about Anthony Kennedy, the more I have become convinced that he is a living example of what we call judicial temperament. I admire this quality, and I respect Judge Kennedy's flexible but cautious manner, his conservative approach to the law, his advocacy of judicial restraint, and his deference to well-founded legal precedent.

When the American Bar Association's judicial evaluations committee unanimously gave its top rating to Judge Kennedy, the committee stated that its "investigations reveal that Judge Kennedy's integrity is beyond reproach, [and] that he enjoys justifiably a reputation for sound intellect and diligence in his judicial work." Such high praise is impressive.

Mr. President, I have just spoken about some of Judge Kennedy's qualifications, but I want to take a few minutes this day to talk about one qualification in particular, and that is Judge Kennedy's role as a teacher.

Jim Hardesty, a prominent Reno attorney and a man I have known for many years, knew Judge Kennedy personally. For over 22 years, Judge Kennedy taught constitutional law at McGeorge Law School, University of the Pacific, and Hardesty had been a student of Judge Kennedy. Hardesty told me what an outstanding teacher Judge Kennedy was; and that in all the years he had been in school, he had never had a teacher as good as Anthony Kennedy.

Indeed, many former students of Judge Kennedy who are now members of the Nevada legal community contacted me to praise Judge Kennedy and his teaching abilities. His former students spoke in glowing terms of the great contribution he made to their education and of the profound impact he had on their development as attorneys.

Among the people who spoke highly of Judge Kennedy are such prominent members of the Nevada legal community as: U.S. Attorney Donald Calvin Hill, Nye County District Attorney Philip Dunleavy, U.S. Attorney William Maddox, and Clark County Deputy District Attorney Tom Moreo.

Mr. President, other than my wife and I, I think the people who have had the most influence upon the lives of my five children have been their teachers. So when I hear somebody tell me that a person is an excellent teacher, I think of my children and what an impact teachers have had on their lives. In fact, I can still look back at the teachers who have been important in my life.

I know that all the qualifications I outlined initially in my remarks today to this body are of primary importance. It is important that someone who is going to be a Justice of the U.S. Supreme Court is one who is qualified academically, and certainly Judge Kennedy is.

It is important that someone who will serve on the Supreme Court is a person of temperament, judicial temperament, and certainly Judge Kennedy is.

These are qualities that we need on the bench. But, in addition, I am extremely impressed by the fact that person after person told me that Judge Kennedy is an exemplary teacher. I think that says a lot for an individual.

After all, teaching is part of what the Supreme Court is about. Justices write opinions, in a collegial atmosphere, and those opinions are taken into the courtrooms and classrooms of this country for years to come. These opinions serve to teach all of us what the law is.

Mr. President, I look forward to next Wednesday: casting a vote for Judge Kennedy to be an Associate Justice of the U.S. Supreme Court will be a great pleasure.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BREAUX). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that the 10-minute limitation not apply to me in this instance with the understanding that if another Senator wishes to speak I will yield the floor for that purpose in which case I ask unanimous consent also that there be no interruption of my speech in the RECORD.

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

UNITED STATES SENATE

RICHARD BREVARD RUSSELL (1897-1971)

Mr. BYRD. Mr. President, in my continuing series of addresses on the history of the United States, I have focused from time to time on individual senators who have left their mark on this institution. One such senator is Richard Brevard Russell, Jr., of Georgia. In 1972, I initiated legislation that provided for naming the original Senate office building in his honor. Today, the thousands of people who work on Capitol Hill know his name, but only a few know his legacy.

In preparing these remarks, I have had the good fortune to be ably assisted by Dr. Gilbert Fite. Dr. Fite served from 1976 to 1986 as the first Richard B. Russell professor of American history at the University of Georgia. From 1945 to 1971, he was a member of the history faculty at the University of Oklahoma, and, from 1971 to 1976, he served as president of Eastern Illinois University. Dr. Fite's research interests are reflected in the professional associations of which he has been president. They include the Western History Association, the Southern Historical Association, and the Agricultural History Society. This distinguished scholar is currently completing a full scale biography of Senator Russell.

Richard B. Russell was one of the nation's leading statesmen in twentieth century America. A true son of the South, he served in the United States Senate from January 12, 1933, until his death on January 21, 1971, some thirty-eight years later. During that period, he worked with six presidents, and, from the 1940's when he emerged as a leader in the Senate, he played a major role in national policy-making. His career spanned epochal events, including the Great Depression, World War II, the introduction of nuclear power, the Korean and Vietnam wars, the battle for civil rights, expansion of federal powers and responsibilities and a host of other major developments. His mark can be found on most of the great questions that faced the country during his terms in Washington.

In 1963, a reporter for *Newsweek* magazine wrote that Senator Russell is "a courtly, soft-spoken, cultural patrician, whose aides and associates treat him with deferential awe. Modest, even shy, in manner, devastatingly skilled in debate, he has a brilliant mind, encyclopedic learning, unrivaled access to pressure points of senatorial power and a gift for using them. He is a senator's senator, the head of the Senate establishment, the most influential member of the United States Senate." Who was this man who had won such respect and power? What manner of man was he?

Russell was born in the small town of Winder, Georgia, some forty miles northeast of Atlanta, on November 2, 1897. He was the fourth child and first son of thirteen living children of Judge Richard B. Russell and Ina Dillard Russell. He was born into a distinguished and well educated family whose roots went back to colonial times. His Russell ancestors had lived in South Carolina and Georgia for several generations and were successful planters and businessmen. Russell's grandmother, Rebecca Harriette Brumby, had descended from the Brumbys and the Brevards, two prominent South Carolina and North Carolina families. On both sides, it was a family of modest wealth and prestige.

Richard Brevard Russell, the senator's father, was born at Marietta, Georgia in 1859. He attended the University of Georgia, receiving a law degree in 1880. He practiced law in Athens, was elected to the Georgia house of representatives in 1882 where he served for six years, and, in 1888, he was elected solicitor general of the western circuits of Georgia. He held that position until January 1, 1899, when he became judge of the superior court of the western judicial circuit.

Judge Russell was an intensely ambitious man. In 1904, he made an unsuccessful race for chief justice of the Georgia supreme court, and, two years later, he entered the campaign for governor against the prominent Hoke Smith, a contest in which he was decisively defeated. In 1911, Russell failed again in a race for the governorship, and had no better success when he ran for Congress in 1916. In 1922, however, he won a campaign for chief justice of the Georgia supreme court, a position that he held until his death in 1938.

Young Richard B. Russell, Jr., then, grew up in a large family that was prominent and widely known throughout the state. Also, it was a family that expected the children to achieve. Judge Russell believed deeply in at least three things—education, hard work, and personal ambition. Moreover, he had special ambitions for his first son and namesake. Both Judge and Mrs. Russell planned for, and expected, their eldest son to become a leader in some field, preferably public service.

To help achieve that goal, the Russells sent young Dick to Gordon Military Institute at Barnesville, Georgia. This was considered the best secondary school in the state, and one of the top such institutions in the South. It attracted the sons from many of Georgia's leading families, and Judge Russell believed that the contacts Dick made there among his fellow students would be helpful later in a political career. So, in September 1911, young Dick, at age thirteen, was off to Gordon.

Although he possessed high native intelligence, Dick did not take his school work very seriously. He was much more attracted to the social life, both on and off campus. Despite intense urgings from his father and mother to study hard, he so neglected his studies that he nearly flunked out of school. Judge Russell, hoping to stimulate his son by appealing to family pride, once wrote: "you carry my name, and I want you to carry it higher than I have done or can do in my few remaining years."[1] Such fatherly urgings, however, were largely in vain.

At the end of his sophomore year, Dick had passed all of his courses except Latin. Believing that a different environment might help his son, Judge Russell decided to send Dick to the Seventh District A&M School near Marietta. There, the curriculum was less rigorous and students had to work for part of their expenses. Dick's father believed that a work schedule might provide the discipline needed to do better academic work. During that year, Dick did improve in his studies, and, after making up his failed Latin course at a University of Georgia summer session, he returned to Gordon and graduated with his class in May 1915. It was a close call, howev-

Footnotes at end of article.

er, whether he would meet the requirements for graduation. He declared years later that "more through grace and pity than through knowledge," his teacher had given him a passing mark in calculus.[2] Up to that time, Dick had clearly failed to meet his parents' expectations in his school work. However, just as his father had planned, he had made many friends who later were important in his rise to political power in Georgia.

In September 1915, Dick entered the University of Georgia Law School in Athens some twenty miles east of his home in Winder. While he continued to be active socially, courting several young ladies, joining the Sigma Alpha Epsilon fraternity, and going to many parties and dances, Dick finally began to take his studies seriously. He did well in his law courses. Even though he was seriously ill and out of school in part of 1916, he received his law degree in 1918. Shortly after graduation, and only months before the Armistice, he signed up for duty in the navy. He did not leave Georgia during his seventy-nine days of service. However, he was proud of his service and joined, and became an active member in, the American Legion.

One of Dick Russell's life-long interests was the reading and study of history. He was an avid reader in many fields, but history was his favorite subject. As early as age nine, he recorded in his boyhood diary that he liked to read American history as well as the history of other countries. Early in 1907, he wrote that he had just completed reading a book on the recent war between Japan and Russia. He also liked adventure stories. But his paramount interest was the history of the Civil War, and, over the years, he became an authority on all aspects of that bloody conflict. Moreover, Russell believed that history had lessons for those who would learn from it, and considered it useful in policy-making decisions. "Look to the past as a means of weighing the present and the future," he said in 1954.

After being discharged from military service in December 1918, Russell returned home to Winder, moved in with his parents, and joined his father in the practice of law. A small town law business, however, failed to satisfy the growing ambitions of this popular young man. In 1920, he decided to run for the Georgia house of representatives. Entering the campaign against a veteran legislator, Russell went from house to house seeking political support. He defeated his opponent nearly two to one.[3] When he took his seat in the general assembly in 1921, he was twenty-three years old and one of the youngest men ever to serve in the Georgia legislature.

In Atlanta, Russell quickly became aligned with a group of so-called "young turks" who were trying to reduce the control of special interests in state government, and advance a more progressive program. This group strongly favored improving the state's public education and building hard-surfaced highways. Education and good roads, Russell said, were the twin pathways to progesss and modernization. On most issues, Russell was moderately progressive.

Early in his political career, Russell developed the tactics and techniques that served him well throughout his half-century of leadership. He carefully cultivated key people who would support him, many of whom were his former classmates at Gordon Military Institute and the University of Georgia. Secondly, he made it a point to know all the rules, regulations, and traditions of the legislature, and, later, of the United States Senate. Knowledge, Russell rightly believed, was power, and he usually had more information than most other legislators. He also had a knack for political strategy, and he paid close attention to the interests of other legislators. Russell was also skillful in identifying the popular issues of the day and making them his own. Furthermore, he early developed the practice of working behind the scenes where he could arrange compromises that satisfied conflicting interests. Finally, he believed that a political leader must be absolutely honest, straightforward, and fair to all people and points of view.

Working on these principles, Russell, despite his youth, advanced rapidly in the Georgia house of representatives. In 1924, with the support of the younger and more progressive crowd, he was elected speaker pro tem. In 1927, he was unanimously elected speaker of the house, and he was reelected in 1929. During his ten years in the general assembly, four of them as speaker of the house, he worked hard to improve education and to build more and better highways. He insisted on a fiscally responsible, pay-as-you-go policy to fund these programs. Russell also became a strong backer of reorganizing the state government in order to achieve greater efficiency.

By 1930, at age thirty-two, Russell was emerging as one of Georgia's major political leaders. He was especially popular among legislators and ordinary people who believed that state government had been operated too much on behalf of the special interest. In April 1930, he announced that he would run for governor on a platform of putting state government on a "business basis" and promising that he would head "an honest and economical administration." Initially, veteran politicians did not think that this young upstart had any chance in a field of seasoned candidates. However, Russell canvassed the state from one end to the other, visiting thousands of voters in their homes and at village crossroads. In this grassroots campaign, Russell presented himself as the peoples' candidate and sharply attacked the special interests. Russell was an excellent speaker and debater. He devastated his opponents with superior knowledge, logic, common sense, and, when necessary, with ridicule and wit. Georgians responded to Russell's call for honesty, efficiency, and fairness in government, and elected him by the overwhelming vote of 99,505 to 47,157 for his opponent.

Russell took this oath as governor in June 1931, during the depth of the Great Depression. In his inaugural address, he promised to balance the state budget and to liquidate Georgia's debts. He emphasized that even the poorest students, especially rural youth, must be given the opportunity for an education, and that a state-funded highway system must be developed. He also stressed the need for governmental reorganization. During the eighteen months that Russell served as governor, his greatest achievement was reorganization of Georgia's government. Over one hundred boards, commissions, and departments were consolidated into eighteen new state agencies. One of the most successful examples of that reorganization was the establishment of the University System of Georgia for higher education which placed a single governing board over all of the state's colleges and universities.

While it was assumed that Russell would run for a second term and be easily reelected, the death of Senator William J. Harris in April 1932 opened up an opportunity for Russell to seek a senatorial post. On April 25, 1932, he announced that he would seek election to Senator Harris' unexpired term, which ran until 1937. At the same time he appointed John S. Cohen, publisher of *The Atlanta Journal*, to serve until the election of Harris' seccessor.

A short time later, the veteran Georgia congressman, Charles R. Crisp, announced that he would seek the Senate seat. The Russell-Crisp campaign turned out to be a long and bitter fight. Russell attacked Crisp's record in Washington and successfully identified him with the ruinous policies that had led to the Great Depression. He also accused Crisp of being aligned with the "power trust" and other representatives of "special privilege." In contrast, Russell presented himself as being "the champion of the masses."[4] He did have the support of most farmers and of organized labor. Russell spoke in every part of the state and aired his views in radio talks. His personal friends, once again, did yeoman service on his behalf. Despite most early predictions that he could not defeat Crisp, and opposition from many major newspapers, including *The Atlanta Constitution*, Russell decisive-

ly whipped Crisp by winning some 58 percent of the popular vote, and getting an higher percentage of the county unit votes.

During the summer, Russell has taken time off from campaigning to serve as a delegate to the National Democratic Convention. He was a strong supporter of Franklin D. Roosevelt. Russell had become acquainted with Roosevelt in the 1920's when the New Yorker spent time at Warm Springs, Georgia. They also had several meetings when they served as governors of their respective states. At the convention, Russell made one of the seconding speeches for Roosevelt, and urged the delegates to nominate him because he was free from the "predatory interests who have long fattened at the trough of special privilege." [5] Roosevelt, Russell declared, would be a great leader because he understood and sympathized with the problems of ordinary people. He saw himself and Roosevelt as favoring many of the same things. He viewed Roosevelt, too, as the man who could best lead the country out of the Depression. Roosevelt's election thrilled Russell, and he was excited about the prospect of working with the new president.

Dick Russell, just past thirty-five, was sworn in on January 12, 1933, as the youngest member of the United States Senate. With the arranged resignation of Senator Cohen, which permitted Russell to take office in January, he gained seniority over those newly elected senators who, in those days prior to the ratification of the Twentieth Amendment, would take their seats on March 4. A bachelor—some said one of Washington's most eligible young men—Russell moved into the Hamilton Hotel and began his long career in Washington.

Knowing that the Senate did its important work in committee, Russell actively sought an assignment to the Appropriations Committee. Senate Majority Leader Joseph T. Robinson of Arkansas tried to explain to Russell that appointment to Appropriations was customarily reserved for senators with more experience and seniority. Of course, Russell knew this, but he persisted. Finally, because of some unfounded rumors that Russell might join a coalition with Senator Huey P. Long of Louisiana, whom the leadership viewed as a troublemaker, his request for appointment to Appropriations was honored. He also secured a place on the Naval Affairs, Immigration, and Manufacturers committees. A short time later, Russell became chairman of the subcommittee on agricultural appropriations. This placed him in a key position to help farmers, a group for whose plight he had deep sympathy.

Russell enthusiastically supported most of the early New Deal legislation. He voted for the Argicultural Adjustment Act, the Tennessee Valley Authority, the National Recovery Act, and for other relief legislation. Moreover, as opposition developed to Roosevelt in 1935 and 1936, Russell became one of the president's strongest defenders. He sharply criticized those who accused Roosevelt of being a dictator, and insisted that the president was leading the country in a peaceful and constructive revolution. While Russell believed firmly in private initiative and a capitalistic economy, he argued that the system had been taken off course by special, predatory, economic interests. The federal government must now intervene, he argued, to right the wrongs and help the common people.

During his early years in Washington, Richard Russell made an intensive study of the Senate rules, traditions, and practices. By the end of the 1930's, there was no better informed senator on the procedures and operations of this body. His knowledge came from hours of reading and study. It was said that he read the entire *Congressional Record* every day. Since Russell never married, he had no family responsibilities, and this left him extra time for Senate work and for special study. Also, Russell continued his policy developed in the Georgia's legislature of working behind the scenes and building up personal relationships between himself and his colleagues. He actually made very few speeches on the Senate floor. He considered that most speeches were mainly for show; he believed in quiet, effective work in committee rooms, over lunch, or in his office. His only public fight on an economic issue was in support of his bill to restrict the imports of jute which, he claimed, competed unfairly with cotton bagging.

Just as Russell was getting well established in the Senate, he had to make a bid for reelection in 1936. His opponent was Governor Eugene Talmadge, one of Georgia's best known and most flamboyant politicians, and father of our former colleague, Herman Talmadge. Although Talmadge was a highly controversial figure who had even called out troops to enforce some of his decrees, Russell and his friends recognized the governor as a formidable candidate. "Old Gene" with his red suspenders and folksy manner was reputed to have the special admiration of the state's farmers. By 1934 and 1935, Talmadge had also become one of the New Deal's sharpest critics.

Russell, however, was not daunted nor intimidated by such opposition. He vigorously defended the New Deal and his support for it, and stressed what he had done in Washington to assist farmers and working people. Besides defending Roosevelt and the New Deal, and his own work in the Senate, Russell attacked Talmadge and his record as governor head on. He accused the governor of forsaking the common people and lining up with rich Republicans. It was a rough and tumble campaign characterized by large and unruly crowds, fist fights among candidates' supporters, and charges and counter charges. Talmadge finally tried to capitalize on the race issue by accusing Russell of not being strong in support of white supremacy and segregation. Russell denied that he had ever compromised on the principle of white supremacy and called Talmadge's charge "despicable." Russell regretted having to discuss racial matters, but handled the matter skillfully and successfully. Unlike many other southern politicians of that period, Russell opposed bringing the race question into election campaigns.

This was not the kind of campaign that Russell liked, but, when challenged and aroused, he was a master fighter on the campaign trail. When the results were in, Russell piled up a huge victory of 256,154 votes to 134,695 for Talmadge. The county unit vote was even more in his favor. Russell's victory in 1936 was so overwhelming and decisive that no other candidate ever again challenged him for his Senate seat. He won five additional elections without opposition. There was no better testimony to his popularity among the people of Georgia.

Former Senator Herman Talmadge, in his recently published memoir, asserts that his father was the state's most popular politician and "in a simple one-on-one contest" he could have beaten Russell.

> . . . the race was not Talmadge versus Russell, the son concluded, so much as Talmadge versus Roosevelt. In Georgia in 1936, it probably would have been easier to run against Jesus Christ than against Franklin D. Roosevelt. The same people who thought that papa was a pretty good governor didn't want him to go to Washington to vote against the New Deal.[6]

Although by the late 1930's Russell was having some doubts about aspects of Roosevelt's policies and programs, in the area of agriculture and farm policy he was making his mark as an avid New Dealer and true friend of the farmer. Russell was a dedicated and confirmed agrarian. Like Thomas Jefferson, he believed deeply in the political and economic importance of an independent farming class. The family farm was, in his view, one of the nation's most important and stabilizing influences. Thus, Russell was always concerned about the welfare of farmers, and he became a strong advocate of help for the small, family-type farmers. He supported all of the basic agricultural legislation enacted after 1933, including the AAA, farm credit, and soil conservation programs. But these programs did very little, if any-

thing, for the tens of thousands of poor tenants and sharecroppers. What could be done to help the poorest farmers, many of whom were located in the South?

Beginning in 1935, Russell pushed measures that would help poor tenants and sharecroppers to become landowners by lending them money to buy land and equipment. The most important law to help the poorer class of farmers was the Bankhead-Jones Farm Tenant Act of 1937, which Russell enthusiastically supported. The problem was to get funds to provide the necessary loans. It was here that Russell played a major role in his position of chairman of the subcommittee on agricultural appropriations. Not only in the subcommittee but also in conference committee, he often beat back attempts to reduce the meager appropriations for the Farm Security Administration. It was not a popular program with many senators, and Russell had to use all of his influence to get even modest appropriations. In the spring of 1942, when it appeared the Congress would drastically cut money for the FSA, President Roosevelt called personally on Russell to save the program. With the cooperation of several influential colleagues, Russell was able to retain most of the funds requested by the president. When the fight was over, Roosevelt wrote Russell thanking him for his "legislative leadership." [7] Throughout the late 1930's and early 1940's, farmers owed their direct parity payments, soil conservation payments, and loans from the FSA more to Russell than to any other single leader in Washington.

In the mid-1930's, Russell began supporting the idea of a federally funded school lunch program to help needy children and to reduce agricultural surpluses. After operating for several years without legislative authority, in 1946 Russell pushed through a bill that made school lunches a permanent program. He also backed the food stamp plan which began on an experimental basis in 1939. Russell was a compassionate man and believed strongly that government should assist those who were needy and could not held themselves.

While Russell considered himself among the loyal New Deal Democrats, he was a man of independent thought and judgment. He would not necessarily support an issue just because it enjoyed the support of the president or the Democratic party. By the late 1930's, he frequently found that he had to oppose the president. In 1937, when Roosevelt attempted to restructure the Supreme Court, Russell did not automatically fight the proposal as many of his colleagues did. It was Russell's nature and inclination to seek some kind of compromise between the president, who wanted some basic changes in the court, and those who found by change whatever abhorrent. When the president rejected as compromise plan advanced by Russell and a few other senators, the Georgian joined those who defeated the "court packing" bill. He also opposed the president's attempt, in the 1938 elections, to purge some senators, one of whom was his colleague, Walter George.

The emerging issue in the 1930's that caused Russell the gravest concern was embodied in proposed Federal legislation to guarantee civil rights for blacks. His views on race had been determined by the culture, traditions, and racial practices with which he had been raised. As a believer in the superiority of Anglo-Saxon culture and institutions, he maintained that blacks was basically inferior to whites. Russell did not dislike blacks and wished them well so long as their progress occurred within their own racial group. For example, he was a strong supporter of black colleges. However, he was vehement against what he called "race mixing," and insisted that both whites and blacks would be better off under strictly segregated conditions. He repeatedly argued that race mixing would lead to intermarriage and what he called "mongrelization" of the races. Above all, Russell believed that Congress had no right to intervene in race relations within a state. That, he argued, would violate States' rights—rights given to the States and protected by the Constitution. In other words, while Russell opposed racial integration, his basic arguments against civil rights legislation were usually based on constitutional grounds.

The problem, however, was that, throughout much of the country, there was a growing demand for Congress to enact legislation to protect black citizens' rights, which had been denied to them by both legal and extralegal methods. An early civil rights campaign focused on the passage of anti-lynching legislation. When an anti-lynching bill was introduced in 1935, Russell and other southern senators easily defeated the measure with a short filibuster. But, in 1938, another anti-lynching measure came before the Senate. By that time, a group of eighteen to twenty southern senators had organized into what became known as the "Southern Bloc" for the purpose of defeating anti-lynching and other legislation designed to protect and enhance the rights of blacks. Senator Tom Connally of Texas was the nominal leader of the group, but, by 1940, these senators looked to Russell for genuine leadership. Because of his knowledge of Senate rules, his parliamentary skill, and organizational ability, Russell emerged as the main spokesman and defender of the South's position on race.

No man in the United States Congress could speak more eloquently about the history, traditions, and virtues of the Old South than Dick Russell. He loved the South, as it had developed over generations, with an almost militant passion. Southern society may not be perfect, he once admitted, but it was nearly so. He believed that racial integration would destroy this ideal condition. Russell also believed that attacks on racial segregation were directed by what he called "South haters" who really did not know or understand the region or its people.

Russell spoke movingly and passionately against the 1938 anti-lynching bill in the Senate. He was no demagogue or race baiter as were some other southern political leaders. He presented serious arguments against the measure, but they were always based on his fundamental understanding of desirable race relations. Russell was as strongly against the heinous crime of lynching as was anyone else. What alarmed him in this instance was the belief that passage of an anti-lynching bill would set a pattern for additional Federal legislation. Next, he said, there would be Federal control of elections in the southern states; then legislation to ban segregation on public transportation and in public places; guarantees of equal employment opportunites; and, finally, laws to require social equality in schools, health facilities, and colleges. Such a legislative agenda, he argued, would violate States' rights and change the nature of his beloved South. Up to World War II, Russell and his colleagues were able to turn civil rights bills, but they were unable to kill the president's Fair Employment Practices Committee, which, in 1941, began to protect employment rights of blacks. During World War II, and into the postwar years, Russell did everything he could to handicap and reduce the effectiveness of the FEPC, but without much success.

As the war clouds rose in Asia and Europe in the 1930's, Russell, as a member of the Naval Affairs Committee, began devoting increasing attention to national defense and foreign affairs. Like most other Americans in the years after World War I, Russell held firm isolationist views. Speaking in opposition to joining the World Court in 1935, he warned his colleagues against getting drawn into European quarrels and conflicts. He believed that George Washington's admonition to be friends with all nations and allies of none was the correct course to follow. Surely, the United States should stay out of European entanglements. "My views are those of a nationalist," he said, and he was "for the United States of America first." [8] While Russell wanted to avoid using

American military power to settle other nations' problems, he was a vigorous advocate of keeping the United States militarily strong. He was especially interested in strengthening the navy. Russell strongly supported the two-ocean navy which his fellow Georgian, Representative Carl Vinson, was pushing. Russell had a special interest in developing aircraft carriers.

Although Russell did not become prominently involved in the debate over neutrality legislation of the 1930's, after World War II broke out in 1939, he supported the American military build-up and the president's plans to aid Britain. He told a 4-H group in 1940 that "our policy of aiding Great Britain and the democracies is now the first national policy of our government. It is too late now to debate; it is our duty to support the president . . ." [9] Besides supporting aid to Britain, this statement reflects Russell's acceptance of presidential leadership in foreign policy matters. Russell championed the Selective Service Act, but he took the progressive position that no person or corporation should profit unduly from defense or war. Men should not be drafted, he argued, unless industries were also forced to contribute to the war effort as the government needed and directed. He was able to enact some legislative requiring the cooperation of industry in the defense effort, but it was a much weaker law than he had hoped to enact.

During World War II, Russell headed a committee of five senators who visited the world's far-flung battlefields where American troops were engaged. The purpose of the trip was to help Congress determine if American supplies and equipment were adequate and if they were being used effectively. The group left Washington on July 25, 1943, and did not return until September 28. The senators went first to England, then to North Africa, the Persian Gulf region, India, China, and Australia before returning home. Russell was greatly impressed with the quality and performance of American troops, and, for the most part, he approved of the operations that he had an opportunity to observe. However, he was critical of how some military supplies were being used by American allies.

Upon returning home, Russell gave a detailed report to the full Senate on the committee's trip. He dealt with several major issues that became highly important in the post-war years. Russell insisted that the United States should retain some of the bases and land parcels that had been won with the blood of American fighting men. Such bases and facilities, he argued, would be needed to guarantee American security and to preserve the peace. While some commentators accused him of being imperialistic, Russell claimed that bases would be absolutely necessary for the United States to help maintain world stability after the war. He also warned against the United States' dispersing huge amounts of relief and aid to countries around the world following the war. He believed that leaders he had met in his extensive travels had unrealistic expectations of what the United States should or could do.

By the close of the war, Russell was beginning to view our wartime ally, the Soviet Union, as untrustworthy and expansionistic. Part of this view stemmed from an effort by Russell in the summer of 1945 to visit Russia after he and a Senate committee had investigated conditions in Western Europe. The Russians delayed issuing Russell an entry permit for so long that he became disgusted and returned home from France. He saw the Russians as unnecessarily suspicious and uncooperative. Russell also was frustrated with what he considered the kid-glove treatment given to defeated Japan. Even after the United States had dropped two atomic bombs on Japanese cities, Russell did not think that the average citizen of Japan realized the extent of that nation's defeat. Russell urged President Truman to oust the emperor and to march a large army down the streets of Tokyo as a means of impressing the Japanese with the American victory. He did not consider this vindictive; only proper punishment for attacking the United States at Pearl Harbor in 1941.

By the end of World War II, Dick Russell had become one of the United States Senate's leading members. Passage of the Legislative Reorganization Act of 1946 left him with especially strong committee assignments. While he lost his chairmanship of the Immigration Committee, which had been absorbed by the Judiciary Committee, Russell retained his position on Appropriations and got a seat on the newly formed and powerful Armed Services Committee. When the Democrats regained a majority in Congress in 1949, following their defeat in 1946, Russell ranked second and fourth respectively on those two most influential panels. In 1951, he became chairman of Armed Services, a position that he held until 1969 when he gave it up for the chairmanship of Appropriations, except for the two years, 1953-1954, when the Republicans were in control. Russell was also appointed to the first Joint Committee on Atomic Energy in 1946, and, after the Central Intelligence Agency was established in 1947, he became a member of the CIA's congressional oversight committee. Russell also served on the Senate Democratic Policy Committee, which was formed in 1947, and, a decade later, he became a member of the Democratic Steering Committee. He held strategic positions at many points of political and legislative power.

In the post-World War II years, Russell spent much of his time trying to help and protect farmers. He was one of the major participants in the Farm Bloc, an informal group of farm-state senators who were committed to getting fuller prosperity for farmers. Among the senators with whom Russell worked closely on agricultural matters was Republican Milton Young of North Dakota. Russell and Young developed a kind of cotton-wheat coalition that fought hard for legislation to guarantee prices of 90 percent of parity for most basic crops. Russell, Young, and their supporters were able to maintain the 90 percent principle well into the mid-1950's.

His interest in supporting Federal programs and agencies which assist farmers never lagged. The Farm Security Administration had been effectively killed in 1943, but a new agency, the Farmers Home Administration, was created by Congress in 1945. The FHA was supposed to make loans to poor farmers to help them buy land and equipment, but Congress failed to appropriate enough funds to assist many of them. Russell fought hard, as chairman of the subcommittee on agricultural appropriations, to increase appropriations for the agency, but he achieved only limited success. He had better luck fighting against cuts for soil conservation. As one of the leading conservationists in the country, Russell resisted efforts by the Republican Eightieth Congress to reduce the amount of money for soil conservation to what he called a "paltry" $150 million. After a hard fight in 1947, he was able to add nearly $100 million to that amount. He was also responsible for increasing the amount spent on the school lunch program in the postwar years, something that gave him great satisfaction. Senator Russell, however, was equally proud of the Research and Marketing Act which he pushed through the Senate in 1946.

Although Dick Russell supported much of President Truman's domestic program, he parted company with the chief executive over labor legislation. He voted for the Taft-Hartley bill in 1947, and he voted to override the president's veto of that measure so hateful to organized labor. Russell was not antilabor or anti-union. Organized labor had supported him enthusiastically in his races for governor and senator. But Russell had concluded by the mid-1940's that some labor leaders were becoming too powerful and were gaining excessive political influence. He viewed some segments of organized labor's leadership as greedy, selfish, and irresponsible. He was especially concerned with the political activities of the Congress of Industrial Organization's Political Action Committee.

Special interests of this kind, Russell believed, were becoming too powerful, so powerful in fact that they were threatening the democratic process. Pressure groups were "becoming dangerous" to the independent thinking of House members and senators, he said. "We must retain the legislator's independence of thought," he argued. "It is not a good thing when pressure groups elect a man who is forever beholden to them." [10] Russell, however, had concerns that went beyond the question of general pressure groups. He was annoyed by the lobbying being done by some labor unions for civil rights laws.

By the 1940's, Russell foresaw a problem that was to become of national concern a generation later. That was the spending of huge amounts of money by political action groups on the campaigns of candidates who would support their special interests. Not only were the amounts of money corrupting, in Russell's view; but some representatives and Senators also came to use campaign money in ways that made it hardly distinguishable from their private funds. Such use of money was abhorrent to Russell who was a stickler for honesty and old fashioned morality. In his own campaigns, he had returned to contributors money that was not needed for actual campaign expenses. He once sent a check for $100 back to a contributor with a note advising his friend that the amount was too generous and that he really did not need the funds. Thus, Russell saw the growing use of money in political campaigns, raised by whatever pressure groups, as endangering the democratic political process and threatening the nation's welfare. Russell himself, of course, had little need for campaign money after 1936. Funds for his filing fee and a few advertisements every six years was the limit of his campaign expenses.

Another issue on which Russell felt deeply was immigration. He strongly supported the National Origins Act of 1924 which restricted total immigration to about 150,000 a year and favored northern European immigrants through a quota system. He opposed extending quotas to Asian and African countries, because he felt that immigrants from those nations would change the national racial complexion and reduce the Anglo-Saxon influences of which he was so proud. He once boasted that Georgia had only seven-tenths of one percent foreign born population. Russell was one of the leaders in fighting President Truman's plan in 1946 to admit some 400,000 refugees. Russell believed that the admission of thousands of European refugees would open the flood gates for refugees from all over the world. He wanted to tighten immigration laws, not loosen them. While Russell fought hard against the Truman policy, he could only delay and modify it.

Although Russell opposed some of Truman's domestic policies, he lent strong support to the president's policies to block Russian aggression. When the president called for economic and military aid for Greece and Turkey in 1947, Russell backed the plan. He also voted for the Marshall Plan which provided for spending billions over four years to help restore the economies of Western European countries. While initially supporting foreign aid as a means of helping countries regain economic and military strength to resist Communism, Russell soon became disillusioned over the foreign aid program. He favored humanitarian assistance and programs for self-help, but, by 1952, he had become one of the bitterest opponents of the unending flow of American funds to countries all around the world. He had several objections to the foreign aid program: its failure to win friends for the United States; waste; burdens to American taxpayers; and its open-endedness. To Russell, foreign aid became a bottomless pit into which hard-earned American taxpayer dollars were thrown year after year with little or no benefit to the United States. Consequently, he worked hard to defeat foreign aid bills in the 1950's and 1960's, but was only able to reduce the amounts appropriated. Even that limited achievement, he believed, was worthy of his efforts.

Russell considered the Soviet Union to be imperialistic and the source of most post-war problems throughout the world. There was no more ardent cold warrior in Congress than Dick Russell. He used his influence on the Armed Services Committee and the Appropriations Committee to strenghthen conventional military forces and to develop new weapons. He bitterly opposed sharing any atomic secrets with the Russians. He viewed the conflict between that nation and the United States as a worldwide battle between good and evil. When the North Koreans invaded South Korea in 1950, he saw that action as an extension of Soviet power through one of its satellites, an action that must be resisted.

Overall, however, Russell was reasonably well satisfied with the early Truman presidency. Civil rights, however, served as the issue that drew him into opposition to his old Senate colleague. Truman's legislative program included establishment of a permanent Fair Employment Practices Commission, abolition of segregation in the armed forces, passage of anti-poll tax legislation, and other measures to guarantee the rights and opportunities for blacks. Following the president's special message on civil rights in February 1948, Russell wrote a constituent that the president's proposals were the "most outrageous affront to the people of our section that we have had to face since Reconstruction days." [11] Russell not only opposed actions that might break down segregation and destroy white supremacy; he also believed that Truman's constant pressing for civil rights would split the Democratic party and lead to Republican victory in 1948. The Republicans had already won control of Congress as a result of the mid-term elections of 1946, and Russell and other prominent Democrats had lost their committee chairmanships.

Regardless of adverse consequences to the Democratic party, Russell believed that he must fight the Truman civil rights program with all his power. On March 6, 1948, twenty-one southern senators met in Senator Harry Byrd's office to plan their strategy to resist and defeat the president's program. These senators named Russell as their leader, a position he had held informally for several years, and worked out plans to keep close watch in the Senate to make sure no civil rights bills were enacted through some unexpected parliamentary maneuvering. This Southern Bloc saw Truman's effort to eliminate Jim Crow practices as the "opening wedge in the fight to stop all segregation" which, in practice, meant that blacks and whites would "attend the same schools, swim in the same pools, eat together, and eventually, inter-marry." [12]

So strong was the opposition to Truman's stand on civil rights, that many southerners opposed the president's renomination in 1948. But who could the anti-Truman Democrats put in the race for the nomination? Finally, the anti-civil rights southerners prevailed on Richard Russell to let his name be placed before the convention delegates. Russell knew that he had no chance for the nomination, and he wrote: "I was very reluctant to permit the use of my name, but decided that those who were opposed to Mr. Truman were entitled to have someone for whom they could vote." [13] Russell received 263 delegate votes, but Truman won easily. Loyal Democrat that he was, Russell refused to join the Dixiecrats. He quietly voted for Truman, but did nothing to help in the Democratic campaign.

It was not long before Russell had an opportunity to help the increasingly beleaguered president. Because of differences in basic policy and strategy in the Korean War between General Douglas MacArthur and the president, Truman removed MacArthur from command in the spring of 1951. The dismissal of a highly popular general by an unpopular president raised a storm of protest against Truman, whose administration was already

under attack for being soft on Communism and filled with corruption.

It was into this highly charged atmosphere that Russell entered the scene and calmed the political storm swirling around the president. Russell chaired a joint committee of inquiry that looked into the removal of MacArthur and the general foreign policies of the United States in the Far East. The hearings lasted from early May until late June. The committee heard MacArthur and scores of other witnesses. Russell skillfully guided the hearings in a fair, calm, and rational way, and, by summer's end, the issue had largely faded from public consciousness. Truman was deeply grateful to Russell for the manner in which he had handled the entire matter and quieted the controversy.

During the hearings, Russell had made one thing abundantly clear; he believed that some senators were too loose-lipped, and were more interested in making points with the press through leaks than in protecting the nation's security. As witnesses talked about military tactics and strategy in the executive sessions, Russell emphasized that such information must be kept absolutely confidential. He warned his colleagues about "a careless word, a slip of the tongue" that might help America's enemies. When some of General George C. Marshall's testimony was leaked to the press, Russell was furious and lectured his fellow senators on the importance of guarding against indiscreet statements. He added that, if such leaks endangered the lives of American soldiers in Korea, neither "our God nor our fellow citizens will ever forgive us nor would we deserve forgiveness." Russell believed that there was a common sense balance between providing the people with enough information on which to make proper policy decisions, and maintaining sufficient secrecy to protect the country's security.

Another crucial issue that came up in the MacArthur hearings was that of "executive privilege." When Republican Senator Alexander Wiley attempted to make General Omar Bradley reveal his personal conversations with the president on April 6, 1950, Bradley refused to tell the committee what Truman had said. When Wiley persisted, Russell ruled that a "private conversation between the president and the Chief of Staff as to detail can be protected by the witness if he so desires." This was a strong statement upholding executive privilege, and, moreover, reflected Russell's deep respect for the office of the presidency. Russell also had a strong commitment to the principle of separation of powers.[14]

The MacArthur hearings gave Dick Russell a great deal of national exposure. He did not normally seek publicity. Indeed, he did not have a press secretary in his office until 1959. But, whether or not he wanted publicity, he now was the subject of scores of articles in newspapers and magazines. These accounts reviewed his career and activities in a depth not previously known. Richard Strout wrote in the Christian Science Monitor that Russell was the "most powerful man in the Senate" and that body's *de facto* leader.

In late 1950 and early 1951, many of Russell's colleagues urged him to accept the position of Senate Majority Leader. However, Russell refused to seek or accept the formal leadership post because he disagreed with too much of the administration's legislative agenda, especially that dealing with civil rights. As Russell put it, he wanted to maintain "absolute independence of thought and action." [15] While Russell did not want to be Majority Leader himself, no Democrat could gain the position without his support. In 1951, he endorsed Ernest McFarland of Arizona, who was elected. At the same time, as I have described in previous addresses, he threw his support for majority whip to his young Texas friend, Lyndon B. Johnson. Johnson had no claim to the position, except that he had the backing of Dick Russell. That was what counted! This was the beginning of the rapid rise of Lyndon Johnson in the Senate's Democratic hierarchy. It was based on his close personal and political friendship with the Senate kingpin, Dick Russell. It was Russell, more than anyone else, who was responsible for making Lyndon Johnson Majority Leader in 1955.

The growing influence of northern liberals in the Democratic party during the Truman years caused Russell grave concern. From his perspective, the most troublesome issue was the continued demand for civil rights legislation. It was clear that the South's influence in national party affairs was declining. The uppermost question in Russell's mind was how to restore and increase the southern role in party councils. One possible avenue was to support a strong southern candidate for the presidential nomination in 1952. While a southerner probably would not be able to win the Democractic nomination, the strength flowing to a candidate from the South might influence the platform and the party's general philosophical direction. At least this was the hope of many southerners.

The most logical man in the South to make such a race was Dick Russell. As the 1952 nominating campigns approached, many southerners urged Russell to actively seek the nomination. But Russell was reluctant. Always the realist, he told supporters that no southerner who opposed civil rights law had any chance to win the Democractic nomination for president. Despite numerous denials that he would seek the nomination, he came under increasing pressure to enter the race. Governors James Byrnes of South Carolina and Herman Talmadge of Georgia, and Senators Burnet Maybank and Harry F. Byrd were the leading advocates of a Russell candidacy. Finally, he gave in to the desires of his friends and announced, on February 28, 1952, that he would be a candidate for president and would campaign for the nomination. Surrounded by Senators Russell Long, Maybank, and John Stennis, Russell told reporters that he would seek the position on a platform favoring states' rights, a strong defense, and economical and honest government. Most observers from all sections of the country admitted that Russell was well qualified for the presidency, but most writers discounted his chances because, as columnist Doris Fleeson declared, he was "saddled with the traditional southern attitude on civil rights."[16]

Despite this obvious handicap, Russell made a strong bid for the nomination. He defeated Estes Kefauver in the Florida primary, and then went on a nationwide tour in search of delegates. However hard he tried to present himself as a moderate Democrat who had supported most of the New Deal and much of the Fair Deal, he could not remove the image that he was only a regional candidate. When the Democrats met, he could only attract 268 delegate votes, mostly from the South, and the convention went on to nominate Adlai Stevenson. Russell had been right about his chances. As Harry Truman said, Russell might have been elected president if he had lived in Indiana, Missouri, or Kentucky, but the country was not ready to nominate a Georgian. Calvin W. Rawlings, Democratic national committeeman from Utah, wrote to Russell that, "if it were not for geography and by the grace of God," he could have been nominated instead of Stevenson.[17] Russell was offered the vice presidency, but that was an office in which he had no interest whatever.

Russell voted for Stevenson, but he refused to assist in the campaign. The Democratic platform, which had a procivil rights plank, was too distasteful to Russell. Despite his disagreement with the so-called liberal Democrats, Russell took no pleasure in Dwight D. Eisenhower's victory and the resulting control of both houses of Congress by the Republicans. Russell made it clear that he would fight to retain the New Deal and Fair Deal gains against any Republican onslaught.

During the Eisenhower presidency, Russell devoted most of his energies to three major issues—agriculture, defense, and civil rights. The farm problem was never very far from Dick Rus-

sell's mind. After 1953, large surpluses built up, prices declined, and operating expenses rose, placing farmers in a tough cost-price squeeze. As a result of hard times on the farm, tens of thousands of farmers went out of business each year. To Russell, this was a national tragedy and dangerous to American strength and stability.

Secretary of Agriculture Ezra Taft Benson, with President Eisenhower's blessing, set out to reduce the level of Federal price supports on major farm commodities. Russell believed that this was a serious mistake, and he fought to preserve and extend price supports at 90 percent of parity. Some bitter battles ensued before Russell and his farm-state supporters lost the fight in a Congress that was becoming more and more consumer oriented. Beginning in 1955, flexible price supports were inaugurated which led to lower support prices for most major agricultural commodities. Russell complained and protested that Congress did not treat farmers fairly. He wrote one constituent that he could not understand the "policies of this/Eisenhower/administration which are threatening to destroy rural America." [18] He was more successful in getting funds for conservation, agricultural research, school lunches, and other purposes.

In all of the controversies over farm policy in which Russell engaged, one fact emerged that greatly disturbed him. That was the declining political power of agriculture. His correspondence in the 1950's is filled with references to this situation. Part of the reason rural America was losing its political clout, he believed, was the divisions among farm spokesmen themselves. Much more important, however, Russell considered that farmers were being sacrificed on the altar of a cheap food policy that catered to consumers in the growing urban centers. But, however hard he tried, Russell could not change policies that resulted from basic demographic shifts. Despite his concern for farmers and his criticism of the Eisenhower administration, Federal expenditures on agricultural programs rose sharply after 1953. Although it could hardly be said that the Federal Government was neglecting farmers, Russell believed that he could have developed better farm programs.

Other than national defense, the issue of greatest concern to Dick Russell in the fifteen years after 1948 was civil rights. The increasing demands for legislation that would end legal segregation required his constant attention. As leader of the Southern Bloc, he spent untold hours developing strategy and organizing the eighteen southern senators who made up the core of resistance to civil rights bills.

Up until 1953, Russell and his supporters had effectively used the filibuster to block civil rights legislation. Attempts of civil rights proponents to change Senate Rule XXII, so that a majority instead of two-thirds of the senators could shut off debate, had been defeated by southerners with some conservative Republican help. Russell, however, not only opposed restrictions on debate to keep civil rights bills from coming to a vote; he also sincerely believed in the principle of full and free discussion on every issue. To Russell, unlimited debate was one of the Senate's most cherished and sacred practices and traditions.

Russell was greatly concerned over the breakdown of segregation in Federal agencies, including government departments, hospitals, and military posts. This was of high concern to him because it had been accomplished by administrative action, and there was nothing that segregationists in Congress could do to stop the trend. He had even gone so far in 1948 as to introduce legislation that would give men entering the military services the right to choose a segregated or integrated unit. The next year, he introduced a bill which would have encouraged blacks in the South to relocate in other parts of the country by subsidizing a move by black families. Russell believed that civil rights advocates did not know the true problems of having large numbers of blacks living under integrated conditions. His bill, he said, would expose the hypocrisy of northern integrationists. According to Russell, these so-called liberals were more interested in the black vote than in any principle of human rights. In any event, neither of these bills gained any significant support in Congress, but they did express the depth of Russell's feeling on the race issue.

Russell also had a growing fear that segregation would be destroyed by the Federal courts, thereby bypassing. Congress. Nevertheless, he was hardly prepared for the Supreme Court decision in *Brown v. Topeka Board of Education* handed down in May 1954, and which held that segregation in public schools was unconstitutional. He called the decision a "flagrant abuse of the judicial power and a violation of states' rights." [19]

As a result of the Brown case and other civil rights developments, Russell and a number of other southern senators drew up the Declaration of Constitutional Principles, better known as the "Southern Manifesto." Russell prepared the final draft which criticized the Supreme Court, and promised that southerners would use all lawful means to reverse the Brown decision.

Meanwhile, civil rights bills were being considered in Congress. By 1957, it was clear even to Russell that some kind of civil rights legislation would be enacted regardless of southern opposition. Thus, he turned his energies and influence to weakening a bill that had already passed the House in June 1957, hoping to make the measure as ineffective as possible in—as he viewed it—disturbing race relations in the South. While one of the bill's main features was to guarantee blacks the right to vote, Russell believed that it gave the attorney general far too much power to "force intermingling of the races in the public schools and in all places of public entertainment." He was especially upset over the denial of a jury trial for any violators of civil rights legislation.

Although some southern senators wanted to stage another filibuster, Russell as leader of the Southern Bloc advised otherwise. Working with his friend, Majority Leader Lyndon Johnson, he skillfully removed the most distasteful features of the bill. From the southern viewpoint, when the law passed, its worst provisions had been eliminated. Critic Thomas L. Stokes wrote that the bill had been watered down by Johnson, "the errand boy for Senator Richard Russell, who put Lyndon Johnson in the post of leadership." [20] *Time* magazine carried Russell's picture on its cover on August 12, 1957, and, in an accompanying article, called his resistance to civil rights legislation, "one of the most notable performances in Senate history." Russell, himself, was proud of his efforts. He considered keeping the Federal Government "out of our schools and social order" the "sweetest victory of my twenty-five years as a senator." He was equally successful in defeating the tougher provisions of the 1960 Civil Rights Act. In this case, he organized his eighteen-member Southern Bloc into teams of three and so wore down the Senate that only minor gains were included in the bill, and then only with Russell's permission. After that fight, Senator Harry F. Byrd of Virginia declared that under the superb leadership of Russell, southerners had "demonstrated the effectiveness of courageous massive resistance."[21]

By the early 1960's, however, Russell recognized that effective and meaningful civil rights legislation would be passed. The national mood had changed, southern resistance had weakened, and an effective political leader, Lyndon Johnson, had become president. After Johnson moved into the White House, Russell frankly admitted that nothing he and other anti-civil rights forces could do would be sufficient to stop civil rights legislation. After all, Russell was a political realist. As the 1964 Civil Rights Act was about to be passed, Russell spoke movingly, and at length, against it. This, however, was to make a statement of principle with no thought of

defeating the measure. He knew the outcome had already been determined. After passage of the law, he urged all people to "comply with the law of the land," a statement that brought praise from President Johnson. When Congress passed further civil rights legislation in 1965, Russell was too ill to resist it actively.

Dick Russell never changed his mind on the issue of racial integration. He viewed civil rights laws as "force bills" designed to change race relations in the South. He believed, too, that much of the support for civil rights legislation came from what he called "South haters." On most issues, Russell was flexible and able to compromise, but, on the question of racial integration and white supremacy, he died holding the same views as those held by his southern ancestors. History, tradition, and social relations as they had developed in the South after slavery held an unbreakable hold on him. Indeed, he viewed federal legislation to guarantee equal rights for blacks as a repetition of intervention by national authorities in the South after 1865.

Senator Russell may never have adjusted to some of the country's social changes, but he was one of the strongest advocates of a powerful national defense in the post-World War II years. As chairman of the Armed Services Committee and a member of the Appropriations Committee, he was in a position to exert great influence on strengthening American military forces. He had little faith in the United Nations as a peace keeping agency, and believed that the United States could not rely on the NATO countries to preserve peace and stability. He once said that if Russia should attack Italy, all of the American arms provided to that NATO ally would soon be in Russian hands!

Even after the death of Joseph Stalin in 1953, and what appeared to be less aggressive attitudes by the Soviet Union, Russell's views toward Russia remained the same. He did not trust the Russians, and declared that the only hope for peace in the world was for the United States to strengthen its military forces. He believed that any negotiations with the Soviet Union must be done "from strength rather than from weakness." [22] Surely, Russell's highest national priority was to build and maintain a degree of military power that could not be successfully challenged by any nation in the world. Consequently, he favored universal military training; strengthening the conventional armed forces; maintaining a supply of nuclear weapons, with the planes and missiles to deliver them; and adequate appropriations for the development of ever more highly sophisticated and technical weapons.

Russell had little faith in the massive retaliation theories of John Foster Dulles, President Eisenhower's secretary of state. To Russell, such a policy relied too heavily on nuclear retaliation, which could lead to the destruction of both Russia and the United States. Under the Dulles policy, there would be greater reliance on nuclear power so that cuts could be made in conventional forces and money saved. Russell objected strenuously to President Eisenhower's recommendation to reduce appropriations for some of the regular military services, especially the Air Force. He believed that the Strategic Air Command had been the major deterrent to greater Soviet expansion. Russell wanted more bombers, fighter planes, and support services for the Air Force. When his critics talked about the need to cut defense costs, he replied that economy was important, but only after American defenses had been built up. "I want to see planes first and then consider the cost in dollars," he said.[23] He recommended spending more on national defense even if other government programs, such as foreign aid, had to be reduced. He declared that "the policy of increasing the appropriations for foreign aid and for many domestic activities while reducing our armed strength is completely incomprehensible to me." [24]

Russell became so unhappy over military cuts and large foreign aid expenditures in the 1950's that he once suggested, not entirely with tongue in cheek, that the entire foreign aid appropriation be transferred to the Air Force. He told Senator Kenneth McKellar of Tennessee that the State Department had no answer to a foreign problem except "to pump in a few more millions from the pockets of our taxpayers into the troubled area." [25] Russell and his backers were able to reduce foreign aid outlays some during the 1950's, but he was unable to get as much money for additional military equipment as he wished. He was distressed that more funds could not be appropriated for the most sophisticated weapons. By 1959, he believed that a serious missile gap existed between the United States and the Soviet Union. Criticizing the Eisenhower military budget for fiscal 1961, Russell declared that it was no time to "quibble over a couple of billion dollars." [26]

Russell found in President John F. Kennedy an ally for greater military spending. When Kennedy asked for an increase of $2 billion, mostly for bombers and missiles early in 1961, Russell gave the request his strongest support. He was able to obtain even more funds for the military budget than the President had requested.

One of Russell's reasons for wanting overwhelming military strength was to deal with problems such as the Cuban missile crisis of 1962. When Kennedy called Senate and House leaders to a conference on that crisis, Russell strongly urged that air power be used to wipe out the Soviet missiles in Cuba. But when Kennedy decided on a quarantine of Cuba instead, Russell announced that he would fully back the president. In such a situation, he said, "the only voice that can speak for the United States was the president." [27] However, Russell always regretted that military action was not taken against Castro when a good excuse presented itself as he believed had been the case in 1962. To have solved that problem with forceful action, he argued, would have had "a salutary effect all over the entire world" by discouraging other brush fire revolutions and wars encouraged by the Soviet Union.[28]

Russell's continued distrust of the Soviets was reflected in his vote against the Nuclear Test Ban Treaty in September 1963. This was an agonizing decision for him, but he told his colleagues that the treaty was flawed because it did not contain proper or verifiable inspection clauses to guarantee Russian compliance. He argued that the Soviets simply could not be trusted, and he sought to prove his point by listing the numerous treaties that the Russians had violated.

From the beginning, Dick Russell was an outspoken opponent of American military involvement in Vietnam. He had supported the Korean War because it was a response to direct invasion by the North Koreans, but he believed the situation was different in Vietnam. He almost had a phobia against getting American forces involved in a land campaign on the continent of Asia. Consequently, when President Eisenhower and Secretary Dulles asked congressional leaders about supplying American air power to help the collapsing French forces in Vietnam in April 1954, Russell spoke vigorously against such a move. He argued that sending air support to the French would be the first step toward greater involvement and the possible use of ground troops. "Once you've committed the flag," he declared, "you've committed the country. There's no turning back; if you involve the American Air Force, why, you've involved the nation."[29] That, Russell said, would be a fatal mistake.

As Presidents Eisenhower, Kennedy, and Johnson gradually extended American military power into Vietnam, Russell grew increasingly uneasy. It was bad policy, he believed, because the Vietnamese are not doing much to help themselves, and American allies refused to provide any meaningful help. It was wrong to try to go it alone, he said. However, believing deeply that only the president could be the spokesman for America's foreign policy, he supported the ends of American objectives in Vietnam, if not the means to achieve them. Russell insisted that, once the United States was

in Vietnam, much more military power should be brought to bear on the North Vietnamese. By 1966, he was advocating the use of a battleship to bombard the coast of Vietnam, the bombing of military and industrial targets around Hanoi, blockading the port of Haiphong, and other measures that would either defeat the North Vietnamese or force the Communists into meaningful negotiations. But President Johnson ignored his old mentor's advice. Russell went to his grave still frustrated and critical of what he considered America's halfway military measures in Vietnam.

Senator Russell disagreed with most of America's major foreign policies after World War II. He placed most of his confidence in a strong national defense, both nuclear and non-nuclear. He believed in using military force only when American national interests were directly at stake. In the case of Cuba, he would have used force because he believed Soviet intrusion ninety miles from the Florida coast was a direct threat to the nation's vital interest. On the other hand, there was no overriding reason, in his view, to intervene in Vietnam. He raised the key question of how could Communism in far away Vietnam be worthy of American military resistance when the United States refused to dislodge a Communist state close to home. To Russell, this was not only mistaken policy, but it cast aside common sense as well. On foreign aid, he was one of the nation's sharpest and most persistent critics of a policy that he believed was wasteful, expensive, and largely ineffectual from the viewpoint of American national interest. Despite his disagreement with much of American foreign policy after 1945, he was a loyal, patriotic leader who fought hard for what he believed was in the country's best interest. He was a strong nationalist in every sense of that term. In 1969, he gave up the chairmanship of the Armed Services Committee and became chairman of the Appropriations Committee.

By early 1971, at the end of 38 years in the U.S. Senate, Dick Russell had left his indelible mark on national affairs. No major legislation bore his name, mainly because he had worked quietly behind the scenes and had not sought credit or courted publicity. But he had made numerous permanent contributions. These included agricultural legislation, the Food Stamp and School Lunch Programs, the conservation of natural resources, a strong national defense, research and scientific achievement, and many more.

Most of all, Russell understood, appreciated, and protected the institution of the U.S. Senate. As Jack Valenti wrote in The Washington Post on January 12, 1963, Senator Russell was the "embodiment of the Senate's constitutional tradition. The Senator understands the Senate; * * * he knows its moods and its dignity. He guards its honor. He nourishes its heritage." Russell, Valenti continued, "never swerves from the history of the Senate as a structure undiminished by time, undisturbed by the moment, unbudgeable in crisis and controversy."

Senator Russell's Senate colleagues were among his most ardent admirers. They respected him for his intellect, his integrity, his fairness, his courage, and his ability to cut to the heart of any problem. Special accolades from fellow Senators were common, but they were almost embarrassing to Senator Russell at the time of his 30th anniversary in the Senate in January 1963. Senator Mike Mansfield referred to his "calmness and kindness," his "reason and deliberation," and his "scrupulous fairness." Everett Dirksen emphasized Russell's "rare fidelity to the traditions and institutions of this country," while Frank Carlson believed that Russell was "the most influential and substantial leader in the U.S. Senate." [30]

Writer William S. White was one of the many observers outside the Senate who were impressed with Russell's character and ability. White called him one of the "greatest Senators of his era." While Russell suffered from being a southerner, White explained, "no politician in his time has more clearly and more repeatedly earned consideration for the highest office of them all." [31] Senator Sam Irvin agreed that, after viewing all national leaders, Russell was the best qualified man to be president of the United States.[32] When the publication, Pageant, asked Senators to rank the five top members of that body in 1964, Russell was listed by those of us who were his colleagues as No. 1.[33]

One trait or habit that Russell possessed, and which his colleagues greatly admired, was the consideration which he extended to new Senators. Freshmen Senators often achieved more than they expected because of Russell's help. On September 14, 1959, Senator Howard A. Cannon of Nevada wrote Russell expressing his appreciation "for your outstanding leadership * * * and for the help and consideration you have given to me as a junior Senator." I wrote to Senator Russell at about the same time saying that it had been a "glorious experience" to have served with him during my first year in the Senate. A few months later, I wrote again that Russell typified "the character, the poise, the brilliance that are associated with true greatness." I continued, "You shall never know the profundity of the impression you have made upon me as a new Senator." [34] I concluded that it was my greatest hope to "become a Senator with the stature of Richard B. Russell."

Dick Russell was a southern patrician of the old school. He was courteous, charming, polite, and considerate. He was generally tolerant and understanding, but he could be devastating in debate and comment, as many discovered who were the targets of his sharp tongue and quick wit. He once called Drew Pearson a skunk, and referred to Joseph Alsop's column as "allslop."

As Dick Russell never married, he lived in Washington hotels from 1933 until 1962 when he purchased an apartment at the Potomac Plaza. During his early years in Washington, he enjoyed an active social life, attending movies, sporting events, meeting friends in the late afternoon, or taking a lady friend to dinner. He disliked cocktail parties and receptions, so popular in Washington, and, after a few years, he turned down most of the many invitations he received. He preferred to spend the evenings in his room working on Senate business or reading history. He did greatly enjoy socializing with fellow Senators. He frequently had dinner with Lyndon and Lady Bird Johnson, and Senator Harry Byrd's Apple Blossom Festival was one of Russell's annual highlights. He sometimes went fishing with Senator Willis Robertson. His strong interest in sports never diminished, and he attended baseball and football games as long as his health permitted. Football Coach Vince Dooley at the University of Georgia said that he had never known anyone outside the coaching staff who knew so much about Georgia football players, their talents, and strengths as Russell did.

Russell started to have health problems in the mid-1950's. He had begun to smoke heavily as a teenager, and, by the 1950's, he suffered from the early stages of emphysema. He finally stopped smoking, but his respiratory problems continued to get worse in the 1960's. He was so ill in early 1965 that he had to be absent from the Senate for several months. He also had lung cancer which was treated successfully, but his lungs were so permanently damaged that he could never recover. Returning to Walter Reed Army Medical Center in January 1971, he struggled with his respiratory difficulties until his death on the afternoon of January 21. He was buried in the family cemetery behind the Russell home at the edge of Winder.

Richard B. Russell, Jr., served his State and Nation for 50 years, and spent more than half of his life in the U.S. Senate. At the time of his death, he held two positions of great prestige in this body—President pro tempore and chairman of the Appropriations Committee. He left a mark that will always be prominent in the history of the U.S. Senate, and one that will always be prominent in the memories

of those, like myself, who served with him for so long in the Senate of the United States.

Mr. President, I ask unanimous consent to include footnotes to "Richard Brevard Russell."

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

FOOTNOTES TO RICHARD BREVARD RUSSELL, JR.

[1] For sources on Russell's early life see, Gilbert C. Fite, "The Education of a Senator: Richard B. Russell, Jr. in School," The Atlanta Historical Journal, 30 (Summer 1986), pp. 19-31; and Karen Kelly, "Richard B. Russell: Democrat from Georgia," Ph.D. dissertation, University of North Carolina, 1979, ch. I. See also John H. Willey, "A Study of the Political Mind of Richard B. Russell, Jr., 1930-36," M.A. thesis, Vanderbilt University, 1974.

[2] Speech given at Barnesville, GA, Nov. 11, 1928. Russell Collection, speech file. All subsequent references to Russell speeches and correspondence are found in the Russell Collection, University of Georgia Library, Athens, GA.

[3] Winder (GA) News, Sept. 9, 1920.

[4] Southern Cultivator, 90 (Sept. 1, 1932), p. 7.

[5] The Atlanta Journal, June 29 and July 1, 1932.

[6] Herman E. Talmadge, Talmadge: A Political Legacy, A Politician's Life (Atlanta, 1987), p. 36.

[7] Franklin D. Roosevelt to Richard B. Russell. Roosevelt papers, Hyde Park, PPF 3869.

[8] CONGRESSIONAL RECORD, 74th Congress, 1st sess., Jan. 29, 1935, pp. 1054 and 1147.

[9] Russell speech at Berry College, Georgia, 1940.

[10] The Atlanta Journal, Apr. 14, 1946.

[11] Richard B. Russell, Jr. to Mr. O'Hardy, Feb. 10, 1948.

[12] Undated clipping in Ina Russell's scrapbook, 1947-49.

[13] Richard B. Russell to Mrs. Elizabeth Caldwalder-Noyes, Aug. 31, 1948.

[14] Military Situation in the Far East. Hearings before the Committee on Armed Services and the Committee on Foreign Relations, U.S. Senate, 82d Congress, 1st sess. (Washington, 1951), 5 parts. Pt. II, pp. 681-83, 758, and 784-829.

[15] Richard B. Russell to Senator Pat McCarran, Nov. 13, 1950, and to Senator Dennis Chavez, Nov. 14, 1950.

[16] St. Louis Post-Dispatch, February 29, 1952.

[17] Calvin W. Rawlings to Richard B. Russell, July 31, 1952.

[18] Richard B. Russell to Irwin Sibley, May 6, 1957.

[19] CONGRESSIONAL RECORD, 83rd Congress, 2nd sess., May 18, 1954, p. 6748-50.

[20] The Washington Evening Star, Aug. 5, 1957. The best study of Russell and the civil rights issue is David D. Potenziani, "Look to the Past, Richard B. Russell and the Defense of Southern White Supremacy," PhD dissertation, University of Georgia, 1981.

[21] Congressional Record, 85th Congress, 1st sess., August 30, 1957, pp. 16659-61, 85th Congress, 2nd sess., April 8, 1960, p. 7814.

[22] The Atlanta Constitution, December 2, 1955.

[23] Congressional Record, 84th Congress, 1st sess., June 26, 1956, p. 10973.

[24] Richard B. Russell to Senator Josiah Sibley, March 2, 1956.

[25] Richard B. Russell to Senator Kenneth McKellar, February 18, 1957.

[26] See the New York Times, January 27 and May 19, 1960.

[27] Richard B. Russell's handwritten notes of the White House Conference on Cuban crisis, October 23, 1962.

[28] U.S. News and World Report, 59 (September 6, 1957), p. 57.

[29] Quoted by Senator William F. Knowland, June 22, 1967. Columbia University Oral History.

[30] Congressional Record, 88th Congress, 1st sess. January 10, 1963, pp. 137-39.

[31] The Washington Post, March 24, 1969.

[32] Dick Dabney, The Life of Sam Irvin (Boston: Houghton Mifflin, 1976), p. 168.

[33] Pageant, 20 (November, 1964), p. 6.

[34] Senator Howard W. Cannon to Richard B. Russell, September 14, 1959; and Senator Robert C. Byrd to Russell, September 9, 1959 and March 9, 1960.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, how much time for morning business remains?

The PRESIDING OFFICER. The Chair will say to the majority leader that the time for morning business has now expired.

Mr. BYRD. Mr. President, I ask unanimous consent that morning business continue until not later than 5:30 p.m. today.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may speak therein for not to exeed 10 minutes each.

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

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

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

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 4:43 p.m., recessed until 5:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BYRD].

RECESS UNTIL 5:33 P.M.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 20 minutes.

There being no objection, the Senate, at 5:13 p.m., recessed until 5:33 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. Mr. President, has morning business expired?

The PRESIDING OFFICER. Yes, it has.

RESUMPTION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a resumption of morning business, that Senators may speak therein for not to exceed 10 minutes each, and that the period extend not beyond 6 o'clock p.m.

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

The Senator from Colorado.

THE NICARAGUAN RESISTANCE

Mr. ARMSTRONG. Mr. President, this week President Reagan is asking Congress to provide some modest funding for the democratic resistance in Nicaragua. I am distressed by just about everything that is going on. First of all, I regret that the President has not called for a larger funding package, though I understand the reasons that have prompted him to request what seems to me to be only the bare minimum of funding that will keep the democratic resistance going. I regret the fact that there is every chance that the House of Representatives will defeat this request, even though it is far less than I would like to see. Most of all, I regret the fact that all over the country there is tremendous confusion about what is going on in Central America.

Fifteen years ago, in fact almost exactly to the day, not quite but I guess 15 years to the week, we signed the Paris peace accords which promptly resulted in the consolidation of the Communists' hold on Southeast Asia, with the death of a great many people and the subjugation of millions of others and much heartache and torture and disruption and millions of refugees. All of the things which the worst alarmists predicted might be the outcome in fact have come true.

I do not know how other Senators are viewing this matter, but it seems to me that what is shaping up in Central America is just a replay with slightly different circumstances, a different area, closer to home; different set of characters, different nations, different cultures involved, but pretty much the same thing.

A weary Congress, unwilling to continue the battle for freedom, is being offered some excuses, some rather thinly veiled excuses at that, which will permit us to, in effect, declare victory and say: Well, we have handled that problem. Peace is at hand. Let us move on.

Deep down in our hearts I think most Senators know, at least those who are willing to think seriously about what is about to transpire, know that if we do that, if we lose our nerve and if we say: Well, we have funded the Contras and we cannot go any further, that probable outcome is just about like what happened in Southeast Asia. Our reputation as a faithful ally will be tarnished again; the next time that somebody thinks that maybe they can count on us to provide the material support in defense of freedom that they will have a second thought; that the Sandinista Communist regime in Nicaragua will consolidate, perhaps for the rest of our lives and beyond, their governance of that tragic country of Nicaragua; that they undoubtedly will resume the active export of revolution and terror

throughout Central America; that it will be much to the strategic disadvantage of the United States; that the Panama Canal zone will become, if not actually under the physical domination of the Communists, certainly under much closer surveillance.

With all of these circumstances it is most obvious to me and some other Senators, so I find it particularly tragic, that very few people in the United States, really, seem to know what is going on and even fewer seem to care.

Mr. President, the polls show that far less than a majority of people in this country can even say which side the United States is on in Central America. Of those who can accurately identify whether we are for the Contras or the Sandinistas, there is great and I guess continuing controversy over whether we are on the right side, whether or not the group that we are backing, the democratic resistance, the contras as they are sometimes called, whether or not they are the people who represent the ideals for which we have always stood; those on the side of freedom of occupation, freedom of worship, freedom of travel and free elections or whether or not we are backing the wrong side.

The record is so clear for those who are willing to study it that it is really distressing to me that after all these years people at home do not seem to have a very clear impression. In some ways that is even more tragic than when people in this Chamber either do not understand or are unwilling to pay close attention to the problem or deliberately ignore it—and I judge that that is exactly what has happened.

I do not know what the outcome will be when the House of Representatives votes later this week. They say that it will be a very, very close vote. It is my hope that at the last minute, as has happened on a number of other occasions, that enough of our colleagues will be willing to stand up and be counted that at least the $30-some million that the President has suggested will in fact be agreed to by the House and then the Senators will have a chance to vote on it. As I understand the schedule, Mr. President, the House vote is set for Wednesday and then the Senate to vote the next day.

It is not plain to me at this point whether the Senate will actually take this matter up if it is defeated in the House on Wednesday. I hope we do because, even if the House turns it down, I think it is important for Senators to address the subject and to record how they wish to vote. I do not think it is a very complicated issue.

Not to say that there are not a number of loose ends; not to say that there are not collateral issues that are deserving of our study; not to say that there are not human rights questions and not to say that there are not issues which in and of themselves are deserving. But, you know, Mr. President, over and over again the attention of the Senate has been diverted from what I believe to be the central question and that is this: Are we prepared to stand by while the people who are fighting for freedom in Nicaragua are gunned down or run out of the country and Communists simply are permitted to consolidate their hold on Nicaragua without anybody to prevent it from happening?

Well, what about the peace process, because, after all, that is the excuse that is being given, that peace is at hand? After all, the Sandinista government, Commandante Ortega, and others have made extensive promises that, if honored, would certainly result in a far better outcome than prolonged fighting between the democratic resistance and the Sandinistas.

I do not want to absolutely say that there is no possibility that the Sandinistas regime will honor the pledges that they have made. It may well be, it is possible, at least, that in the final analysis the Sandinistas will keep their promises and that the best hopes of the Presidents in the area and President Arias and others will be realized.

Forgive, me however, Mr. President, if I am somewhat skeptical, not because I am, by temperament, a skeptic, but because I have taken the trouble over the last few weeks to go back over the record of the promises which the Sandinistas have previously made, not one of which so far as I can tell they have ever bothered to keep.

For example, in 1979, when Somoza was still in power, a Sandinista-dominated Nicaraguan Government of national reconstruction was formed in San Jose, Costa Rica. Of the five members of that Government of national reconstruction, three of them, including Daniel Ortega, were members of the National Liberation Front, which, of course, is the governing power in Nicaragua today.

On June 18 of that year, a press conference was held in which this group pledged among other things a government which would be truly democratic with respect for fundamental liberties, specifically including free expression, freedom of religion, a mixed economy, union rights, an independent nonaligned foreign policy, a minimum permanent military establishment, and other principles which one associates with a democratic government and free society.

These pledges were instrumental in the action of the Organization of American States which, with the support of our own Government, adopted a resolution in June of 1979 calling for the replacement of the Somoza regime with a democratic government.

It is no secret that the OAS and the United States relied at least in part on these pledges, not one of which were ever kept.

What is startling, Mr. President, is not only that these promises were not kept, but the speed with which the Sandinista regime once in power went back on virtually every promise that they made. They violated one after another on every topic.

I would like, Mr. President, to insert in the RECORD a report prepared by the Republican Policy Committee, of which I am the chairman, that documents the promises that were made at that time and then which details exactly what has transpired. I hope that Senators and others who may read the RECORD will consider very seriously these promises and the way they have been violated on a wholesale basis because it is the very expectation of the fulfillment of promises that are being made now, this week, last week, this month, this year, in Nicaragua, which is undermining the resolve of Members of this body and of the House of Representatives as they are asked to support the democratic resistance in their military efforts, the military efforts which, in my opinion, are the only reason that there is any prospect of a negotiated ceasefire and a negotiated peace in Nicaragua.

I would also like to insert into the RECORD a detailed discussion of not only the promises that were made in the last half of 1979 and what the response was after the Sandinistas took power, but what happened all through the 1980's, because while the Sandinista government has been loath to keep promises, they have never been hesitant about making them. They have made promises about human rights, about education, about free elections, about a free or at least a mixed economy, about freedom of the press. If they had lived up even to a small fraction of their promises, the outlook would be far different, and if they had lived up to all of the promises which they have made, Nicaragua would surely be a model of democracy and human freedom. The reality is they have not done any of those things.

This week we are wondering how many Members of Congress will be taken in by the promises which are being made.

When anybody says what I am saying, there is always the risk of being misunderstood. There is always the risk that somebody is going to say, "Well, is there anything that could happen which would cause you to believe that the government in power is prepared to negotiate? Is there any way, short of continuing the battle, that would satisfy you?"

My answer to that, Mr. President, is yes. I do not think we have to rely on

promises. But that does not mean we have to turn our backs on the possibility of serious negotiations. If we based our actions not on promises but on performance, we would have, I think, a reasonable benchmark and standards. Perhaps my worst fears will not be realized, but I am hearing more and more that the vote in the House will be very close. I just hope that as Members of that body and this consider the responsibility that they have on behalf of the American people, they will at the last minute decide that they just do not want to take the responsibility for the tragedy that would occur. My own conviction is that if we cut off the money for the democratic resistance, for the Contras, that that force will dissolve very, very quickly. There will be some scattered elements that may stay on in the jungle and fight for a long time to come, but I think that would be fragmentary at best, a handful of people, not the well-organized and beginning to be successful Contra force that is in the field now.

What will happen to the rest? Well, some of them will perhaps make the best deal they can with the Communist Government and try to return to their homes. What the mercy of the Communists will be we do not know. I guess if I were in that sort of a fix I would not want to throw myself on the mercy of Daniel Ortega and his associates but some will do so. Many, probably most, will be refugees and some will apply for permission to come to this country and no doubt, as it was with refugees from Southeast Asia, it will be the role of the United States to be generous about granting political asylum, and correctly so.

The political asylum for those who have stood and fought for the cause of freedom in Central America, while it may be worthy and justified, is by no means a substitute for helping. As Mr. Reagan said in his State of the Union message, in exactly the same way that Lafayette helped win our country, our forefathers, our ancestors, were fighting for American freedom.

So, Mr. President, the purpose for which I have risen today is to put into the RECORD a detailed report of promises made and broken by the Sandinista regime, a report based not on secret sources, but on public sources. One of the things I have asked my staff on the Policy Committee to do in preparing this document and others which have preceded it is to not give me rumors, not give me things based so much on what the CIA or the State Department says because frankly official sources do not have the credibility with the general public that I think this issue deserves, but instead to give me reports based upon what the Washington Post says, the Washington Times, the Associated Press, Reuthers, and other publications about which I think there is no doubt as to the bias or whether or not we are getting a really fair report.

That is my request, Mr. President. I do send to the desk the report of the Republican Policy Committee on broken promises by the Sandinista regime and ask that it be printed in full at this point in the RECORD.

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

U.S. SENATE REPUBLICAN POLICY COMMITTEE, WILLIAM L. ARMSTRONG, CHAIRMAN, FEBRUARY 1, 1988

SANDINISTA PROMISES

(There is hardly a promise on human rights and fundamental liberties that the Sandinistas have not made, and hardly one that they've kept.)

(This paper is a review of the extensive promises made by the Sandinistas from the days before they rode into Managua in 1979 up to the current round of promises they have made in 1987/1988.)

THE ORIGINAL PROMISES

On June 17, 1979, while Anastasio Somoza was still in power, a Sandinista-dominated Nicaraguan Government of National Reconstruction (GRN) was formed in San Jose, Costa Rica. Of the five GRN members, three of them, including Daniel Ortega, were members of the Sandinista National Liberation Front (FSLN). (The non-Sandinista members were Violeta Chamorro, now editor of the opposition newspaper *La Prensa*, and Alfonso Robelo, now a member of the seven-man Directorate of the Nicaraguan Resistance—the Contras.)

On June 18, the GRN held a press conference in which they pledged their government's program would be "truly democratic," with respect for "fundamental liberties," including:

Free expression;

Freedom of religion;

A mixed economy;

Union rights;

An independent non-aligned foreign policy;

A minimum permanent military establishment; and

Other generally accepted principles.

These pledges were instrumental in the action of the Organization of American States (OAS), which, with the support of the United States, adopted a resolution on June 23, 1979, calling for the replacement of the Somoza regime with a democratic government "which reflects the free will of the people of Nicaragua;" would guarantee the "human rights of all Nicaraguans without exception;" and, would hold "free elections as soon as possible," leading to "the establishment of a truly democratic government that guarantees peace, freedom, and justice."

On July 12, after active negotiation with representatives of the Carter Administration and the OAS, the GRN sent a letter to the OAS, citing the OAS June 23 resolution and promising free elections. Attached to the GRN letter were two other documents:

A "Plan to Achieve Peace," which detailed a step-by-step measure for the peaceful resignation of the Somoza government and the takeover by the GRN.

A formal "Program of the Nicaraguan National Reconstruction Junta," dated July 9, in which the GRN spelled out in specific detail its June 18 pledges.

Taken together, the documents submitted to the OAS on July 12—the letter, the peace plan, and the GRN program—constituted a comprehensive program of democratic guarantees. They included:

The structure of the new government, featuring a 33-member legislative Council of State representing "all the political, economic, and social sectors that helped overthrow the Somoza dictatorship;"

A guarantee of full human rights observance as set forth in the United Nations Universal Declaration of Human Rights and in the Charter on Human Rights of the OAS;

Freedom of press, religion, unions;

Private enterprise in a mixed economy;

A non-aligned foreign policy;

A new national army with only a "minimum" permanent military establishment;

A guarantee of the lives and rights of members of the National Guard; and

Many other guarantees of fundamental liberties.

On the basis of these comprehensive guarantees, on July 15 the Carter Administration and the OAS approved final transfer of power from Somoza to the GRN. Somoza submitted his resignation to the Nicaraguan Congress on July 16 and left the country the next day. On July 17 the Carter State Department noted the Somoza resignation and announced:

"From the beginning of the violence that has set Nicaraguans against each other, the Organization of American States and its member nations, including the United States, have worked to facilitate a peaceful and democratic solution to the civil strife in Nicaragua. . . .

"A caretaker government is in place to begin the process of national reconciliation. A Government of National Reconciliation, formed initially in exile, will assume power. . . . It has pledged to avoid reprisals, to provide sanctuary for those in fear, to begin immediately the immense task of national reconstruction, and to respect human rights and hold free elections."

On July 17 and 18 National Guard resistance ended. The Sandinista-led anti-Somoza forces entered Managua on July 19. On July 20 the GRN was installed and had the opportunity to act upon their previous promises and commitments. Particularly astonishing is the speed with which the Sandinistas moved to violate them.

Promise:

That the lives of National Guard officers and soldiers would be respected, that they would not be subject to revenge or indiscriminate reprisals. Those guilty of crimes will be dealt with within the legal framework, [From the July 12 GRN promises to the OAS]

Performance:

"After the 1979 revolutionary victory hundreds of prisoners, mostly members of the National Guard or supporters of the former regime, disappeared after capture and were later found dead. Of the dead, many were found in mass graves, as in the case of the prisoners in La Pólvora, . . . the former headquarters of the National Guard in the town of Granada. . . . [O]n October 3, 1979, José Estebán González of the CPDH [the independent Permanent Commission on Human Rights], traveled with several witnesses to the site and discovered human bones and remnants of clothing in a covered-over ditch.

"Similar reports led to the discovery of another site in La Arrocera, near Lake Nicaragua, where several more bodies were found. At the bottom of the crater of the

Santiago volcano, near Managua, ten to fifteen bodies were sighted. Thirteen more were discovered in a mass grave in Catarine, a small town near Masaya. Approximately two hundred were found in a deep well near Leon.

"How many people were killed in this manner? Estimates based on names of prisoners who were captured and then declared missing or dead vary. The CPDH has documented the disappearance and most likely death of 785 persons who were captured by Sandinista authorities from July 1979 through September 1980. . . . [Humberto Belli Breaking Faith, The Puebla Institute, 1985, p. 120]

Promise:

After the replacement of the Somoza regime, remnants of the National Guard and of the Sandinista armed forces would be formed into a new, non-political national army. This army would maintain a "minimum" permanent establishment. [From the July 12 GRN promises to the OAS]

Peformance:

The new national army was never formed. The Sandinista army continued to function as a Party armed force and in September 1979 was offically named the Popular Sandinista Army (EPS). In the so-called "72 Hour Document" of September 1979, a long-term program of the top FSLN leadership, the determination was made to create "an army politicized to an unprecedented degree." [from the document text, quoted in Shirley Christian Nicaragua, Revolution in the Family, p. 151.] Already in October 1979, Interior Minister Comandante Tomas Borge stated the Sandinistas' intention to arm a militia of 300,000 men (other descriptions of Sandinista intentions refer to 200,000). This compares to a July 1979 force of no more than 7,500; Somoza's National Guard had fewer than 15,000, including support troops. During this period there were no Contras, and the United States, under the Carter Administration, was the Sandinistas' biggest aid donor. By the end of 1987, regular Sandinista army forces numbered 80,000, plus some 40,000 militia. According to the revelations of Major Roger Miranda (confirmed by Defense Minister Comandante Humberto Ortega), the Sandinistas plan a total military and para-military force of 600,000 by the mid-1990s.

Promise:

"An independent, non-aligned foreign policy will be followed which will link our country with all nations that respect self-determination and fair, mutually-beneficial economic relations." [From the July GRN promises to the OAS]

Performance:

The first Cuban military and security advisers entered Managua within a week of July 19, the day Sandinista forces entered the capital, possibly as early as the first day; by November there were two hundred of them. Assistance from Panama, which had provided major help to the Sandinistas in overthrowing Somoza, was rejected.

On July 21, the day after the GRN was installed, representatives from two Salvadoran communist guerrilla factions were in Managua to discuss military cooperation and assistance; these two factions joined with three others in May 1980, under Cuban and Sandinista auspices, in what became the Farabundo Martí National Liberation Front (FMLN).

On July 25, prominent junta members traveled to Havana to help Fidel Castro celebrate the anniversary of the beginning of his revolutionary movement. On July 27, Nicaragua and Cuba reestablished diplomatic relations, and within weeks relations were established with other Soviet bloc countries.

In early August, *Comandante* Henry Ruiz travelled to the USSR, Bulgaria, Libya, and Algeria to conclude aid agreements.

By the end of August, hundreds of Nicaraguan children were being sent to Cuba for political indoctrination.

In September 1979, at a speech in Havana, *Comanante* Daniel Ortega gave a speech condemning United States "imperialism" and joining the Soviet Union in support for Vietnam, the Vietnamese puppet regime in Cambodia, other Marxist countries and political movements, and the Palestine Liberation Organization (PLO).

In early 1980, Nicaraguan abstained from a United Nations General Assembly vote condemning the Soviet invasion of Afghanistan, even though the vast majority of officially "nonaligned" nations voted for the resolution.

In March 1980, the Sandinistas established Party-to-Party ties with the Communist Party of the Soviet Union. In mid-1981, Defense Minister *Comanante* Humberto Ortega declared "Marxism-Leninism" the "scientific doctrine" that guides the Sandinista revolution; as of 1984, eight of the nine Sandinista *comanantes* had directly acknowledged their Marxist-Leninist convictions (the ninth, Henry Ruiz, was sent, on a Cuban passport, to Moscow's Patrice Lamumba University as a youth cadre of the Moscow-line Nicaragua Socialist Party in 1966 but was obliged to leave due to his excessive views in favor of guerrilla warfare in Latin America).

In late 1981, Sandinista-controlled media were told to take a line against the "counterrevolutionary" Solidarity movement in Poland and only to report "facts" confirmed by the Soviet and Cuban press agencies.

When Leonid Brezhnev died in 1982, Sandinista media praised him and the Soviet Union for their "peace" policies.

The Sandinista abstained from a U.N. vote in 1982 demanding Soviet withdrawal from Afghanistan and abstained from a 1983 vote condemning the shooting down of Korean Airlines 007 by the Soviets. By 1986, the Sandinistas' voting record in the United Nations was more anti-American than the voting records of Iran, the USSR, and all of the East European countries with the sole exception of Albania. Judged by U.N. voting record, the Warsaw Pact is more pro-American than Nicaragua is.

Promise:

The legislative Council of State established by the GRN would have 33 members representing the broad spectrum of Nicaraguan society, such as political parties (including the Sandinistas), labor unions, business groups, the national university, and the national clergymens' association. [From the July 12 promises to the OAS, Program of the GRN]

Performance:

In mid-April 1980, the Sandinistas issued a decree enlarging the Council of State from 33 to 47 members, with a structure guaranteeing the FSLN and FSLN-controlled organizations a majority. The two non-communist members of the GRN, Violeta Chamorro and Alfonso Robelo, resigned in protest.

Promise:

Guarantees of free expression, religion, association, unions, press, private enterprise, etc. [From July 12 GRN promises to the OAS]

Performance:

Within a week of taking power, the Sandinistas nationalized banking and foreign trade; this meant that producers of major export commodities like coffee, sugar, cotton, etc., would have to sell to the government, giving the Sandinistas great control over hard currency and reinvestment in Nicaragua. Insurance and mining were nationalized in October and November 1979.

Businesses labeled *"Somocista"* were widely confiscated in the first weeks after July 19 with loose regard to whether the former owners had been close to Somoza or not; these included about one-fourth of cultivated land, about 130 industries and business, houses, estates, and vehicles.

A new Sandinista-controlled labor federation was created, which also seized many businesses; the Sandinista labor federation also attacked the non-Marxist unions as "counterrevolutionaries, thieves, and imperialists" and attacked their organizers. Strikes were banned throughout the country on September 9, 1981.

In late July 1979 the Sandinistas confiscated one of the country's two daily newspapers (the other being *La Prensa*; a pro-Sandinista third newspaper began operation later) plus all television stations and most radio stations.

In December 1979 a private entrepreneur with a strong anti-Somoza record was refused permission to open a new, independent televisiion station by Daniel Ortega, who stated that television in Nicaragua would belong to the people, not to "millionaires of the bourgeoisie."

In April 1980, a radio newsman was sentenced to six months imprisonment for broadcasts "detrimental to the revolution," though no law making this a crime yet existed.

After anti-Cuban and anti-Sandinista demonstrations in the Atlantic Coast region in September 1980, *La Prensa* was ordered to not print any news from that region without government approval.

On September 10, 1980, the Sandinistas issued Decrees 511 and 512 making it a crime to publish any information that (in the opinion of *Comandante* Tomas Borge's Interior Ministry) "jeopardizes the internal security of the country," including information on shortages in staple products or which might bring about price speculation. Temporary closings of *La Prensa* began on July 8, 1981; full prior censorship was instituted in March 1982.

The Sandinistas promoted the Liberation Theology-oriented "Peoples Church," giving it a virtual monopoly of religious programming on the increasingly Sandinista-controlled media.

Overt repression began in July 1981, when the Sandinistas banned broadcast of the mass of the Archbishop of Managua. Restrictions were placed on broadcasting by the Church's *Radio Catolica* and on *La Prensa's* coverage of Church activities. Physical attacks on churchmen began in November 1981 with an attack on Bishop Pablo Vega by a Sandinista mob.

Concurrent with the suppression of independent social activity, the Sandinistas began to build their party-controlled social apparatus. In July and August 1979, the Sandinistas created the Sandinista Defense Committees (CDS's), modelled on Cuba's "Block Committees," as a means of social surveillance and control.

The CDS's work closely with the Interior Ministry's security police, which began to function in late 1979 with unofficial detention centers.

The FSLN also founded new women's, peasants, and youth organization, and even an organization for small children called the "Carlitos" (after FSLN founder Carlos Fonseca) patterned after the Soviet Union's "Young Pioneers;" other FSLN politicized associations were founded for artists and writers, teachers, newsmen, etc.

Finally, in February 1981, the first Sandinista controlled mobs (*turbas divinas*, "divine mobs"), used by the Interior Ministry to attack Sandinista opponents, made their appearance.

Promise:

The July 12 GRN promises to the OAS included a pledge to hold democratic elections. The OAS resolution of June 23, 1979, specifies that these be held "as soon as possible."

Performance:

For over a year the Sandinistas stalled democratic elements in the GRN with the excuse that elections were not a "priority" compared to the literacy campaign, housing, health care, etc. Finally, in August 1980 Defense Minister *Comandante* Humberto Ortega announced that elections would be held in 1985, with the electoral process not to begin before January 1984. In addition, Ortega pointed out that in the FSLN's view "elections shall be to strengthen revolutionary power, not to raffle it off, for power is in the hands of the people through its vanguard, the Sandinista National Liberation Front and its national directorate [i.e., the nine *comandantes*]."

"Elections" were finally held in November 1984 (earlier than the announced 1985 date), with most democratic parties boycotting rigged procedures and campaign restrictions. Fidel Castro was the only head of state to attend Daniel Ortega's inauguration in early 1985.

DENYING RIGHTS, BUT MAKING MORE PROMISES

Throughout this early period while the Sandinistas were busy abandoning their July 1979 promises, they were also making new ones, promising the same rights and freedoms.

On August 21, 1979, the Sandinistas formally enacted (Decree 52) their Statute on the Rights and Guarantees of Nicaraguans, a "Bill of Rights," covering the standard internationally-accepted individual, civil, political, economic, cultural, social, and other rights.

On September 25, 1979, the Sandinistas ratified the American Convention on Human Rights.

On March 12, 1980, they ratified the United Nations International Covenant on Civil and Political Rights, along with its Optional Protocol.

Aside from the unofficial violations of rights guarantees that started at the beginning of Sandinista rule, the FSLN has also officially suspended many of these guarantees:

The first major abridgement (Decree 812) was the "Law of State of Economic and Social Emergency," issued September 9, 1981, before any significant Contra activity. The effective period was to be one year.

Following the first major Contra action on March 14, 1982, the Sandinistas enacted (Decree 996) "The National Emergency Law" on March 15. This suspended virtually all rights specified in Decree 52 (the "Bill of Rights" of August 1979). The effective period was to have been one month but was repeatedly extended.

During the 1984 "elections," many of the restrictions under the 1982 State of Emergency were technically lifted (but key provisions, such as those relating to censorship, remained in force). But on October 15, 1985, Daniel Ortega ordered a new and expanded state of emergency, reimposing many of the 1982 rights suspensions.

THE MIDDLE YEARS—MORE PROMISES

All of the facts cited so far show that the Sandinistas made very extensive promises at the beginning of their rule as a means to achieve power and they set about abandoning each and every promise as quickly as possible.

But the Sandinistas did not stop there. Incredibly, in the years that followed, they continued to make many of the same promises over, and over again.

Three years after the 1979 promises for a mixed economy had been made and then broken, President Daniel Ortega was promising greater freedom for businessmen in Nicaragua. On February 15, 1982, Nicaraguan President Ortega promised his government would increase benefits available to businessmen who would work in the Sandinista drive to reinvigorate their recession ridden economy. President Ortega confirmed reports that the government released three businessmen, jailed the previous fall after signing a comunique by a business council charging the leftist Sandinista government with a "definite Marixt-Leninist tendency." The government commuted the sentence of Superior Business Council President Enrique Dreyfus, Gilberto Cuadra of the National Confederation of Professionals, and Benjamin Lanza, president of the Nicaraguan Construction Council. [UPI, 1/15/82]

Five years after the 1979 promises to respect freedom of expression, Daniel Ortega (on July 19, 1984) was again promising that political parties would be allowed to hold meetings and that freedom of expression would be guaranteed. However, speaking at a rally in Managua marking the revolution's fifth anniversary, Mr. Ortega reaffirmed that there will continue to be pre-censorship of any report "that affects our country's defenses against American military power." [The Economist, 7/28/84]

Five years after the 1979 promises of civil liberties, of press freedoms, and of free unions, Daniel Ortega was again promising (on August 7, 1984) to relax press censorship, restore the right to strike, and allow people to petition the courts for release from jail. The Sandinistas' announcement came the same day that the opposition newspaper La Prensa did not publish because government censors rejected stories about political violence and other events related to the pending presidential elections held November 4. [Christian Science Monitor, 8/8/84]

Five years after the 1979 promises of freedom of religion, a mixed economy, and free unions, Daniel Ortega was promising (in early November of 1984) to have a national dialogue with the regime's critics in the Roman Catholic church, the private sector, and the non-Sandinista trade unions. Such an exchange of views would allow all sides to help work out a constitution which the newly-elected assembly is to draft by 1987. [The Economist, 11/10/84]

Five years after the 1979 promises for religious freedom, in December 1984, Nicaraguan church spokesman Msgr. Bismarck Carballo said that President Ortega promised to exempt siminarians from the draft. However, at a meeting of church and government representatives last week, government officials argued that the students were not actually seminarians and would be eligible for military service. [Los Angeles Times]

Six years after the 1979 promises for a mixed economy and political freedoms, on January 27, 1985, Nicaraguan Ambassador Carlos Tunnermann said the perception by Democrats in the U.S. of a worsening situation in his country is not correct. Ambassador Tunnerman explained that President Daniel Ortega had promised a broad amnesty program, continued mixed economy and political pluralism in a recent speech. The ambassador added that reports of draft resistance and monetary speculation are isolated cases. [The Washington Post, 1/28/85]

Six years after the 1979 promises to follow an independent, nonaligned foreign policy—promises which were ignored from day one—on Feburary 28, 1985, the Sandinistas promised to send home 100 Cuban military advisers, and to refrain for an indefinite period from acquiring new weapons systems, including sophisticated inceptor aircraft. [The Washington Post, 3/1/85]

Six years after the 1979 promises of political pluralism and civil liberties, on April 20, 1985, Brooklyn Rivera, a leader of the Miskito Indian rebels, said that during six months of talks with Nicaraguan officials, President Ortega had expressed eagerness to end the conflict with the Miskitos; had promised to release 50 Indians jailed in Nicaragua; and, had pledged land and a broad degree of political autonomy for the Miskitos. [The New York Times. 4/21/85]

Eight years after the 1979 promises to respect fundamental liberties, on January 1987, the Sandinistas enacted a new constitution containing all of the usual rights and guarantees, including right to strike, to privacy, and so forth. Several hours later, Daniel Ortega issued a new state of emergency suspending almost all the rights guarantees in the new constitution. [Washington Post, 1/10/87, p. A13]

THE CURRENT ROUND—MORE PROMISES

On August 7, 1987, in Guatemala City, *Comandante* Daniel Ortega joined the presidents of the four Central American democracies (Costa Rica, El Salvador, Guatemala, and Honduras) in signing the peace plan authored by Costa Rican President Oscar Arias. The peace plan committed each country to institute democratic reforms—and Nicaragua was the only signatory country that was not already a democracy. The peace plan commitments, to have been achieved by November 5, 1987, included these important elements:

Amnesty for political opponents and dialogue with unarmed political opposition;

A cease-fire with "irregular and insurgent groups" (in the Nicaraguan context, this meant a cease-fire between the Sandinistas and the Contras);

Democratization, including: (a) complete freedom for television, radio and the press; (b) rights of political parties to have access to media, to associate, and to proselytize; and (c) lifting states of emergency; and

Cessation of aid to irregular and insurgent forces in the other Central American countries and non-use of national territory by such forces (for the Sandinistas, this means primarily ceasing support for the communist FMLN guerrillas in El Salvador and not permitting them to continue to be headquartered in Nicaragua).

The Sandinistas had taken almost no action to comply with any of these provisions in time for the November 5 deadline (even though, for example, Guatemala and El Salvador instituted direct cease-fire nego-

tiations with their guerrilla opponents in early October). As the November 5 deadline passed, *Comandante* Ortega issued new promises and measures represented as initial compliance with the peace plan terms. These gestures included:

The promise to begin indirect cease-fire talks with the Contras through an intermediary (Ortega had announced a unilateral cease-fire offer, essentially a demand for the Contras to surrender in three, later four, small zones, on September 30 [*Christian Science Monitor*, 10/2/87]);

The release of approximately 1,000 political prisoners (out of a total of about 8,000 to 10,000; the Sandinistas still insisted they would not declare a general amnesty, as had the other Central American signatory countries); and

The promise to lift the state of emergency and restore civil liberties—just as soon as the United States ceases support for the Contras. (The only measures take in this area prior to November 5 were the reopening, around October 1, of *La Prensa* and "Radio Catolica.")

Again the Sandinistas exhibited little willingness to meet the terms of the peace plan before the next milestone, the January 15-17 summit meeting originally intended as a final compliance review. Instead, *Comandante* Ortega began the review summit with a proposal to extend the peace plan deadline to permit the Sandinistas more time to begin implementation of the measures they failed to take by November 5 or even January 15. Instead, however, the democratic presidents refused to agree to an extension and demanded immediate Sandinista compliance. Only when faced with the prospect of the peace plan's total collapse (and renewed Contra aid) did *Comandante* Ortega announce, on January 17, 1988, new steps. [From *Washington Post* 1/18/88 p. A18]:

A formal lifting of the six-year-old state of emergency;

An agreement to begin direct cease-fire talks with the Contras; and

An amnesty of political prisoners (to take effect upon "the achievement of an effective cease-fire agreement . . . In addition, if no cease-fire agreement is reached, the government will set free all such persons if the government of the United States or any other non-Central American government decides to accept them in its territory. They can return to Nicaragua as soon as the war ends.")

WHAT THEY WERE DOING WHILE MAKING THESE PROMISES

The effect of these "compliance" steps is still uncertain. However, the record of Sandinista performance on peace plan requirements after the August 7, 1987, signing does not encourage optimism:

On August 15, one week after the peace plan signing, the director of the independent Nicaraguan Permanent Commission on Human Rights, Lino Hernandez, and president of Nicaraguan Bar Association, Alberto Saborio, were arrested and sentenced to 30 days imprisonment during a peaceful demonstration by the coalition of Nicaraguan opposition groups. Sandinista security forces used attack dogs, night sticks, electric cattle prods, and government-organized mobs to suppress the demonstrators. [*AP*, 1/17/88]

On September 12, two Catholic priests who had been expelled by the government were allowed to return. However, 18 other priests remained outside the country after having been expelled by the Sandinista regime. [*New York Times*, 9/14/87 p.A3]

On October 1 and 2, respectively, the Sandinistas allowed *La Prensa* and "Radio Catolica" to resume operations without censorship. However, censorship decrees were not revoked and licenses were refused for other radio programs and an independent television station. Newspapers, television and radio stations confiscated by the government continued to operate as government or pro-Sandinista organs. [*Associated Press* wire, 10/19,22/87]

On October 22, members of the January 22 Mothers of Political Prisoners-Movement were attacked by a Sandinista group during a peaceful vigil. Sandinista police did nothing to stop the attack. [*AP*, 10/22/87]

During October 1987, according to Sandinista defector Major Roger Miranda, the Sandinistas provided training to 15 Salvadoran communist FMLN guerrillas in the use of hand-carried surface-to-air missiles, such as the Soviet SA-7 and SA-15 and the U.S. REDEYE. This occurred two months after the Sandinistas had signed the peace plan requiring them to cease support for the FMLN. [Department of State]

On November 13, President Ortega announced an 11-point cease-fire proposal which called for the surrender of the Resistance—essentially a reworking of their September 30 unilateral cease-fire offer. The Sandinistas then refused to initiate an indirect dialogue with Resistance in Central America and refused to allow Resistance members to travel to Managua to deliver their cease-fire proposal personally. [*Los Angeles Times*, 11/13/87 Part I, p.1]

On November 17, 1987, the publisher of Nicaragua's sole opposition newspaper, *La Prensa*, strongly criticized Managua's Sandinista government and said the paper faced continual threat of closure. Violeta Chamorro, whose newspaper resumed publication in September after a 15-month government-imposed suspension, said President Ortega had broken promises to lift emergency powers that enable him to order the closing of the newspaper at any time. [*Reuter's*, 11/17/87]

On November 22, 985 political prisoners were released, leaving over 8,000 more in Nicaraguan jails. [*Los Angeles Times*, 12/23/87 Part I, p.1]

On December 3, and 4, the Sandinistas rejected a proposal for an interim truce put forward by Miguel Cardinal Obando y Bravo and rejected a Resistance cease-fire proposal. [*AP*, 12/5/87]

On December 13, in speech to a labor group, President Ortega said that while the Sandinistas might give up the government, they would never give up power. [*Reuter's*, 12/15/87; *New York Times*, 12/14/87 p.A12]

On December 14, the Sandinistas cancelled the second round of cease-fire talks, which were scheduled to begin that day. [*UPI*, 12/14/87]

On December 15, the director of the independent Permanent Commission for Human Rights charged that the Sandinistas were flouting the peace plan provisions by continuing to shell civilians using Soviet-built equipment, holding thousands of political prisoners whom the Sandinista exploit as slave labor, and stepping up mobs attacks on the opposition. [*Washington Times*, 12/16/87 p.A6]

In December 1987, according to defector Major Roger Miranda, the Sandinistas offered the Salvadoran FMLN guerrillas 10,000 automatic assault rifles (including U.S.-made M-16s, presumably from Vietnam) from Nicaraguan Interior Ministry stocks. [State Department]

On January 5, fourteen opposition parties issued a joint statement accusing the Sandinistas of intransigence and not entering into dialogue with the opposition, as required by the peace plan. Representatives of other opposition groups criticized the Sandinistas for failing to grant amnesty to political prisoners, not stopping aid to insurgents, and not instituting democratic reforms. [*Washington Times*, 1/7/88 p.A1]

On January 15-16, 1988, the Sandinista state security police arrested four civilian opposition leaders (representing the Nicaraguan Bar Association, the Conservative Party, the Democratic Coordinating Group of the opposition, and the Social Christian Party) for participating in a public meeting with Contra leaders in Guatemala City earlier that week. The arrests came as *Comandante* Daniel Ortega was in Guatemala City for the regional peace plan review summit. According to a Sandinista Interior Ministry spokeswoman, *Comandante* Ortega was aware of the arrests. [*Washington Post*, 1/17/88 p.A28]

On January 22 (after the latest promises for peace plan compliance made by Daniel Ortega on January 17), Sandinista mobs attacked the offices of the Democratic Coordinator (a broad umbrella organization of opposition groups) and attacked the January 22 Mothers of Political Prisoners Movement during a peaceful demonstration held as a memorial of a massacre of protesters by the National Guard in 1967. Sandinista police did nothing to stop the attack. [*New York Times*, 1/12/88 Sec. p.5]

CONCLUSION

The Sandinistas have issued many promises since before they took power in Managua in July 1979—promises to the Nicaraguan people, to the other countries in the Western Hemisphere, to their immediate neighbors in Central America, to the United States, to the international community of nations. In this eight-year period it is difficult to find one promise they have fully kept.

The most recent round of Sandinista promises, made in the face of the January 1988 near collapse of the Central American people plan, is no guarantee of freedom in Nicaragua or peace in the region. The Sandinistas have yet to weaken their hold over Nicaraguan society in any way that could not be immediately reversed as soon as the Contras were abandoned. Presently, there is no evidence that Nicaragua has ceased support to Salvadoran FMLN and other insurgent groups. There is no evidence that the Sandinista regime has altered its policy of implementing a Marxist, state-controlled economy while giving lip service to the goal of a mixed economy and pluralistic society. There is no reason to think that free expression will be respected or that all political prisoners will be released. There is no evidence that Sandinista dependency on Moscow, Havana, and the rest of the socialist bloc has lessened.

In short, there is no reason to think that, absent pressure from the Nicaraguan opposition, the Sandinistas will live up to these latest promises any better than the others they have made—and violated.

Sources: In addition to the specific news stories cited in this paper, the following additional sources were used:

Nicaragua, Revolution in the Family; Shirley Christian; Vintage Books; 1985.

Breaking Faith; Humberto Belli; The Puebla Institute; 1985.

Christians Under Fire; Humberto Belli; The Puebla Institute; 1984.

Human Rights in Nicaragua Under the Sandinistas; U.S. Dept. of State; 1986.

Broken Promises; State Department Memo; January 25, 1988.

Staff contact: Jim Jatras.

Mr. ARMSTRONG. Mr. President, I thank the Chair and my colleagues. Unless there is another Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. 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. MATSUNAGA. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

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

IN PRAISE OF THE SENIOR SENATOR FROM HAWAII

Mr. MATSUNAGA. Mr. President, I rise to commend my colleague, the senior Senator from Hawaii [Mr. INOUYE] for his forthright position, and action, in proposing to rescind the $8 million earmarked in the continuing resolution for fiscal year 1988 for the construction of schools in France for Jewish refugees from north Africa.

My longstanding faith in Senator INOUYE's judgment and integrity remains unshaken. His action last December was motivated by a sincere desire to help people in distress. His action today was motivated by a sincere desire to help people bring about an end to an unmerited attack upon him and the congressional legislative process.

Mr. President, I do not believe anyone can question the enormity of Senator INOUYE's contributions to the good of society in the course of his long and distinguished congressional career. Nor can there be any question of his dedication to the welfare of the people of his State and Nation. Indeed, he is being held to account in this instance for a concern which transcended our borders. As he has observed, such an action by Congress—and the American people—would not be without precedent in the case of overseas refugees. Whatever reforms may be in order for the budget process in Congress, this case illustrates not so much a glitch in the system as after-the-fact criticism and second guessing from those who had ample opportunity to make their views known at the appropriate time during the budget formulation process.

To have the courage of one's convictions is fairly commonplace in this body, Mr. President. What is rare is the courage to lay aside one's conviction in the interest of the welfare of one's colleagues and of the integrity of the institution we serve. This is what my senior colleague from Hawaii has displayed today and I for one am truly grateful that I have been granted the great privilege of serving with him in this august body

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

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

VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

Mr. BYRD. Mr. President, I send to the desk a bill on behalf of Mr. CRANSTON, Mr. MURKOWSKI, Mr. BENTSEN, and Mr. GRAMM, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. MATSUNAGA). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2022) to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

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

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

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce, along with the ranking minority member of our committee, Senator MURKOWSKI, and Senators BENTSEN and GRAMM of Texas, S. 2022, the proposed Veterans Home Loan Program Emergency Amendments of 1988, for which we will be seeking immediate Senate passage and comparable action on the House side. We will also be introducing a second home-loan bill tomorrow.

Before commenting on the provisions of the bill, I would like to express my appreciation to Senator MURKOWSKI for his many contributions to this legislation and the fine cooperation he has shown in working to develop this measure on an expedited basis at the beginning of this session. I am delighted that this bill is a result of our continued united, bipartisan effort to improve the VA Home Loan Guaranty Program.

Mr. President, I also want to recognize the efforts of Senator BENTSEN on this legislation: He has always been a champion of veterans and has worked long and hard to help find solutions to the increasing foreclosure rates threatening the Home Loan Program, particularly in his home State of Texas, and to try to protect the veterans who feel the direct impact of defaulted loans. We are delighted to have Senator GRAMM join us as well.

VENDEE LOAN DOWNPAYMENTS

Mr. President, the first provision in our bill would allow the Administrator to reduce or waive the 5-percent downpayment requirement on vendee loans—just enacted as part of Public Law 100-198—made to purchase VA foreclosed properties to the extent the Administrator determines such a reduction is necessary in order to market competitively the property involved. The new requirement was legislated in order to reduce defaults on vendee-loan properties.

When the VA sells foreclosed properties it has acquired as the result of defaults on VA-guaranteed loans, it generally offers two types of financing. Buyers of such properties can pay cash, which they usually will obtain through a loan from a conventional lender, or, if they quality under the VA's credit-underwriting criteria, the VA may finance the transaction by extending the buyer a loan—known as a vendee loan. Vendee loans are not limited to veterans; in fact, it is estimated that the vast majority of buyers receiving vendee loans are not veterans.

Vendee loans currently are generally made at favorable interest rates in order to facilitate the sale of foreclosed properties held by the VA. The new 5-percent downpayment requirement compares very favorably with the usual 20-percent downpayment required in most areas in the conventional market. By offering vendee financing, the VA is able to sell properties at higher prices than it otherwise could. Unfortunately, the default rate on these low-interest-rate loans has been higher than that on guaranteed loans to veterans. In fiscal year 1986, 4,011 vendee loans were foreclosed upon—at a substantial loss to the home loan program.

The 5-percent downpayment requirement was derived from a provision Senator MURKOWSKI and I introduced in S. 1801 and was enacted in section 6(b) of Public Law 100-198. Our goal was to ensure that the buyer would have an equity interest in the property, which should reduce defaults on these loans. In general, 95-percent financing, combined with interest rates which generally are at the lower end of the prevailing market rates, and the

1-percent loan origination fee represent competitive financial terms sufficient to enhance the attractiveness of VA properties.

However, in economically depressed areas, tremendous increases in the foreclosure rate and depreciating property values have resulted in substantial VA inventories of unsold foreclosed properties. Although no objections were made regarding the 5-percent downpayment proposal from the time it was first made on October 16 in S. 1801 until the date of enactment of Public Law 100-198 on December 22, 1987, since that time serious concern has been raised that an absolute requirement such as now is in the law may stifle or substantially eliminate sales in certain areas of the country where economic conditions have resulted in a true buyers' market. In Houston—where the largest number of VA foreclosed properties is concentrated—the inventory of foreclosed properties from all sources has more than doubled to over 200,000 in the past 3 years. The VA's Houston area inventory alone now includes 5,796 properties—nearly 26 percent of its total nationwide inventory.

Sellers of foreclosed properties in economically depressed areas—which include Federal Government agencies such as the FHA as well as private lenders—are using attractive financing packages to sell properties. Many sellers are offering low- or no-downpayment loans. In such areas, where a VA-foreclosed property may be virtually identical to a conventional lender's property down the block, favorable financing terms may be the deciding factor for the buyer.

In order to compete with these other sellers, the VA must be able to offer similarly attractive financing. The 5-percent downpayment requirement thus may either substantially reduce sales in such areas or force the VA to sell properties at unwisely large reductions in prices.

Indeed, on January 28, 1987, the Houston VA Regional Office had its first public-bidding sale of VA foreclosed properties requiring the 5-percent downpayment. Although 202 properties were listed for sale, the VA received bids for only 48 properties in compliance with the 5-percent requirement. Prior to the enactment of the downpayment requirement, the VA typically received 300 to 350 offers on the approximately 100 properties it listed for sale each week in Houston. Clearly, modification of the 5-percent downpayment requirement is needed so that, in Houston and similar areas, the VA will be able to market its foreclosed properties competitively and reduce its substantial inventory of them.

Therefore, in order to give the VA the flexibility it needs, our bill would provide that the VA may modify or waive the downpayment requirement when that is necessary because of prevailing conditions in the local real estate market. Of course, when market conditions do not prohibit it—as will be the case in most areas of the country—the 5-percent downpayment would continue to be required to help reduce defaults on vendee loans.

AMOUNT OF GUARANTY ENTITLEMENT

Mr. President, the second provision of our bill would make certain technical amendments to provisions in title 38 pertaining to the Home Loan Program. First, it would clarify the way the amount of a veteran's guaranty entitlement is to be calculated for both conventional and manufactured home loans. Section 3 of Public Law 100-198 changed the amount of the maximum VA guaranty for both types of loans. As it was drafted, however, the provision is susceptible of an interpretation having the effect of reducing the amount of guaranty entitlement available to certain veterans who have already used part of their guaranty entitlement. In enacting that provision, it certainly was not intended that any veterans would be deprived of their home loan benefits in such fashion—and our bill would correct this drafting-related inequity.

The existing provision would lead to certain unjustifiable and inequitable results. These were described in a white paper provided today by the VA's Office of the General Counsel, from which the following excerpt is taken:

Section 1810(c) of title 38 U.S.C. previously provided, in effect, a bank of entitlement for each veteran. Prior to enactment of P.L. 100-198 the amount of guaranty entitlement available to a veteran was $27,500. This was reduced if the veteran had prior use, which we would subtract from the $27,500 to arrive at the new maximum entitlement available to the veteran. Section 3 of P.L. 100-198 requires a new method for calculating the percentage and the guaranty amount for VA guaranteed loans. It also repealed section 1810(c) of title 28 U.S.C. The repeal of section 1810(c), for practical purposes, eliminates the use of remaining entitlement. As illustrated below, the main effect will be on veterans seeking lesser loan amounts with the use of remaining entitlement.

In the past when the guaranty amount was increased (through a change to 1810(c)) it resulted in an addition to whatever amount of entitlement the veteran had available. This increased entitlement could then be applied to any new loan that the veteran obtained, subject only to the maximum applicable to that loan. Under the new law the maximum guaranty on the new loan will be computed, which can range up to $36,000, and then any unrestored used guaranty amounts would be subtracted.

For example, under the new law a veteran who had used $24,000 in guaranty and was now applying for a loan of $40,000 would not be able to obtain such a loan. The $24,000 of used guaranty would have to be subtracted from the new maximum guaranty for that loan of $20,000 (50 percent of $40,000) leaving a negative of $4,000. Under the old system that same veteran would have had $12,000 in remaining entitlement ($36,000-$24,000, assuming 1910(c) was increased to $36,000), and would have been able to obtain a no downpayment loan of up to $48,000 since lenders require at least a 25 percent guaranty coverage. We further note that the new law will permit guaranteeing higher amount loans when guaranty is denied on smaller loans. In the above case, for example, VA would not guarantee a $40,000 loan for a veteran who previously used $24,000 of guaranty entitlement. But if the same veteran obtained a $90,000 loan, VA would guarantee $12,000 of such loan (40% of $90,000-$36,000 less $24,000 prior use=$12,000).

Second, our bill would clarify the provision, enacted in section 3(b) of Public Law 100-198, establishing a 5-percent downpayment requirement on manufactured home loans. This provision would not effect any substantive changes, but would merely improve the drafting of the downpayment provision.

CONCLUSION

Mr. President, the VA Home Loan Program has helped millions of veterans achieve home ownership. Recent incrases in the cost of the program have necessitated a careful examination of the program, which we began in the last session with the enactment of Public Law 100-198. As I noted earlier, along with Senators MURKOWSKI, BENTSEN, and GRAMM, I will be introducing tomorrow a bill which would allow for the continuance of that examination. Today's measure, however, is urgently needed to ensure that the improvements wrought by that law do not have the unintended effect of hindering VA property disposition efforts in certain areas and reducing the amount of guaranty entitlements which should be available to certain veterans.

Mr. President, I greatly appreciate the cooperation of the leadership and all Senators in agreeing to expedite condiseration of this emergency measure so rapidly today.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

This bill would make urgently-needed amendments to provisions enacted in Public Law 100-198 on December 21, 1987, and which took effect on January 20 and February 1, 1988. These amendments would—

(1) provide the VA with the authority to reduce (or waive) the 5-percent downpayment newly required (as a result of section 6 of Public Law 100-198) for loans made by the VA to finance its sales of properties it has acquired as the result of foreclosures (called "vendee loans") where the reduction (or waiver) is necessary for the VA competitively to market such properties; and

(2) correct a technical error (in section 3 of Public Law 100-198) which precludes cer-

tain veterans from using the maximum amount of their VA home loan guaranty entitlement.

Mr. MURKOWSKI. Mr. President, I am today joining with the distinguished chairman of the Committee on Veterans' Affairs, Senator CRANSTON, and the Senators from Texas, in introducing legislation which would give the Veterans' Administration authority to waive the recently imposed requirement for a 5-percent downpayment on the VA-financed sale of VA-owned homes.

When a VA-guaranteed home loan is foreclosed, the VA has the option of paying to the lender the unpaid loan amount as well as all accrued interest and foreclosure costs. The VA, in turn, acquires the property securing the loan and resells the property. In reselling the property the VA can act as lender and finance the sale itself. These so-called vendee loans are the subject of the legislation we are introducing today.

These vendee loans, which can be made to nonveterans, are big business. In fiscal year 1987, the VA made 22,563 vendee loans for a total of $973,999,000. However, the VA tells me that between 20 and 25 percent of these loans subsequently go into default. These defaults impose an enormous cost on the VA and the taxpayer because the VA must again pay the costs of foreclosure, acquiring, maintaining and reselling the home. The Congress, in enacting Public Law 100-198 in the closing days of 1987, attempted to respond to this situation by limiting, in most cases, VA financing to 95 percent of the value of the property. By requiring a purchaser to have some equity in the home we believed we would reduce the number of defaulted vendee loans by ensuring that the purchasers have a financial interest in keeping their homes. We also intended to reduce the VA's loss if a vendee loan does go into default. We believed that 95-percent financing, while not as attractive as 100-percent financing, is still very attractive financing for a prospective homebuyer.

In most cases, and in most areas of the country, the logic behind the requirement for a 5-percent downpayment is valid. But in some areas of the country, requiring a 5-percent downpayment simply makes the VA uncompetitive as a seller.

Members of my staff conducted oversight visits of VA home loan guaranty operations in the Southwest United States during the January recess. They saw areas of the country where the real estate market has been devastated. They saw subdivisions where most of the homes are empty and for sale. These homes have been foreclosed and are now owned by lenders or the agencies that back those lenders—VA, HUD, FNMA, FSLIC, et cetera. These homes are in a buyer's market and sellers have responded by offering very attractive terms in both price and financing. Terms so attractive that limiting the VA to 95-percent financing will sharply reduce, if not eliminate, the VA's ability to sell its inventory of homes.

Mr. President, the impact of a slowdown of VA sales on the VA loan guaranty revolving fund [LGRF], and hence upon the taxpayer, would be catastrophic. Over ⅓ of the VA inventory—8,000 of 24,000 homes—is in the Houston area. If the VA cannot sell these homes, the resulting drag on the LGRF would threaten to bring the VA Home Loan Guaranty Program to its knees. This simply cannot be allowed to happen. That is why Chairman CRANSTON and I are introducing this legislation which would allow the VA to waive the requirement for a 5-percent downpayment on vendee loans in those cases where the VA determines a waiver is necessary for the VA to compete in marketing its inventory of foreclosed homes. The bill also makes technical corrections in Public Law 100-198, which was signed by the President on December 21, 1987.

Mr. President, this legislation is not my final word on the subject. I continue to be very concerned about the program and my staff's findings in the Southwest have heightened my concern. I intend to closely follow this program and introduce additional legislation as appropriate. This legislation is, however, urgent. The requirement for a downpayment went into effect January 21, 1988. Every day without relief imposes a greater risk on the vitally important Veterans' Home Loan Guaranty Program. I am very pleased the Senators from Texas have joined with Senator CRANSTON and myself in agreeing upon, and bringing before the Senate, legislation to correct this situation. I urge my colleagues to join us in supporting this urgent measure.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Emergency Amendments of 1988".

SEC. 2. DOWNPAYMENT REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d)(4)(B) of title 38, United States Code (as amended by section 6(b)(1) of Public Law 100-198), is amended—

(1) by inserting '(i)" after "(B)"; and

(2) by adding at the end the following new division:

"(ii) A loan described in subparagraph (A) of this paragraph may, to the extent the Administrator determines to be necessary in order to market competitively the property involved, exceed 95 percent of the purchase price.".

SEC. 3. AMOUNT OF GUARANTY ENTITLEMENT.

(a) CONVENTIONAL HOUSING.—Section 1803(a)(1) of title 38, United States Code (as amended by section 3(a)(1) of Public Law 100-198) is amended to read as follows:

"(a)(1)(A) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed the lesser of—

"(i)(I) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(II) in the case of any loan of more than $45,000, the lesser of $36,000 or 40 percent of the loan, except that the amount of such guaranty for any such loan shall not be less than $22,500; or

"(ii) the maximum amount of guaranty entitlement available to the veteran.

"(B) The maximum amount of guaranty entitlement available to a veteran under section 1810 of this chapter shall be $36,000 reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(b) MANUFACTURED HOUSING.—Section 1819(c) of such title (as amended by section 3(b) of Public Law 100-198) is amended—

(1) in paragraph (3), by amending the first sentence to read as follows: "The Administrator's guaranty may not exceed the lesser of (A) the lesser of $20,000 or 40 percent of the loan, or (B) the maximum amount of guaranty entitlement available to the veteran.";

(2) in paragraph (4), by amending the first sentence to read as follows: "The maximum amount of guaranty entitlement available to a veteran under this section shall be $20,000 reduced by the amount of any such entitlement previously used by the veteran."; and

(3) by adding at the end the following new paragraph:

"(5) the amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing the loan.".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

NATIONAL SCHOOL COUNSELING WEEK

Mr. HATCH. Mr. President, I would like to call to my colleagues' attention on the ninth annual National School Counseling Week which occurs February 1 through 5. Our Nation's school counselors are important and active players in developing a strong America. The school counselor has a great

responsibility in helping our children in their educational and career development.

School counseling is one of the building blocks of an educational system that can keep the United States competitive by helping students maximize their abilities and career potential.

In order that school counselors maintain high standards of excellence, the American School Counselor Association, a division of the American Association for Counseling and Development, has emerged as the leading professional organization for these individuals. For more than 30 years, ASCA has worked toward the continued improvement of school counseling through publications, professional development, and issuance of a code of ethics.

I am especially proud that this year's ASCA President hails from my home State of Utah. Ms. Nancy Hardy, a school counselor at Olympus Junior High School in Salt Lake City has served her profession with distinction. More importantly, she has served her students with true dedication. In addition, Ms. Hardy attended a White House ceremony last year when President Reagan and Department of Education Secretary William Bennett presented Olympus Junior High School with one of its Secondary School Recognition Awards.

Mr. President, I ask that my colleagues join me in recognizing National School Counseling Week and expressing our support for the ongoing efforts of our Nation's school counselors.

THE YOUTH EMPLOYMENT SERVICES ACT OF 1987

Mr. HEINZ. Mr. President, I want to ask my colleagues and our fellow Americans an important question: Are we doing enough to help young Americans stay in school and find a job when they leave school? I think not.

The Children's Defense Fund, the General Accounting Office, and the Office of Technology Assessment, among others, have found that our current youth employment programs are not reaching the most disadvantaged of our young. We are running the risk of creating a permanent underclass in our society. We must face this problem and face it today.

For disadvantaged youths, poor and most often residing in communities with inferior schools, the likelihood of leaving school without necessary basic skills is very strong. Eighteen-year-olds with the weakest reading and math skills are nine times more likely to drop out of school and five times more likely to be both unemployed and not in school. Indeed, the odds of getting and holding a job are against America's poor young people—in 1985, only 1 in 3 poor high school graduates and 1 in 5 poor dropouts had full-time jobs. Translated in terms of earning potential, staying in school, and acquiring basic skills while there, can at least double earning potential.

That is why I am a cosponsor of S. 1731, the Youth Employment Services Act of 1987, introduced by Senators METZENBAUM, SPECTER, and others. I rise today to urge my colleagues to support this measure, now before the Committee on Labor and Human Resources, and to press for its expeditious passage.

The Youth Employment Services Act of 1987, or "Yes Act," creates a 3-year national demonstration program under the Job Training Partnership Act to provide intensive training and support services to severely disadvantaged youths. Under the "yes" demonstration program, 75 to 100 public/private partnerships would receive grants from the Secretary of Labor for such services.

The "Yes Act" targets those severely disadvantaged youths currently not receiving adequate assistance from Federal programs. For example, many States are not even close to fulfilling the current JTPA requirement that 40 percent of program funds be spent on programs for youths, according to the Children's Defense Fund. CDF also notes that, with entry requirements of eighth or ninth grade reading levels, many current JTPA-funded projects essentially disqualify participation by most high school dropouts, whose reading levels are often lower. Mr. President, these are the youths our programs should be helping most.

Our "Yes Act" changes all that—its entry requirements ensure that America's most needy youths will be served. Covered by the "Yes Act" are 16- to 24-years-old economically disadvantaged dropouts or high school graduates, with less than eighth grade reading and math skills levels, who have neither participated in an education or training program nor had more than 150 hours work experience during the preceding 9 months.

Mr. President, we must do all that we can to help loosen the grip of poverty, crime, even possible family disintegration, from these youngsters by giving them the chance to say "yes" to a meaningful future. With $400 million in budget authority over 3 years, the "Yes Act" could reach far more young people than is presently the case, and draw a blueprint for our future. The level of funding is certainly not too much for such a serious situation.

Mr. President, an investment in our future always brings a tremendous return. I urge my colleagues to support the "Yes Act."

SECRETARY BENNETT'S "JAMES MADISON HIGH SCHOOL CURRICULUM"

Mr. PELL. Mr. President, as we begin this session of the 100th Congress, I would like to focus the attention of my colleagues on Secretary Bennett's recent push for school reform. His plan, the James Madison High School curriculum, outlines course work in seven subjects that all students should be required to take to fulfill graduation requirements.

I would like to resoundingly support the goals of the Secretary's proclamation. There is no question that our schools should push, and push hard, to meet these standards and provide this model curriculum. It is important, however, to remember that many schools have already undertaken steps to implement such a plan, if not already offer such a curriculum.

In my home State of Rhode Island, for example, graduation requirements are similar to those outlined in the James Madison curriculum. College bound students in grade 9 through 12 are required to take four units of English, three units of mathematics, two units of science, two units of foreign language instruction, two units of social studies, one-half unit of art and one-half unit of computer literacy as well as four elective courses. These vigorous course requirements have been implemented due in large part to the strong leadership of our commissioner of education, Troy Earhart, and demonstrate his solid commitment to educational excellence.

At the Federal level, we have also sought to address the need to upgrade instruction in subjects of national priority. These include mathematics, science, and foreign language instruction. This was the goal of legislation that Senator STAFFORD and I introduced in 1984, the Education for Economic Security Act, which has been law since 1985. This important program provides funds to school districts nationwide to upgrade instruction in mathematics and science, and in turn to encourage school districts to focus on the importance of math and science, and to increase course requirements in these areas.

The Education for a Competitive America Act, S. 406, again underscored our commitment to educational excellence. This legislation, which I introduced early last year, became the education component of the omnibus trade package. It called, among other initiatives, for full funding and reauthorization of the math and science program, and a new separate initiative for model foreign language programs in the elementary and secondary schools.

Rigorous school standards and tough course requirements are vital components of a comprehensive strategy to

achieve our goal of strengthening the ability of our citizenry to address the economic challenges of coming decades. At the same time, however, it is important to reemphasize the strength of our commitment to educating students who may or may not be college bound. Our investment in their education is as vital to our economic interest as that of our effort to meet higher standards for the college bound.

The traditional Federal role in education is that of serving the educationally disadvantaged and underserved. The two most important Federal programs in elementary and secondary education, chapter 1 and vocational education, serve these populations. Chapter 1 provides more than 5 million students with compensatory educational services which seek to bring them into the educational mainstream. This program has been very successful in upgrading the achievement levels of these students. It has provided significant assistance in addressing the severe problem of illiteracy, and has given many students adequate tools to meet the full limits of their potential.

Vocational education annually serves over 8 million students, providing them with educational and vocational courses that better meet their career objectives. It is the Federal leadership in this area that encouraged State and local educational agencies to undertake this effort, and today the State and local match to the Federal investment is more than 8 to 1. Vocational education is an important component of our educational system, a vital one which cannot be separated from our other efforts in elementary and secondary education.

Secretary Bennett himself has indicated in his James Madison School report that his model curriculum is just that—a model. It is not a Federal mandate for a national curriculum, nor will it serve all students. Any such model, however, should accommodate vital national concerns. While such concerns may not be specifically mentioned, the curriculum should most certainly make room for their pursuit by interested students. I am thinking here not only of vocational education and training but also of the vital role that geography education can and must play in the schooling of our children. I would hope, therefore, that any discussion of his curriculum would emphasize points of this nature.

Further, while the Secretary's model curriculum challenges school systems nationwide to examine their graduation requirements and course offerings, it also serves to underscore the importance of the Federal role in education. For, while we want to strive for educational excellence, we cannot lose sight of the fact that the strength of our educational system, indeed the strength of the democratic principles which founded this Nation, rest solidly on the concept that the American educational system is one that provides a quality education for all its citizens. It is an educational system that challenges all students—the college bound and the noncollege bound—to the full limits of their ability.

CONSIDER THE INF TREATY IN CONTEXT

Mr. DOLE. Mr. President, I have just read Ambassador Jeane Kirkpatrick's insightful comments on the INF Treaty, shared with the Committee on Armed Services last Friday. On balance, she recommends we ratify the INF Treaty. I agree. But I also believe we should use this occasion to examine NATO's future in its fullest context.

The simple fact is that the Soviet Union will still enjoy overwhelming superiority in conventional and chemical forces in post-INF Europe. Ambassador Kirkpatrick reminds us that this "is not eliminated by hurried redefinitions." No, we had better get to work on it promptly—with theater force upgrades and negotiations for conventional force equality in Europe. But as we proceed, we should consider Ambassador Kirkpatrick's comments on how the road to INF has affected the perceptions of our NATO allies. She also warns us of the costs to our own security which a denuclearized Europe or a neutral Germany would mean.

Jeane Kirkpatrick prescribes true advance consultations with our allies on matters affecting their security and genuine support for strengthening the European component of NATO defense. Her insight will benefit us all, and I commend her statement to my colleagues.

The statement follows:

TESTIMONY OF AMBASSADOR JEANE J. KIRKPATRICK BEFORE THE SENATE ARMED SERVICES COMMITTEE, JANUARY 29, 1988

I thank the committee for its invitation to testify today. I have concerns which I welcome the opportunity to share with the committee. My concerns are of several kinds, but let me say at the outset that I am less worried about the terms of the treaty than I am about its consequences for the overall balance of forces in Europe, its impact on the alliance and on political trends in Western Europe.

My first point is simply the reminder that the terms of a treaty are one thing, and its consequences quite another. Weapon for weapon, the impending treaty looks like a good deal. It requires the Soviets to destroy more intermediate-range missiles than we do—because they have more. In the abstract, it seems to move Europe's strategic position back to where it was before the Soviet Union targeted SS-20's against Western European capitals, thus stimulating NATO's decision to deploy American Pershings and cruise missiles.

But weapons systems do not exist in the abstract. They exist in particular military, political and cultural circumstances. As Pasteur said once of a disease, "The germ is nothing, the environment is everything."

The military circumstances in which the INF Treaty exist are clear. The Soviet Union enjoys a widely acknowledged, generally understood advantage in conventional and chemical weapons. Unfortunately, this Soviet advantage is not eliminated by hurried redefinitions. It exists. And it is understood by all parties to exist. The potential effects of this advantage are magnified by the forward deployment of essential military components. The advantage is no longer offset by superior Western technology. We should also be clear about that.

While Americans have seen Pershings and cruise missiles principally as offsetting Soviet SS-20's, they have long since taken on broader significance for most pro-alliance Europeans.

It is widely felt in Europe that the removal of the Pershing and cruise missiles leaves Western Europeans more vulnerable to these Soviet forces. The point, made again and again in Europe, was stated clearly by a group of Europeans in a letter to Ronald Reagan. They argued that "intermediate range missiles make a general contribution to deterence through their ability to reach Soviet soil—a capability not matched by any other land-based missiles in Europe; they link the European pillar of NATO to the U.S. pillar; they provide a crucial element after the level of tactical nuclear weapons, thereby ensuring a continuum of escalation."

Europeans frequently emphasize that no other weapons, except the intermediate missiles that can be launched from Western Europe, have the capacity to reach the Soviet Union. For this reason alone intermediate range missiles make a crucial and unique contribution to deterring a Soviet attack.

They worry that removal of the missiles therefore may encourage Soviet military planners to believe that a conventional land battle can be successfully fought in Europe without risk of a nuclear response.

As you know, Richard Nixon and Henry Kissinger have made a similar point arguing that the Pershings and cruise missiles "closed a gap in deterrence caused by the apocalyptic nature of strategic nuclear war."

The intermediate range missiles are seen then as a major component in Allied capacity for flexible response and a "continuum of deterence" necessary to counter the Soviets arsenal of diverse weaponry.

A third major point made by many Europeans is that no other weapons have the capacity to threaten the Soviet Union without committing the U.S. to all out nuclear war.

The existence of intermediate range missiles is thus seen as constituting a more credible deterrent, because it does not require the U.S. to take the ultimate step to strategic war. Removal of the missiles seems to many to deprive Europe of a credible nuclear deterrent, because it is doubted the United States will risk total nuclear war to deter a conventional attack.

These doubts are deep enough that their potential impact on the Alliance should be taken very seriously. As Robert Tucker observed in the current National Interest: "Given the apocalpytic nature of nuclear war, the credibility required for allies is very different from the credibility required for adversaries. Adversaries may need only a threat of modest credibility to be deterred. But allies seem to need a form of assurance that approaches certainty."

The total impact of the treaty in Europe is also affected by the widespread belief that the Reagan Administration has rushed the process for personal and political reasons. True or not, fair or not, the perception affects the reception and impact of the Treaty.

A good many Americans find themselves more than a little exasperated by European anxieties in these matters. Ronald Reagan particularly must find it irksome to have gone from being accused of not wanting an agreement to wanting one too badly.

But where intermediate range missiles are concerned, Europe is the front line, and Americans cannot simultaneously insist on U.S. reliability and dismiss European concerns. At some point their concerns become our concerns. The United States has a great deal to lose—geotrategically—from a neutral Germany or a denuclearized, Finlandized, Western Europe.

"Finland is not so badly off" a Soviet official noted during the Gorbachev visit. It is also not capable of protecting its own independence, and lives, I fear, off the existence of an alliance of nations, who, collectively, are capable of self defense.

A French official wrote in Politique Etrangere: "Never have the Soviets advertised so openly the objectives the West has always attribued to them: denuclearization of Europe, de-linage of Europe and the United States, and creation of a new all-European "security system."

This official believes Gorbachev laid a "remarkable diplomatic trap" into which the United States willingly fell. The French weekly Express saw the "Gorbachev effect" at work on both sides of the Atlantic—sowing doubts about the reality of the Soviet threat and exacerbating the psychological distance between the United States and Europe, all the while raising hope and intensifying anxieties about the German role in Europe.

Fallout from these doubts and anxieties will in the long run strengthen anti-Alliance parties in Western Europe at the expense of pro-Alliance parties, and shift the balance of power within these latter parties from the most pro-Atlantic elements to the more neutralist tendencies. The process has already begun.

I believe the treaty on balance leaves Europe somewhat more vulnerable, the Soviet Union somewhat less vulnerable and the alliance somewhat weaker.

It does not follow however that the Senate should not ratify the treaty. There is deep concern abroad—and not only among Allies—about the divisions in the American government.

"Has the United States become ungovernable?" has become a familiar question. Now, European leaders, parties and governments have made accommodations and public commitments to support the treaty. It would be profoundly disconcerting to them if the Senate were to reject the treaty. Around the world it would be seen as more proof that the United States government is in serious disarray, incapable of pursuing a coherent policy.

Moreover, failure to ratify would permit anti-American forces in Europe to blame the United States for continuing vulnerabilities created by SS-20's and anti-American forces in the world to depict us as uninterested in achieving security at lower levels of risk and expenditures. Neither is true.

I therefore believe the Treaty should be ratified. But the Senate—and other Americans—should understand that the Treaty—though interesting—has not contributed to our security, or that of our allies, but has created some new problems that should be promptly and seriously addressed by our government.

Specifically, I believe the Administration should take great pains in current and future negotiations affecting Allied security, to truly consult with the Alliance in advance of the negotiation of agreements, and not merely inform them after the fact of our decisions.

The combination of Reykjavik and INF talks shook sober Europeans' confidence in the reliability of the United States as the leader of the Western alliance. They were stunned that basic elements of NATO strategy were put on the table of Reykjavik, regarded as negotiable and nearly negotiated away—all without consultation of European allies. And all feel that consultation came too late on INF to be very meaningful.

Advance and continuing consultation will ensure that essential elements of European security are neither ignored nor de-emphasized. It will ensure that account is taken of conventional forces and chemical weapons in future negotiations. It will ensure that reducing nuclear arms is not mistaken for reducing the risk of war or of conquest.

Second, these developments and their continuing consequences have illustrated for all the importance of strengthening the European component of the defense of Europe.

I believe the United States should encourage new European efforts including Franco-German military cooperation and should view such all-European arrangements as reinforcing rather than competing with NATO.

Third, like all other weapons agreements, its value depends entirely on mutual compliance with its terms. So far, the great difficulty about U.S-Soviet arms agreements has not been in negotiating their terms, nor even the terms of verification, but in securing compliance. From Yalta forward through Kennedy-Khrushchev, SALT's I and II, the ABM treaty and so forth, compliance has been the problem.

This and all future U.S. agreements with the Soviet Union should provide not only for monitoring compliance but also for automatically terminating the pact in the case of noncompliance. No such provision is included in the current treaty. Perhaps the Senate can take care of this oversight.

Finally, the benefits of the Treaty like the damage are largely political. Its completion constitutes a precedent for cooperation and creates a more constructive climate for U.S.-Soviet relations. This may be useful in the future, especially if we can learn from this experience.

ASSESSING THE MILITARY BALANCE IN EUROPE

Mr. DOLE. Mr. President, last week Senator DAN QUAYLE again shared his considerable insight into military affairs with us as we consider a post-INF world. He points out that a static count of the balance of ground forces in Europe is insufficient. We need to pay more attention to air forces; to understanding each side's war aims and plans; and to examining trends toward future weapon systems and force structures.

It is undeniable that the Soviet Union and its Warsaw Pact allies enjoy overhelming conventional superiority over NATO. We cannot—and do not need to—match them soldier-for-soldier or tank-for-tank. NATO can maintain and enhance deterrence, but that requires starting to do the right things now. I believe we can use the debate over the INF Treaty to set out on the right course, and thinking such as that of the Senator from Indiana will lead the way. I commend Senator QUAYLE's statement to my colleagues.

The statement follows:

HOW TO ASSESS THE MILITARY BALANCE IN EUROPE

(Statement of U.S. Senator Dan Quayle, January 27, 1988)

On order to "help the Committee, the Senate and public understand the full complexity of the conventional balance" in Europe (which is the stated objective of the Levin Report), we must understand:

1. What the Soviets' war objectives are compared to NATO's.

2. How each side intends to achieve these objectives with the military capabilities they have—what each side's war plans and or operational concepts are.

3. What military capabilities each side has at its disposal to execute its war plan.

4. What the future trends are likely to be for the growth of the relative ability of each side to achieve its war objectives.

Getting a fix on the relative military capabilities of each side is important and difficult to establish, as the Levin report makes clear, but it is hardly sufficient to get a full understanding of what the balance is. In fact, fixating only on the military capabilities of each side can be misleading.

Unless we know what the Soviets intend to do with their military hardware, unless we know what their war objectives are and how they intend to use their military capabilities to achieve them, we may misunderstand what the true military strengths and weaknesses are on both sides. For example:

In 1940, the French and their allies had nearly equal forces, superior prepared defenses, superior military equipment, superior equipment to the Nazis and months of strategic warning that an attack was likely. Yet, the Nazis defeated the French in less than eight weeks because they had a superior operational concept—blitzkreig, combined arms warfare—and were able to use it to penetrate the Ardennes and achieve localized force ratio superiorities of more than 4 to 1.

At Stalingrad, with only slight odds on their side—1.4:1 advantage in tanks and motorized artillery, 1.3:1 in field guns and mortars—the Soviets were able to encircle and annihilate a Nazi force of many hundreds of thousands of men given the Soviets' superior operational concepts.

Equally important, is identifying future trends in military technologies and operational concepts. When one side gets these wrong, they can suffer defeat at the hands of military forces equal or superior to their own.

The U.S., for instance, suffered defeats at the hands of the Japanese for nearly 2 years because we misunderstood their war aim—we thought they would only go south to gain Southeast Asia—and because we only caught on to their trend toward aircraft-carrier war after the Japanese had built their fleet around such ships.

These points are also relevant in assessing the NATO/Warsaw Pact balance. NATO's war aims are very different from those of the Pact, as is its operational concept or war plans:

Where NATO's forces are dedicated to deterring a Soviet attack and, if war breaks out, to restoring the status quo anti by simply pushing Warsaw Pact forces back over to their side of the Inter-German border, the Soviets' forces are dedicated to offensive war objectives. As Soviet Defense Minister Yazov has recently gone on record stating, the Pact must conduct "decisive, offensive operations" that will "secure the destruction" of the opposing forces.

NATO's operational concept or war plan, as a result, is very different from that of the Warsaw Pact. NATO's operational concept is to deter war with a minimal number of nuclear weapons and to restore the status quo anti (push Soviet forces back on their side of the Inter-German Border if a war should break out with shallowly deployed conventional divisions supported by tactical air forces located near the Inter-German border). These forces would be reinforced, if there was sufficient warning, from reserves in the U.S.

The Warsaw Pact, in contrast, intends to defeat and destroy the NATO's forces by launching a massive, fast-paced ground attack, concentrated along critical NATO axes. While holding NATO forces where NATO is strong, the Soviets will penetrate deep against NATO where it is weak and engage in encircling operations intended to cut off NATO's forward defenses from its rear support areas.

This ground operation will also be supported by a massive, deep air, missile and commando attacks directed against NATO's air fields and ground air defenses, command, communication and control centers, nuclear storage facilities, ports, and POMCUS sites. These attacks will be designed to prevent NATO from resorting to nuclear weapons of their own or reinforcing its conventional forward defenses before the Central Front is defeated. Finally, the ground war will be reinforced with second and third echelon forces once NATO's central front begins to collapse.

These very different operational concepts result in very different capabilities for weapons that otherwise would seem to be the same. For example:

Our air forces are designed to fly many sorties over a long period of time—long enough to push the Soviets back across the Inter-German Border. Instead of many deep-strike bombers, NATO has many attack and air defense interceptor fighters on a handful of bases, that are defended by only two major types of ground air defenses.

The Soviets' air forces are heavily dedicated to medium and heavy bombers that can strike deep. Rather than flying many sorties for many weeks on end, these forces are designed to deliver several major blows. Meanwhile, the Pact's superior number of air defense systems and interceptor aircraft will cope with NATO's large attack fighter fleet.

Finally, the Pact's air war will be supported by thousands of tactical ballistic missiles that will clear out corridors in NATO's air defense belts. NATO has no similar missile fleet.

Likewise, the difference in operational concepts and war aims between NATO and Warsaw Pact forces makes Soviet employment of armor and artillery forces very different from that of NATO. Pact armor has the logistical support to operate for weeks deep inside NATO territory. Just the opposite is the case for NATO armor.

Warsaw Pact artillery also differs from NATO's. There is not only much more of it; they have motorized artillery for support for deep offensive operations. Also, Soviet artillery has superior range. Finally, not only does the Pact have artillery in its divisions; it is also unique, dedicated artillery divisions—i.e., divisions with nothing but artillery in them dedicated to focusing additional artillery fire where it may be needed to break through NATO's forward defenses.

Finally, in assessing the conventional balance in Europe and trying to decide what NATO needs for its defense, it's critical to consider what each side will develop and deploy militarily in the future. If we do not understand or anticipate improvements in each side's existing force structure or new additions to that structure, we are certain to misread the meaning of the current balance and buy or fret about the wrong things. For example:

A larger percentage of Warsaw Pact tanks are older than NATO's but the Pact has more modern tanks than NATO. Furthermore, the older Pact tanks are being equipped with additional armor, improved range finders, and improved tank rounds.

As a result, many of NATO's anti-tank weapons can't defeat Soviet armor and only a handful of NATO tanks can even hope to do real damage to the modern Soviet fleet. NATO tanks, on the other hand, are vulnerable to a larger number of Soviet tanks and anti-tank weapons.

Soviet fighters now are nearly equal to NATO fighters due to their modern radars, increased range and payload, and modern munitions. NATO deployment of stealth technology may help us regain an edge in the air but that is still sometime in the future and we are not yet sure how effective those systems will be. In any case, it is doubtful that NATO air even with stealth will allow us to win an air campaign and at the same time use air power to compensate for insufficient ground forces.

The Soviets are developing accurate nonnuclear tactical ballistic missiles to help pin down and destroy NATO airplanes and ground air defenses. If NATO develops extended air defenses, this problem can be coped with. If not, all the tactical air additions in the world, including stealthy aircraft (which are not stealthy when they are parked on NATO airfields), will be of little value.

Assessing these four concerns—each side's war aims, war plans, war capabilities, and each side's future force structure changes, which are concerns beyond the static assessments of military capabilities contained in the Levin report—are critical to any full understanding of the complexity of the force balance.

As for the Levin Report itself, I think two additional components, beyond the 13 listed, might be added to get a better fix on the limited concern of what each side's military capabilities are:

The first might be called "Reinforcement". What does each side have to transport its forces, How effective, secure, and fast are these means? How vulnerable are the reinforcement nodes, the ports, airfields, etc. on each side? How many reserves does each side have and how well are they tailored to the missions they are assigned?

The second might be called "Employment". How well does each side employ its forces? How well does each side mix offensive capabilities with defensive capabilities? How sound are the tactics and plans to use each sides' forces? How sound are the command and control arrangements? Do communications networks support those arrangements? How integrated are naval air and ground forces?

Also, much greater attention needs to be focused on assessing each sides' air war capabilities. The Levin Report and many of the other analyses publicly available focus almost exclusively on the ground war largely because that war is two-dimensional and is, therefore, easier to analyze in terms of numbers and map traces over time. The air war is three-dimensional and much more fast-paced. It, therefore, is very difficult to assess. Yet its outcome is critical to the outcome of the war. If NATO wins it, it has some hope of prevailing against the Warsaw Pact. If it loses partially or in whole, there's little hope.

Finally, it should be noted, that all of the concerns I've discussed are addressed in the net assessment done by OSD's office of Net Assessment. Although the Conventional Forces Subcommittee received a briefing from the Office of Net Assessment last October, I understand that the full committee will get this hearing as well in the coming month as part of the INF hearings. I think it is worth seeing again and focusing on. Certainly, a full understanding of the complexity of net assessments of the balance is the minimum we need if we are to address they very real problems NATO faces.

BICENTENNIAL MINUTE

JANUARY 30, (1835): SENATOR ACCUSED IN PLOT TO ASSASSINATE PRESIDENT

Mr. DOLE. Mr. President, on January 30, 1835, 153 years ago this weekend, as President Andrew Jackson walked through the rotunda of the Capitol, two pistols snapped in quick succession. Neither gun discharged. Bystanders quickly grabbed the gunman, Richard Lawrence, who was subsequently judged to be insane. This incident was the first attempt upon the life of a President, and it highlights the venomous partisan and personal hatreds engendered by the political struggles of the late 1820's and 1830's.

President Jackson's detractors immediately labeled the incident a publicity ploy staged to win sympathy for "Old Hickory." His friends countered by circulating rumors of a conspiracy to kill the President. Jackson himself charged that a U.S. Senator was involved in the plot. Jackson and Senator George Poindexter of Mississippi, both veterans of the War of 1812, had once been good friends. By 1930, however, a dispute over political patronage destroyed that friendship. Failing to get his man appointed, the outraged Poindexter broke with Jackson, and his hatred of the President became palpable.

Once considered a genius, Poindexter had degenerated into a profligate. He denied paternity of his children and plunged into a life of reckless dissipation. Nevertheless, Poindexter was clearly innocent of plotting

against the President. He asked the Senate to appoint a special committee to investigate the rumors linking him with the would-be assassin. After 3 days of hearings, the committee unanimously exonerated him of all suspicion. Every Senator on the floor voted for the report's acceptance, and thus ended a most regrettable incident in both Jackson's and Poindexter's lives.

COUNTRY BOY EDDY BURNS—CELEBRATING 30 YEARS ON THE AIR

Mr. HEFLIN. Mr. President, I am proud to rise, today, to pay tribute to Country Boy Eddy Burns, a great entertainer who has amused and delighted audiences in Alabama and throughout the South for many, many years. Country Boy Eddy appears with his band every morning on the "Country Boy Eddy Show," and recently celebrated the show's 30th anniversary. On behalf of his fans and all the people of Alabama, I would like to express by gratitude to Country Boy Eddy for taking the time and the effort to brighten and amuse our mornings.

Country Boy Eddy was born on the Burns family farm in Warrior, AL, where he still lives with his wife, Edwinna. I understand that he took an immediate interest in music, and now plays a wide variety of instruments including the fiddle, with which he is particularly talented, the guitar, the banjo, the french horn, the accordion, and others. He started in show business as a teenager, and played on the radio for several years with Happy Hal Burns. After a 2 year stint in the 101st Airborne Division of the Army, he returned to the "Happy Hal Show," and toured the countryside for several years.

Country Boy Eddy formed his own band after playing with Happy Hal, and was an immediate success. His breakthrough into television occurred when he appeared on the "Tom York Show" as a guest.

The audience response to his guest appearance was so great that the television station decided to give him a week to try out his own show. This was extended to four weeks, then further, and the rest is history. The "Country Boy Eddy Show" now airs on WBRC-TV, Channel 6 from 5 a.m. to 7 a.m. Monday through Friday. Country Boy Eddy still has his own band, and invites music celebrities, local talent, and other guests to appear live and entertain the early morning viewers.

Among the guests who have appeared on the show are Dolly Parton, Emmilou Harris, Tammy Wynette, and many others. In fact, I have enjoyed personal appearances. Additionally, the show has farm reports, news capsules, and weather reports that are of great interest to farmers and other early-risers.

I understand that the average viewing audience is 25,000 and the show is broadcast to many parts of Alabama. In addition to his regular television show, Country Boy Eddy tapes other shows in Nashville and Chattanooga, and is broadcast on 68 cable systems in Alabama. Country Boy Eddy also regularly appears at fairs, rodeos, shopping center openings, and many other events, and is always a tremendous crowd pleaser.

To commemorate the 30th anniversary of his television show, Country Boy Eddy recently had a cookbook printed that is comprised of recipes donated by his viewing audience. I received a copy of it for a Christmas present, and can now treat some of the people in Washington to some good Southern cooking from "Country Cookin' With Country Boy Eddy."

I might even lend the cookbook out to some of my colleagues from States north of the Mason-Dixon line, but am a little afraid that they might not return it—after they see all of the wonderful recipes.

I would like to close by wishing Country Boy Eddy and Edwinna every success and happinesss in the future. I know that the "Country Boy Eddy Show" will continue for another 30 years, and hope that I will someday be able to watch it every morning as I did for many years.

REMOVAL OF CERTAIN COUNTRIES FROM THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 105

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on January 29, 1988, during the adjournment of the Senate, received the following message from the President of the United States; which was referred to the Committee on Finance:

To the Congress of the United States:

I am writing concerning the generalized system of preferences [GSP] and Hong Kong, the Republic of Korea, Singapore, and Taiwan. The GSP Program is authorized by the Trade Act of 1974, as amended ("the Act").

I am hereby providing notice of my intent to remove Hong Kong, the Republic of Korea, Singapore, and Taiwan from their status as beneficiaries of the GSP Program as of January 2, 1989, under section 504(a)(1) of the act (19 U.S.C. 2464(a)(1)). All four have achieved an impressive level of economic development and competitiveness, which can be sustained without the preferences provided by the program. Graduating these economies may also enable other less developed countries to benefit more fully from the GSP program.

RONALD REAGAN.

THE WHITE HOUSE, *January 29, 1988.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 430. A bill to amend the Sherman Act regarding retail competition (Rept. No. 100-280).

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 370. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry (Rept. No. 100-281).

By Mr. BUMPERS, from the Committee on Small Business, without amendment:

S. Res. 366. An original resolution authorizing the expenditures by the Committee on Small Business.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. Res. 367. An original resolution authorizing the expenditures by the Committee on Armed Services.

By Mr. MELCHER, from the Special Committee on Aging, without amendment:

S. Res. 368. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. STENNIS, from the Committee on Appropriations, without amendment:

S. Res. 369. An original resolution authorizing expenditures by the Committee on Appropriations.

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Res. 371. An original resolution authorizing expenditures by the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Anthony M. Kennedy, of California, to be an Associate Justice of the Supreme Court of the United States (with additional and supplemental views) (Exec. Rept. No. 100-13).

By Mr. NUNN, from the Committee on Armed Services:

Grant S. Green, Jr., of Virginia, to be an Assistant Secretary of Defense; and

J. Daniel Howard, of Tennessee, to be an Assistant Secretary of Defense.

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of December 15 and December 17, 1987, at the end of the Senate proceedings.)

*Rear Admiral *Stanley R. Arthur*, U.S. Navy, to be vice admiral (Ref. 750)

**In the Air Force there are 2,852 promotions to the grade of major (list begins with Randy D. Abele) (Ref. 752)

**In the Marine Corps there are 10 appointments to the grade of second lieutenant (list begins with Robert F. Buxby, Jr.) (Ref. 756)

**In the Army there are 2 promotions to the grade of colonel and below (list begins with Joseph E. Stull) (Ref. 757)

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Jack L. Levens) (Ref. 758)

**In the Army there are 8 promotions to the grade of lieutenant colonel and below (list begins with Clifford J. Hixon) (Ref. 759)

**In the Army there are 9 promotions to the grade of major (list begins with Douglas R. Arndt) (Ref. 760)

**In the Army there are 2 promotions to the grade of major (list begins with Daniel F. Battafarano) (Ref. 761)

**Clifford L. Simmang, U.S. Army, to be major (Ref. 762)

**In the Army there are 3 promotions to the grade of major (list begins with James R. Brown) (Ref. 763)

**Milton L. Smith, U.S. Army, to be major (Ref. 764)

**In the Army there are 5 promotions to the grade of major (list begins with Jennifer L. Calagan) (Ref. 765)

**In the Army there are 257 promotions to the grade of colonel and below (list begins with Thomas J. Egan) (Ref. 766)

**In the Army there are 398 promotions to the grade of lieutenant colonel and below (list begins with Robert A. Stroud) (Ref. 767)

**In the Army there are 199 promotions to the grade of lieutenant colonel (list begins with Lewis W. Aaron, Jr.) (Ref. 768)

**In the Army Reserve there are 1,473 appointments to the grade of second lieutenant (list begins with John M. Adams, Jr.) (Ref. 769)

**In the Naval Reserve there are 11 promotions to the grade of rear admiral (lower half) (list begins with Alexander Scott Logan) (Ref. 772)

**In the Air Force Reserve there are 18 appointments to the grade of major general and below (list begins with Thomas R. Elliott, Jr.) (Ref. 780)

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. SHELBY:

S. 2017. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of receivable-related securities and to make other improvements in the marketability of such securities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THURMOND:

S. 2018. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2019. A bill to amend the Internal Revenue Code of 1954 to exempt from tax earnings on certain investment accounts for savers and investors; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. DURENBERGER, and Mr. MITCHELL):

S. 2020. A bill to regulate above ground storage tanks having the capacity to store at least one million gallons of petroleum, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 2021. A bill to protect children from sexual exploitation; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. BENTSEN, and Mr. GRAMM)):

S. 2022. A bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; considered and passed.

By Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. WILSON, Mr. GARN, Mr. BUMPERS, Mr. BURDICK, Mr. DURENBERGER, Mr. STENNIS, Mr. STAFFORD, Mr. FOWLER, Mr. MCCLURE, Mr. WIRTH, Mr. MURKOWSKI, Mr. NUNN, Mr. DOMENICI, MR. GRAHAM, Mr. COCHRAN, Mr. SARBANES, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CONRAD, Mr. EXON, Mr. MOYNIHAN, Mr. INOUYE, Mr. HEFLIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CRANSTON, Mr. SANFORD, Mr. GORE, and Mr. KERRY):

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. QUAYLE (for himself, Mr. HATCH, Mr. DURENBERGER, Mr. STAFFORD, Mr. DOMENICI, Mr. COCHRAN, Mr. GRASSLEY, Mr. PELL, Mr. MATSUNAGA, Mr. DODD, Mr. SIMON, Mr. DASCHLE, Mr. RIEGLE, and Mr. BRADLEY):

S.J. Res. 248. Joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUMPERS, from the Committee on Small Business:

S. Res. 366. An original resolution authorizing the expenditures by the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. NUNN, from the Committee on Armed Services:

S. Res. 367. An original resolution authorizing the expenditures by the committee on Armed Services; to the Committee on Rules and Administration.

By Mr. MELCHER, from the Special Committee on Aging:

S. Res. 368. An original resolution authorizing the expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. STENNIS, from the Committee on Appropriations:

S. Res. 369. An original resolution authorizing expenditures by the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

S. Res. 370. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. CHILES, from the Committee on the Budget:

S. Res. 371. An original resolution authorizing the expenditures by the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. Res. 372. A resolution expressing the sense of the Senate in support of B'nai B'rith's cooperation with the Union of the Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 2017. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of receivable-related securities and to make other improvements in the marketability of such securities; to the Committee on Banking, Housing, and Urban Affairs.

RECEIVABLE-RELATED SECURITIES MARKET IMPROVEMENT ACT

● Mr. SHELBY. Mr. President, today I am introducing legislation to help eliminate impediments to the growth of a portion of the market for securities backed by assets, receivables, and loans, other than residential mortgage loans. Such assets, receivables or loans include, for purposes of this bill, agricultural loans, sovereign loans to lesser developed countries, small business loans, automobile loans, trade finance receivables and student loans.

This market for "asset-backed securities" is expected to expand dramatically, spurred by the compelling economic benefits of securitizing assets. In 1986 $10 billion of asset-backed securities were issued, as compared to $1.2 billion in 1985.

This market is still in its infancy. I believe its evolution can contribute to increasing our Nation's competitiveness. It can also help resolve the problems of our financial institutions in certain segments of the economy. Let me explain.

Typically, securitization works in this manner. An issuer selects a portion of its loans for placement in a pool. The face value of the loans in the pool is determined and documents evidencing the loans are placed in the

hands of a trustee. Securities representing an interest in the pool are then sold to investors. These can be both debt securities and asset sales.

In the last decade many of our Nation's corporations have seen the quality of the assets on their balance sheet decline. As a result their ability to obtain credit at optimum prices and in sufficient amounts has decreased. Their competitiveness has accordingly been adversely affected.

Securitization of assets can increase the access of financial institutions on terms and conditions that would not otherwise be available.

Securitization enables firms to achieve the benefits of lower financing costs. Investors are willing to pay more for securities than they are for the assets themselves and are willing to require less of a yield on debt securities when they are collateralized by high quality assets or receivables.

Securitization also reduces the exposure of firms to interest rate risk. The assets held by the firms can more easily be sold if they are securitized. Exposure to increases in interest rates which revalue the assets can be reduced if they are securitized. Credit risk can be diminished through securitization where assets are sold to reduce a firm's total credit exposure to another firm which is able to undertake greater credit risk. Thus, the risks associated with typical balance sheet lending can be decreased.

Securitization provides liquidity or the ability to convert illiquid assets into cash more easily. Securitization is not a panacea. It cannot help firms convert deeply discounted assets into high-quality assets but it can increase the value of those assets slightly and facilitate their sale and resale to raise cash when necessary.

For example, Citicorp, has recently indicated interest in selling loans to lesser developed countries as a way of lessening balance sheet risk. Bank of America has sold off some of its assets through securities firms to bolster its balance sheet and increase liquidity.

One segment of our economy where I am convinced that this legislation will be helpful is in the agricultural segment of the economy. America's agricultural economy is in dire straits. Agricultural banks are failing at a high rate. Farmers are defaulting at an historical rate. Land values are dropping or are depressed. We are all aware of the problems facing the farm credit system. This legislation would provide agricultural lenders with new opportunities to borrow funds through securities backed by agricultural loans through securitization on terms and conditions that would otherwise not be available. This could scale down potential losses to agricultural lenders and investors on their agricultural loans, increase liquidity in the agricultural loan market and help develop a secondary market for agricultural loans. Indeed, it would facilitate efforts by some of my colleagues to create a congressionally chartered corporation to purchase agricultural loans, similar to the manner in which the Federal National Mortgage Association, purchases residential mortgage loans.

I am especially hopeful that this legislation will allow agricultural lenders to more easily sell or securitize all types of agricultural loans. It would be my intention that this legislation would allow them to more easily securitize any loan for an agricultural commodity or livestock, including aquaculture on a farm, secured by a fee simple or a leasehold mortgage on land in the United States that is in regular use for the production of agricultural commodities or secured by farm machinery.

Another segment of our Nation's economy where this legislation can help is in the automobile sector. The automobile industry has come under increasing pressure from foreign competition. While financial techniques can not directly increase the quality of our products it can help provide an additional source of funding for the automobile industry at the least possible cost and on the most flexible terms. Low-cost automobile financing has proved to be one way for the automobile companies to preserve their market share against foreign competition. Some of the largest users of asset-backed securities to date have been General Motors Acceptance Corp., Chrysler Financial Corp. and financial institution originators of motor vehicle loans.

It is also my belief that securitization can facilitate export or trade financing so as to help reverse our Nation's trade deficit. Indeed, some of the largest asset-backed securities deals to date have involved sales of commercial paper backed by trade receivables.

Much of the precedent for securitization of these other assets, receivables or loans evolved from the securitization of residential mortgage loans. Several factors, however, facilitated the growth of a securitized mortgage market, including an accommodating legal and regulatory environment. Asset-backed securitization, still in its infancy, would benefit greatly by a similar legal and regulatory environment. While a substantial private placement market is developing for asset-backed securities, the fostering of a larger public market would be most beneficial. The legislation I am proposing would help speed the expansion of such a market.

This legislation entitled, the "Receivable-Related Securities Market Improvement Act of 1988," would:

Waive certain registration requirements under the Securities Act of 1933 for sales of securities backed by receivables, loans, or other assets to sophisticated institutional investors;

Preempt State legal investment statutes to allow asset-backed securities to qualify as legal investments for State-chartered savings institutions, commercial banks, pension funds, and insurance companies;

Exempt asset-backed securities from Federal Reserve Board margin requirements that restrict the ability of broker dealers to extend credit to customers to purchase such securities;

Exempt asset-backed securities from State blue sky securities registration laws when an issuer has already listed securities of a comparable nature on a major securities exchange;

Allow asset-backed passthrough securities to qualify, as mortgage-backed passthrough securities now do, for shelf registration under the Securities and Exchange Commission's rule 415 whereby issuers can minimize redtape when they want to sell a series of securities offerings or sell them quickly when market conditions are favorable without having to undergo the lengthy registration process again and again; and

Allow commercial banks greater certainty as to when they can sell off loans with recourse back to the bank to cover potential losses on loans in such securities to institutional investors or securities firms for resale without having to incur excessive reserve requirements against such potential liabilities.

These changes to our Nation's securities and banking laws would help encourage American corporations to more fully use the array of financing techniques available to them to better serve their customers, stockholders, employees, and communities.

As a member of the Subcommittee on Securities of the Senate Committee on Banking, Housing, and Urban Affairs I will urge the chairman of the subcommittee to hold hearings on this legislation soon.

Mr. President, I ask unanimous consent to include in the RECORD the text of the bill and a technical explanation of its provisions.

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

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Receivable-Related Securities Market Improvement Act of 1988".

DEFINITION OF RECEIVABLE-RELATED SECURITY

SEC. 2. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof the following new paragraph:

"(16) The term 'receivable-related security' means a security which—

"(A) is rated investment grade by one or more nationally recognized statistical rating organizations;

"(B) is secured by a lien or promissory note in connection with—

"(i) an automobile, truck, or other motor vehicle loan or lease,

"(ii) an export financing or trade receivable,

"(iii) a small business loan,

"(iv) a student or education loan,

"(v) an agricultural loan, or

"(vi) a sovereign loan to a lesser developed country; and

"(C)(i) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under such notes, certificates, or participations), which notes—

"(I) are directly secured by a lien, and

"(II) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, finance company, or similar organization which is supervised or examined by a Federal or State examining authority; or

"(ii) is secured by one or more promissory notes or certificates of interest in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments or reasonable projections of such payments on notes meeting the requirements of clause (i) or certificates of interest or participations in promissory notes meeting such requirements.".

(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding the following new paragraph at the end thereof:

"(47) The term 'receivable-related security' means a security which—

"(A) is rated investment grade by one or more nationally recognized statistical rating organizations;

"(B) is secured by a lien or promissory note in connection with—

"(i) an automobile, truck, or other motor vehicle loan or lease,

"(ii) an export financing or trade receivable,

"(iii) a small business loan,

"(iv) a student or education loan,

"(v) an agricultural loan, or

"(vi) a sovereign loan to a lesser developed country, and

"(C)(i) represents ownership of one or more promissory notes or certificates of interest or participation in such notes (including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of such notes, certificates, or participations of amounts payable under, such notes, certificates, or participations), which notes—

"(I) are directly secured by a lien, and

"(II) were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, finance company, or similar institution which is supervised and examined by a Federal or State authority; or

"(ii) is secured by one or more promissory notes or certificates of interest in such notes (with or without recourse to the issuer thereof) and, by its terms, provides for payments of principal in relation to payments, or reasonable projections of such payments on notes meeting the requirements of clause (i) or certificates of interest or participations in promissory notes meeting such requirements."

RECEIVABLE-RELATED SECURITY TRANSACTION EXEMPTION

SEC. 3. Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding the following new paragraph at the end thereof:

"(7) Transactions involving one or more receivable-related securities offered or sold if the terms of such sale require—

"(A) the minimum aggregate sales price per purchaser be not less than $250,000,

"(B) payment of the sales price by the purchaser be made with cash within 120 days of the date of sale, and

"(C) each purchaser buy for his own account.".

BORROWING IN THE COURSE OF BUSINESS

SEC. 4. Section 8(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78h(a)) is amended by adding "or a receivable-related security" in the last sentence after "a mortgage related security".

RECEIVABLE-RELATED SECURITIES AS COLLATERAL

SEC. 5. Section 11(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(d)(1)) is amended by inserting "or any receivable-related security" in clause (ii) after "any mortgage related security".

PREEMPTION OF STATE LAW

SEC. 6. (a)(1) Any person, trust, corporation, partnership, association, business trust or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities that are—

(A) offered and sold pursuant to paragraph (7) of section 4 of the Securities Act of 1933, or

(B) receivable-related securities, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)),

to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold, or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof.

(2) Where State law limits the purchase, holding, or investment in obligations issued by the United States by such person, trust, corporation, partnership, association, business trust, or business entity, such securities that are—

(A) offered and sold pursuant to section 4(7) of the Securities Act of 1933 (15 U.S.C. 77d(7)), or

(B) receivable-related securities, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)),

shall be considered an obligation issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State that, prior to the expiration of 7 years after the date of enactment of this Act, enacts a statute that specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnership, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest that was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any securities which are offered and sold pursuant to section 4(7) of the Securities Act of 1933 (15 U.S.C. 77d(7)) or which are receivable-related securities as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), shall be exempt from any law of any State with respect to or requiring registration or qualification of securities to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of 7 years after the date of enactment of this Act, enact a statute that specifically refers to this section and requires registration or qualification of any such security on terms that differ from those applicable to any obligation issued by the United States.

RECEIVABLE-RELATED SECURITIZATION BY COMMERCIAL BANKS

SEC. 7. Pursuant to its authority under section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) to impose reserve requirements on deposits held by depository institutions, the Board of Governors of the Federal Reserve System shall, by rule or regulation, provide an exception from the definition of deposition for obligations arising from the sales with recourse of pools of receivables where the recourse is limited to no more than 10 percent interest in the pool.

SHELF REGISTRATION

SEC. 8. The Securities and Exchange Commission shall by rule or regulation, provide for registration pursuant to section 6 of the Securities Act of 1933 (15 U.S.C. 17f) of receivable-related pass-through securities which are to be offered on a delayed or continuing basis in the future, and which meet all of the requirements of section 4(7) of the Securities Act of 1933.

EXPLANATION AND JUSTIFICATION FOR THE RECEIVABLE-RELATED MARKET IMPROVEMENT ACT OF 1988

The bill would address the following areas of concern:

I. TRANSACTION EXEMPTION

Under the Securities Act of 1933 (the "1933 Act") issuers of securities before they are offered or sold must file a registration statement concerning them which has become effective and deliver a prospectus to potential buyers. The 1933 Act has two types of exemptions from these requirements. The first applies to certain classes of securities, securities which are issued by certain issuers or have certain characteristics and the second applies to certain types of transactions. The first are called "class" exemptions and the second are called "transaction" exemptions. Transactionally exempt securities must achieve a registration exemption each time that they are sold.

In 1975 the Securities and Exchange Commission (the "SEC") supported and the Congress enacted language to provide a transaction exemption for mortgage-backed securities, now Section 4(5) pf the 1933 Act. At the time the SEC believed that the exemption would promote a strong secondary mortgage market without harming the gen-

eral investing public because it is structured in such a way that it would not be available for sales to the general public. The premise underlying the exemption was that institutional and similar purchasers who could meet the conditions for buying securities under it do not need the protections afforded by the complete registration process. The general public, on the other hand, needs such protection, and the SEC believed that the exemption should not be available for transactions involving the general public. In 1984 the SEC advocated broadening the exemption to other mortgage market participants and other mortgage-related assets.

To the extent that registration is needed for distribution of receivable-related securities to the general public, there exists a registration procedure in some cases that facilitates the distribution process. Under the SEC's shelf registration rule, Rule 415, an issuer can register in one filing all of the receivable-related investment grade a debt securities it expects to sell over a two year period and then take those securities off the shelf and sell them whenever it chooses during the two-year period. Moreover, the Rule 415 registration process allows the issuer to sell freely tradeable receivable-related investment grade debt securities, an advantage that does not exist for sellers under the Section 4(5) exemption.

The bill would provide a transaction exemption along the lines of Section 4(5) for mortgage-backed securities for certain receivable-related securities as a means of fostering the development of an institutional secondary market for certain receivables without doing injury to the general public. The purchasers of receivable-related securities will be sophisticated institutional buyers who do not need the full benefit of the registration statement. While shelf registration has been an improvement over existing practices, this provision would take the improvements one step further for sophisticated institutional buyers. This would be especially beneficial to issuers that may not be able to issue securities on a continuing basis or otherwise qualify their receivable-related debt securities for the benefits of shelf registration. The legislation would provide that the antifraud provisions of the 1933 Act and the Securities Exchange Act of 1934 would continue to apply.

II. PREEMPTION OF STATE LAW LEGAL INVESTMENT STATUTES

Receivable-related securities receive less favorable treatment than corporate bonds and mortgage-backed securities under so-called state legal investment statutes which restrict the types of investments which state regulated or state chartered entities such as banks, savings and loan associations, trust funds, employee pension systems and insurance companies may make. As a result the market for receivable-related securities is limited.

State legal investment statutes usually authorize state regulated or chartered entities to invest in interest bearing obligations of corporations such as corporate bonds, provided certain conditions are met. While these conditions differ from state to state they typically require the obligor on the bonds to be a corporation chartered under the laws of the United States or one of the states and that either: (a) the obligator on the bonds meet certain financial standards such as an earnings test; or (b) the bonds be rated in one of the four highest investment grades by a nationally recognized rating organization such as Standard and Poors.

Such legal investment statutes with few exceptions do not specifically authorize investment in receivable-related securities. Receivable-related securities often do not qualify as corporate debt obligations because the obligors on the receivables are individuals (such as would be the case with automobile loan receivables) rather than corporations (such as with trade receivables) and because the real issuer of the securities is a trust which is neither an obligor nor a corporation and the nominal issuer of the securities is not an obligor thereon. In other cases special purpose financing corporations set up to issue the securities have no earnings history and, thus, do not meet the earnings test.

Authority to invest in receivable-related pass-through securities must be found if at all in provisions authorizing investment in receivables them selves.

As a result of this disparate treatment there are many instances where a state regulated or state chartered entity such as an insurance company may invest in corporate bonds or receivables themselves but may not invest in receivable-related securities having an equal or significantly better investment grade rating.

The bill would preempt state legal investment-laws so that certain receivable-related securities rated investment grade could be purchased by state regulated entities to the same extent as if they were federal government securities. Any state could enact a statute within seven years after enactment prohibiting or limiting this authority. This legislation would not allow a state regulated or chartered entity to invest through a receivable related security in a receivable not permitted under state law for the entity to invest in.

III. RECEIVABLE-RELATED SECURITIZATION BY COMMERCIAL BANKS

Section 19(b) of the Federal Reserve Act, 12 U.S.C. 461(B), provides the Federal Reserve Board with the authority to impose reserve requirements on deposits held by depository institutions. Pursuant to this authority the Board promulgated its current Regulation D. The regulation provides that the term "deposit" includes the liabilities of a depository institution that are issued or undertaken as a means of obtaining funds. The regulation excludes from the definition of "deposit" certain obligations that represent a conditional, contingent or endorser's liability.

Increasingly depository institutions are selling assets by means of transactions under which the institution guarantors may be required to repurchase or retain a reversionary interest in all or a portion of the assets sold. These transactions take various forms, and the guarantee or interest may be conditional, as in the case of a standby letter of credit, or partial by limiting liability to some percentage of assets sold. Under Regulation D these transactions give rise to deposits for reserve requirement purposes because they are the functional equivalent of conventional deposits; that is, they raise funds for the depository institution and the purchaser looks to the depository institution as a source of creditworthiness.

The Board has proposed regulations that would amend the definition of "deposit" specifically to include sales of assets or receivables where the depository institution issues or undertakes a liability supporting the assets sold or retains a reversionary interest in these assets regardless of whether the liability or interest is conditional, unconditional or contingent on whether the liability covers all or a portion of the assets sold. Transactions in which the depository institution's liability on any particular asset is shared with the purchaser as the loss is realized and is less than 75 percent of the loss would not give rise to a deposit. Where the depository institution's share of risk is 75 percent or more of losses realized, the transaction would give rise to a deposit. Generally, transactions in which the depository institution's only liability is to reimburse a third party guarantor of the assets sold would not give rise to a deposit under the proposal.

The bill would provide a broader statutory exception to the proposed definition of deposit for obligations arising from the sale of receivables with recourse of up to 10 percent of pools of receivables as defined under the proposed revisions to the 1933 Act. The Board has provided a similar exception for pools of one to four family mortgages, 12 C.F.R. 204.2(a)(2)(ix).

IV. EXEMPTION FROM APPLICABILITY OF MARGIN REQUIREMENTS

At the present time the Federal Reserve Board permits a broker dealer to extend credit to his customers to purchase or carry securities on certain corporate bonds and mortgage-backed securities but not receivable-related securities. The obvious effect of this disparate treatment is to discourage the purchase of most receivable-related securities.

Under Regulation T a broker dealer may extend credit to a customer on the collateral of a corporate bond if the bond qualifies as either: (1) a "registered security" on a national securities exchange or has unlisted trading privileges thereon; or (2) an "OTC margin bond." An OTC margin bond is defined as a debt security which is not traded on a national securities exchange but which meets all of the following requirements:

"(1) at the time of the extension of credit by the broker, a principal amount of not less than $25,000,000 of the issue is outstanding;

(2) the issue was registered under Section 5 of the Securities Act of 1933 and the issuer either files periodic reports pursuant to Section 13(a) or 15(d) of the Securities Exchange Act of 1934 or is an insurance company which meets all of the conditions specified in Section 12(g)(2)(g) of the Securities Exchange Act of 1934; and

(3) at the same time of the extension of credit, the creditor has a reasonable basis for believing that the issuer is not in default on interest or principal payments on the bond."

At present a broker may extend credit to a customer on an OTC margin bond in an amount equal to what the broker in good faith determines is the loan value of the bond.

Receivable-related securities do not qualify as registered securities because they are not registered or traded on a national securities exchange. They do not qualify in some cases as OTC margin bonds because they are not corporate debt securities (such as a receivable-related pass-through where the issuer of the securities is a servicer of the receivables and not an obligor on the securities). Hence a broker is not able in some cases to extend any credit to a customer to finance the purchase of receivable-related securities, notwithstanding the fact that from the standpoint of both investment quality, as evidenced by an investment rating, and marketability, as evidenced by the size of the issue, the receivable-related

security may constitute a better investment than corporate bonds which qualify as OTC margin bonds.

In addition, because many issuers of receivable-related securities, such as banks and savings and loans, are not reporting companies under the Securities Exchange Act of 1934, receivable-related securities issued by them would not qualify as OTC margin bonds because they would not meet the second requirement set forth in the definition. The purpose of the requirement that the issuer of the securities be a reporting company under the Securities Exchange Act of 1934 was to insure that there would be sufficient publicly available information about the issuer to make an informed decision on the investment quality of the security. While this consideration is significant where the issuer of the receivable is obligated to pay the principal of and interest on the Security, it is not material in the case of receivable-related securities which are not obligations of the issuer of the receivable and where the only responsibility of the issuer is as servicer of the receivables or other assets. It would be sufficient if the issuer of the receivable-related security were a regulated financial institution.

In order to remedy this disparate treatment the bill would amend the definition of an OTC margin bond to include certain receivable-related securities. The Congress took similar action in connection with mortgage-backed securities in the Secondary Mortgage Market Enhancement Act of 1984.

V. PREEMPTION OF STATE BLUE SKY LAWS

Most state securities laws exempt from registration requirements securities which are senior to or of substantially equal rank with securities of the same issuer which are listed or approved for listing on the New York Stock Exchange, the American Stock Exchange, or a specified regional exchange. For example, the Uniform Securities Act, which has been approved by almost every state, provides such an exemption from registration. The state securities regulators which have considered the question have taken the view that this exemption is not available to an issuer of receivable-related securities because the issuer is not the obligor on the securities. Hence, if a company has common stock listed on the New York Stock Exchange, it may issue corporate bonds without registration under the typical state blue sky law, but if the company issues receivable-related securities it must register them. This is unfair because in most cases the receivable-related securities have an investment quality equal to or higher than the issuer's own debt securities.

It is also expensive and time consuming. For example, additional time and numbers of employees are involved in the registration process; there is the possibility that some blue sky commissions will not clear the offering; and delay can occur when approved.

The bill would preempt state registration laws to provide that certain receivable-related securities, conditioned on meeting certain rating organization criterion and requirements of a new Section 4(6) of the 1933 Act as proposed herein, be exempt from registration. A state would have the ability to override the provision by legislation within a seven-year period.

VI. SHELF REGISTRATION

Under the SEC's shelf registration rule, Rule 415, securities can be initially registered once and subsequent issues can be offered or sold on a delayed or continuous basis in the future with only minor amendment. Shelf registration procedures would simplify filings for issuers who are interested in pooling receivables to back securities to be publicly sold where the pool characteristics do not change much from time to time. Shelf registration allows issuers to time the sale of securities to coincide with favorable market conditions without the delay of the full registration process by allowing sales "off the shelf" up to two years after the initial SEC approval.

Shelf registration offerings in the case of receivable-related securities can be made if they are registered under the 1933 Act on Form S-3 is not currently available for receivable-related pass-through securities.

While grantor trusts used in the sale of receivable-related pass-through securities would appear to qualify under the 1933 Act, its regulations and the Form S-3 instructions, the SEC has not seen fit to incorporate such offerings within Rule 415.

The legislation would require the SEC to allow-shelf registration for certain receivable-related pass-through securities under the 1933 Act, consistent with the otherwise applicable standards of Form S-3.●

By Mr. THURMOND:

S. 2018. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Energy and Natural Resources.

CONGAREE SWAMP NATIONAL MONUMENT EXPANSION AND WILDERNESS ACT

Mr. THURMOND. Mr. President, today I am introducing legislation to authorize the addition of certain lands to the Congaree Swamp National Monument and to implement portions of a proposed general management plan prepared in 1987 by the National Park Service.

In May 1976, it was my privilege to introduce legislation authorizing the establishment of the Congaree Swamp National Monument, one of the few remaining examples of an old-growth, southern bottomland forest. The Congaree Swamp lies primarily along the north bank of the Congaree River, approximately 20 miles southeast of Columbia, SC. It is a uniquely forested lowland area.

In October of that same year, former President Ford signed into law legislation to preserve and protect lands of the Congaree River floodplain for future generations. That legislation also directed the Secretary of the Interior to develop and transmit to Congress a general management plan for the use and development of the Congaree Swamp National Monument.

A draft version of the general management plan was submitted to Congress in 1987. The legislation I am introducing today would implement this plan with modifications.

Title I of this bill would designate substantially all of the acreage within the existing Congaree Swamp Monument as wilderness area. Moreover the acreage proposed to be added to the monument in title II of this bill, but not yet Federal property, would be designed potential wilderness area. This is necessary to protect the area until Federal acquisition.

Wilderness designation means just what it says—this area is wilderness. It will be preserved in its natural condition.

As a general rule, hiking, camping, canoeing and fishing are permissible in wilderness areas. However, pursuant to statute, there is a prohibition on commercial enterprises, structures and installations, permanent and temporary roads, motor vehicles, motorized equipment, motorboats and other forms of mechanical transportation in such area, all in keeping with the purpose of the National Wildness Preservation System.

Title II of the bill would increase the acreage of the monument to a level many familiar with the area believe is necessary to fully protect the monument. This legislation would add up to 7,000 acres, primarily along the northern, southern, and eastern borders of the swamp. The acreage to be added represents what is known as the Citizens Boundary Proposal, which was developed by a group of concerned citizens who have a keen interest in protecting the environment.

Finally, title III of the bill provides for the authorization of $2.7 million for construction of park visitor facilities, and the improvement of certain roads, parking areas, and boating ramps.

Mr. President, the forest which covers most of the monument represents the last major virgin growth of its type in the Southeast. Almost all other substantial virgin hardwood forests have been subjected to logging. Within the monument is found a southern river-bottom hardwood forest, consisting of sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, nutmeg hickory, water tupelo, bald cypress, and loblolly pine. Included among these are some 200- to 400-year-old giants consisting of 5 national and 12 South Carolina record trees. Previous studies by the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

Furthermore, over 100 bird species are known to exist in the monument, including the Swainson's warbler, red-cockaded woodpecker, Louisiana heron, swallow-tailed kite, and the Mississippi kite. Other wildlife include the white-tailed deer, bobwhite quail, turkeys, raccoons, largemouth bass, bluegill, black crappie, yellow perch, and many others.

Mr. President, this enduring component of creation has provided hours of enjoyable outdoor recreational opportunities for residents of South Carolina and the Nation at large. Hiking, ca-

noeing, camping, and fishing represent just a few of the available activities. Attendance has risen from 190 visitors in 1978 to 16,524 in 1986. Accordingly, upgrading the Congaree Swamp and including additional acreage represents sound stewardship of this national resource and will help ensure its preservation for future generations of Americans.

Mr. President, the legislation I am introducing today is supported by many individuals and groups in South Carolina. I ask unanimous consent that certain letters I have received in support of expanding this monument be included in the RECORD following my remarks, as well as a copy of the bill I have introduced.

Mr. President, this unique natural resource must be protected. Accordingly, I urge my colleagues to support his measure.

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

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congaree Swamp National Monument Expansion and Wilderness Act."

TITLE I—WILDERNESS DESIGNATION

SEC. 101. NATIONAL PARK WILDERNESS.

(a) DESIGNATION OF WILDERNESS.—The lands described in subsection (b) are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(b) DESCRIPTION OF LANDS.—The lands designated as wilderness under subsection (a) consist of the area comprising 15,138 acres within the boundary as generally depicted on the map entitled "Wilderness Proposal, Congaree Swamp National Monument", dated September 1987, including existing monument areas on such map designated as potential wilderness.

SEC. 102. MAP AND DESCRIPTION.

A map and description of the boundaries of the areas in section 101 shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of the area designated. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this title: *Provided,* That correction of clerical and typographical errors in such maps and descriptions may be made.

SEC. 103. CESSATION OF CERTAIN USES.

Any lands described in section 101(b) which represent potential wilderness additions upon acquisition of non-federal interests in land and publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

SEC. 104. ADMINISTRATION.

The areas designated by section 101 as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE II—ADDITIONS TO THE CONGAREE SWAMP NATIONAL MONUMENT

SEC. 201. ADDITIONAL LANDS.

The first section of Public law 94.545, relating to the Congaree Swamp National Monument, is amended by—

(1) inserting "(a)" after "That"; and

(2) adding to the lands described in subsection (a), the monument shall consist of the additional area within the boundary as generally depicted on the map entitled 'Citizens Boundary Proposal for Congaree Swamp National Monument', dated November 1987, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The map may be revised as provided in subsection (a). The total acreage of the monument including lands described in subsection (a) and this subsection shall not exceed 22,200 acres."

SEC. 202. ADDITIONAL FUNDS FOR LAND ACQUISITION.

Section 5(a) of Public Law 94-545 is amended by adding at the end thereof the following: "The Secretary may expend such additional sums as are necessary from the Land and Water Conservation Fund for acquisition of land described in subsection (b) of the first section.".

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL MONUMENTAL DEVELOPMENT

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 5 of Public Law 94-545 is amended by adding at the end thereof the following: "(c) There are hereby authorized to be appropriated $2,697,750 for construction and development within the monument."

SIERRA CLUB SOUTH CAROLINA CHAPTER,
January 26, 1988.

Hon. STROM THURMOND,
United States Senate,
Washington, DC.

DEAR SENATOR THURMOND: Congaree Swamp is nationally and internationally significant because it contains the largest remnant of old-southern bottomland hardwood forest in the country. Congaree's significance is affirmed by its designations as a National Natural Landmark, a National Monument, and an International Biosphere Reserve. In addition, its nomination as a World Heritage Site is now being prepared. In the words of Dr. Charles Wharton, an expert on southern river swamps and bottomlands, "The Congaree thus stands as a national treasure, a relict of our environmental heritage that simply must endure."

As authorized by Congress in 1976, Congaree Swamp National Monument consists solely of the 15,135-acre Beidler tract. This tract is the heart of Congaree Swamp, but as recognized by the establishing legislation (Public Law 94-545), the Beidler tract does not provide a suitable monument boundary. Additional lands are needed. After considering expansion of more than 11,000 acres, the Park Service's recent draft management plan recommends only 2,464 acres for addition to the monument. Although these 2,464 acres are needed, the NPS proposal omits other significant lands which are also needed for resource protection, scenic integrity, management and administration of the monument.

Anticipating the Park Service's inadequate proposal, a Citizens' Boundary Proposal has been prepared for Congaree Swamp National Monument, utilizing information from many sources, including federal and state agencies. The Citizens' Proposal provides far better for the monument's needs in Richland County than does the NPS proposal, as we explain in detailed comments to the Park Service. During the recent public comment period on the draft management plan, the Park Service received 586 responses as of January 19. Of these 586 responses, 569 support the Citizens' Proposal. The Citizens' Proposal is supported by Richland County Council and by three state agencies: the S.C. Wildlife and Marine Resources Dept., the S.C. Water Resources Commission, and the S.C. Dept. of Parks, Recreation and Tourism.

Nearly 12 years have passed since Congress established Congaree Swamp National Monument. Congressional action is needed to expand the boundary of this world-class resource. Given the merits and extensive support for the Citizens' Boundary Proposal, Sierra Club advocates legislation to authorize the Citizens' Proposal. Thank you for supporting this proposal and for your attention to Congaree Swamp National Monument over many years.

Sincerely,

RICHARD WATKINS,
Conservation Chair.

STATE OF SOUTH CAROLINA,
WATER RESOURCES COMMISSION,
January 29, 1988.

Hon. J. STROM THURMOND,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The South Carolina Water Resources Commission appreciates and fully supports your efforts to authorize expansion of the Congaree Swamp National Monument. As you are aware, this significant natural resource can be better protected by providing boundaries that encompass the natural ecosystem. The proposed expansion as referenced in the Citizen's Boundary Proposal will provide borders that are more closely aligned to the natural ecosystem, more identifiable to the users of the Monument.

We applaud your efforts in introducing legislation for the purpose of authorizing this expansion. Thank you for your continuing interest in this significant South Carolina natural resource.

Sincerely,

ALFRED H. VANG,
Executive Director.

SOUTH CAROLINA WILDLIFE & MARINE RESOURCES DEPARTMENT,
January 29, 1988.

Hon., STROM THURMOND,
Senate Office Building, Washington, DC.

DEAR SENATOR THURMOND: The S.C. Wildlife and Marine Resources Department recognizes the tremendous ecological significance of the existing Congaree Swamp National Monument and strongly supports additional efforts to adjust property boundaries in order to better protect this old growth swamp system, facilitate management, and provide recreational and interpretation facilities.

As a landowner and manager, the Wildlife Department is well aware of the need for adequate buffer to protect ecologically significant natural systems. The addition of 2,464 acres recommended in the Draft General Management Plan we feel is a minimal addition. Most of the proposed additions, other than inholdings, are old-growth forest. However, lands that are functionally a part of the swamp system should be included, whether or not they are old growth. Although we realize that there are definite fiscal constraints, we would support efforts to acquire as much land within land within the Landmark boundary as possible.

In keeping with Department policy concerning all public lands, we would favor a policy of providing public hunting on the monument when it is consistent with other uses. We would also favor acquiring properties within the authorized boundary by purchasing them from willing sellers rather than by condemnation.

We appreciate the opportunity to comment on proposed legislation and applaud efforts to provide long-term protection to this unique ecosystem.

Sincerely,

JAMES A. TIMMERMAN, Jr.,
Executive Director.

[Telegram]

Senator STROM THURMOND,
Capitol One DC.
Subject: Congaree National Monument.

DEAR SENATOR THURMOND: You have our full support for your proposal to increase acreage, add facilities and make other needed improvements to the Congaree National Monument.

The additional acreage is of great importance to the protection of wild life and environmentally sensitive areas of the monument. Additional facilities are urgently needed to serve visitors and interpret features of the monument.

We support the acreage additions as recommended by the citizens group.

Thank you for your leadership in this great step forward in the preservation and public enjoyment of this National treasure.

Sincerely,

FRED T. BRINKMAN,
Executive Director,
S.C. Parks, Recreation, and Tourism.

COLUMBIA COLLEGE,
January 18, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: As a geologic and environmental educator, I have led scores of undergraduate geology field trips to Congaree Swamp since 1978. This park is ideal for instruction in the following areas: (a) landscape development through the work of rivers; (b) floodplain peat formation; (c) the value of high-diversity versus low-diversity forests; (d) sediment distribution on river floodplains; (e) floodplain hydrology; and (f) role of the wetlands as a natural "waste treatment plant." I am sure that scientists of other disciplines would value this park as a teaching laboratory for different, but equally important, concepts.

In addition to its vital role as a major biologic and geologic teaching station, Congaree Swamp National Monument offers its visitors a rare and priceless gift, that of experiencing the wild beauty of an undisturbed southern lowland forest. Any attempt to evaluate the benefits of Thoreau's "primal sanity of nature" is futile, but surely none would deny that modern man greatly benefits from immersion into such a setting.

Because of the unique aesthetic and scientific resources of the Congaree Swamp monument, I wish to state my strong support for the Citizens' Boundary Proposal. The addition of some 6,300 acres to the park boundary will enlarge the area to its natural boundaries and greatly enhance its educational value. Please contact me concerning further opportunities to state my opposition to the NPS boundary proposal.

Sincerely,

MARTHA M. GRIFFIN, Ph.D.,
Department of Physical Science.

RPI INTERNATIONAL, INC.,
Columbia, SC, January 8, 1988.

Re The "Citizens' Boundary Proposal" for the Congaree National Monument.

Senator STROM THURMOND,
Washington, DC.

DEAR SENATOR THURMOND: Please co-sponsor legislation to authorize the acquisition of the land in the Citizens' Boundary Proposal for the Congaree Swamp National Monument. This proposal establishes a more manageable and coherent natural boundary for the property than the one proposed by the Park Service by including:

All land to the bluff line on the north, which confines water flow.

The Southern Railroad to the east.

A straighter boundary on the west, including Cook's Lake.

My wife and I are residents in Calhoun County, on the Congaree Bluff directly across from the Monument. We visit the Monument frequently and consider it to be one of the treasures of the state.

Several times a year, I bring 20± visitors to the Monument from all over the United States and many foreign countries as part of a training seminar our company runs for major oil companies. These visitors are always favorably impressed by the natural phenomena in the Monument, as well as the excellent way the facility is managed by the Park Service personnel (Fran Rametta has been particuarly helpful). Every effort should be made to expand and enhance this outstanding natural site.

Thank you very much for your action on this request.

Sincerely,

MILES O. HAYES,
President.

THE WILDERNESS SOCIETY,
January 29, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: On behalf of The Wilderness Society's 210,000 members, I would like to thank you for expressing your intent to introduce legislation to expand the boundaries of Congaree Swamp National Monument and to designate as wilderness qualifying lands therein. The Congaree Swamp is an internationally recognized treasure deserving of protection in perpetuity.

During periodic field investigations of the Congaree Swamp National Monument over the last decade, our staff has concluded that the existing monument boundaries do not adequately protect the resource. There is substantial acreage outside the present boundary that is ecologically or visually linked to lands within, and is threatened with timber harvest and development. We would prefer an expansion of the monument to protect all of the lands that lie within the basin bounded by the north and south Congaree River bluffs. However, we are prepared to support the Citizen's Boundary Proposal, provided important lands on the south side of the Congaree River in Calhoun County will be promptly protected by other means.

We appreciate your long-standing commitment to protecting the Congaree Swamp, and we look forward to assisting the South Carolina congressional delegation to secure swift passage of this important legislation. Thank you.

Sincerely,

STEVEN C. WHITNEY,
Director, National Parks Program.

NATIONAL PARKS AND CONSERVATION ASSOCIATION,
Washington, DC, January 29, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: The National Parks and Conservation Association strongly supports your efforts to expand the boundaries of Congaree Swamp National Monument and designate the lands therein as Wilderness. The national and international significance of the Congaree Swamp has been affirmed by its designation as a National Natural Landmark, National Monument and International Biosphere Reserve.

When Congress established the monument in 1976, it recognized that the 15,135 acre Beidler Tract would not provide an adequate boundary. Congress directed the National Park Service to identify "the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area . . ." (Public Law 94-545).

After considering potential additions of more than 11,000 acres, including the Congaree bluffs in Calhoun County, the NPS Draft General Management Plan, Wilderness Suitability Study and Environmental Assessment for Congaree Swamp National Monument recommends an addition of only 2,464 acres. The NPS proposal is inadequate as it omits ecologically significant adjacent lands which should be added to the monument for protection of resources and scenic integrity, and to facilitate management and administration of the area.

NPCA supports enactment of legislation to expand the Congaree Swamp National Monument in Richland County by approximately 7,000 acres as described in the Citizens Boundary Proposal developed by the Sierra Club South Carolina Chapter. These additions will be a major step toward ultimate protection of the Congaree Swamp ecosystem which includes the Congaree River, its floodplain north and south of the river, and the bluffs which enclose the floodplain on both sides of the river. Ultimately, we believe that additional signifi-

cant resources need to be protected and, thus, we remain committed to securing protection for the Calhoun County bluffs by the National Park Service, the South Carolina Heritage Trust or other means.

Thank you for your support and longstanding efforts to protect this world-class treasure. We look forward to working with the South Carolina delegation to secure adequate protection for the Congaree Swamp National Monument and Biosphere Reserve during the second session of the 100th Congress.

Sincerely,

T. DESTRY JARVIS,
Vice President for Conservation Policy.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. DURENBERGER, and Mr. MITCHELL);

S. 2020. A bill to regulate aboveground storage tanks having the capacity to store at least 1 million gallons of petroleum, and for other purposes; referred to the Committee on Environment and Public Works.

REGULATION OF ABOVE-GROUND STORAGE TANKS

Mr. HEINZ. Mr. President, we have all heard the old adage that "oil and water don't mix." On January 2, near Pittsburgh, PA, at the town of Floreffe in Allegheny County, we had dramatic evidence of this when an aboveground fully loaded, 4 million gallon storage tank owned by the Ashland Oil Co. burst and almost 1 million gallons of No. 2 diesel fuel gushed into the Monongahela River in a matter of something like 10 seconds.

This million gallons of spilled diesel fuel fouled the Monongahela and Ohio Rivers, which provide drinking water to numerous communities along both rivers. As the comet-like head of the oil spill made its way down the rivers, many Pennsylvania, West Virginia, and Ohio communities—Robinson, North Fayette, West View, Midland, Toronto, Wheeling, and Sistersville, to name a few—were forced to close or heavily restrict their water intake. All-in-all, the EPA estimates that 830,000 people, more than double the population in my hometown, the city of Pittsburgh, had their drinking water affected before this black tide of polluted water dissipated. It is too early to tell what the longer term environmental impact will be. Federal, State and local agencies have just begun to assess how bad the damage will be to the river and ground water, to the river beaches and the river wildlife.

But, Mr. President, it is not too early to take action to ensure that this never can happen again, and so today I rise to introduce legislation designed to prevent another environmental catastrophe like the one we have just witnessed in western Pennsylvania. Unfortunately, this environmental disaster made us aware of a gap in existing environmental regulation. The gap I speak of is lack of Federal and State requirements to monitor the use and operation of above ground storage tanks that contain large volumes of liquid petroleum products. As I understand the existing requirements, State and local law may require an owner or operator of an above ground storage tank to obtain a permit for construction of the tank and to get an inspection of the tank after construction is complete. However, these regulations vary widely from locale-to-locale, the regulations are often difficult to enforce, technical expertise to do so may be lacking especially at the local level, and there is not a regular means of monitoring these tanks after these permits have been issued. In addition, the Federal regulation applies only to containment plans and does not address tank integrity.

Experience has shown us that large capacity above ground storage tanks that have been operating for a long time or that have been altered through reconstruction or relocation need to be regulated to assure that the tanks retain their integrity.

Mr. President, the bill I am introducing today, the Above Ground Storage Tank Spill Prevention Act of 1988, will require EPA to promulgate national requirements concerning an identifiable class of above ground storage tanks, specifically those tanks that pose a risk of catastrophic failure, such as rupture or collapse. This class of tanks have the capacity to contain at least 1 million gallons of petroleum and are at least 30 years old, or have been relocated, or reconstructed.

This legislation requires EPA to develop regulations applicable to this class of above ground storage tanks. It would require either EPA, or an EPA-approved State program, to implement and enforce these regulations. It would require owners or operators of tanks that experience a failure and spill their petroleum contents into the environment to take corrective action. And it would require States to compile an inventory of above ground storage tanks.

These requirements will ensure that the tanks are being properly maintained and continue to be used for the purpose for which the tanks were designed. And our law is also intended to and will ensure that the party responsible for a spill follow EPA procedures and be financially responsible for a proper cleanup.

These new inspection and permitting requirements are aimed directly at preventing environmental contamination through improved safeguards. Inspections by trained experts will reduce the risk that a tank would fail. Periodic reinspections and permit renewals will significantly contribute to reducing the risk of catastrophic failures. Requirements to properly close a tank at the end of its useful life will prevent spills from a tank that is no longer required to be monitored and inspected.

Mr. President, our legislation also addresses cleanup requirements in the event that the regulatory safeguards fail to prevent a spill. Under our bill, a tank owner or operator must report a spill to the regulatory agency, either EPA or a State agency. Owners are also required to take corrective action in response to a spill. Such corrective action would include cleaning up the environment—surface and ground water, surface and subsurface soils, and the air, if necessary and, as in this recent tragedy, supplying alternative drinking water sources may also be required.

Owners and operators must also demonstrate beforehand that they have the financial ability to take all required corrective actions without delay. After the fact, if an owner or operator cannot or does not take corrective action as required, the EPA or EPA-approved State would be required under this bill to take corrective action and impose penalties.

In order to ensure that EPA or a State agency has access to sufficient funds to clean up a spill and to assist injured people where there is not a responsible party, this bill allows the leaking underground storage tank trust fund to be used. If, despite all the safeguards imposed by this legislation, a spill still takes place and there is no financially responsible party—an absolutely worst-case scenario—the so-called LUST trust fund, financed by a tax on gasoline, will be sufficient to pay for cleanup and compensation for spills and to do whatever is required to mitigate the catastrophic effects of a spill from a large, above ground storage tank.

Mr. President, as I said, oil and water do not mix. This legislation is designed to see to it that we do everything possible to keep them apart by correcting a gaping hole in inspections and environmental regulation and ensuring that, under any circumstances, that there is quick and orderly cleanup.

Mr. President, I urge my colleagues to support this legislation as a means to prevent another environmental tragedy like the Ashland spill from happening again.

Mr. President, I introduce this legislation on behalf of myself, Senator SPECTER, and Senator DURENBERGER. I anticipate there could be additional cosponsors during the course of the day.

I send the bill to the desk for its proper referral, and ask unanimous consent that the bill and a section-by-section summary be printed in the RECORD.

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

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solid Waste Disposal Act is amended by adding the following new subtitle after subtitle I:

"SUBTITLE J—REGULATION OF ABOVE GROUND STORAGE TANKS

"DEFINITIONS AND EXEMPTIONS

"SEC. 9020. For purposes of this subtitle—

"(1) The term 'above ground storage tank' means any one or combination of tanks located above ground (including underground pipes connected thereto) which has or have the capacity to hold, and is or are used to contain an accumulation of, at least one million gallons of petroleum. Such term does not include any—

"(A) pipeline facility to the extent (including gathering lines) regulated under—

"(i) the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.),

"(ii) the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or

"(iii) which is an intrastate pipeline facility regulated under State laws comparable to the provisions of law referred to in clause (i) or (ii) of this subparagraph,

"(B) surface impoundment, pit, pond, or lagoon,

"(C) liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

The term 'above ground storage tank' shall not include any pipes connected to any tank which is described in subparagraphs (A) through (C).

"(2) The term 'petroleum' means petroleum, including crude oil and refined products thereof (including fuel oil) or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 per square inch absolute).

"(3) The term 'regulated substance' means any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle (C)).

"(4) The term 'owner' means—

"(A) in the case of an above ground storage tank in use on the date of enactment of this section, or brought into use after that date, any person who owns an above ground storage tank used for the storage, use, or dispensing of petroleum, and

"(B) in the case of any above ground storage tank in use before the date of enactment of this section, but no longer in use after such date of enactment, any person who owned such tank immediately before the discontinuation of its use.

"(5) The term 'operator' means any person in control of, or having responsibility for, the daily operation of the above ground storage tank.

"(6) The term 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an above ground storage tank into ground water, surface water, surface or subsurface soils.

"(7) The term 'person' has the same meaning as provided in section 1004(15), except that such term includes a consortium, a joint venture, a commercial entity, and the United States Government.

"(8) The term 'nonoperational storage tank' means any above ground storage tank in which petroleum will not be deposited or from which petroleum will not be dispensed after the date of the enactment of this section.

"NOTIFICATION

"SEC. 9021. (a) REQUIREMENTS.—(1) Within 18 months after the date of enactment of this section, each owner of a storage tank located above ground, with a capacity of at least 25,000 gallons, shall notify the State or local agency or department designated pursuant to subsection (b)(1) of the existence of such tank, specifying the age, size, type, location, assembly history, and uses of such tank.

"(2) Any owner which brings into use a storage tank located above ground, with a capacity of at least 25,000 gallons, after the initial notification period specified under paragraph (1), shall notify the designated State or local agency or department within 30 days of the existence of such tank, specifying the age, size, type, location, assembly history, and uses of such tank.

"(3) Paragraphs (1) and (2) of this subsection shall not apply to tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or section 9002 of this Act.

"(4) Beginning 30 days after the Administrator prescribes the form of notice pursuant to subsection (b)(2) and for 18 months thereafter, any person who deposits petroleum in an above ground storage tank shall reasonably notify the owner or operator of such tank of the owner's notification requirements pursuant to this subsection.

"(b) AGENCY DESIGNATION.—(1) Within 180 days after the enactment of this section, the Governor of each State shall designate the appropriate State agency or department or local agencies or departments to receive the notifications under subsection (a) (1) or (2).

"(2) Within 12 months after the date of enactment of this section, the Administrator, in consultation with State and local officials designated pursuant to paragraph (1), and after notice and opportunity for public comment, shall prescribe the form of the notice and the information to be included in the notifications under subsection (a) (1) or (2).

"(c) STATE INVENTORIES.— Each State shall make an inventory of all above ground storage tanks in such State. In making such an inventory, the State shall utilize and aggregate the data in the notification forms submitted pursuant to subsection (a) of this section. Each State shall submit such aggregated data to the Administrator not later than 24 months after the date of enactment of this subsection.

"RELEASE PREVENTION, CORRECTION, AND FINANCIAL RESPONSIBILITY REGULATIONS

"SEC. 9022. (a) REGULATIONS.—The Administrator, after notice and opportunity for public comment, and at least 3 months before the effective dates specified in subsection (f), shall promulgate prevention, correction, and financial responsibility regulations applicable to owners and operators of above ground storage tanks, as may be necessary to protect human health and the environment.

"(b) APPLICABILITY.—The regulations issued under this section shall apply to above ground storage tanks that—

"(1) are 30 or more years old;

"(2) have been reassembled in whole or in part; or

"(3) have been relocated from their site of original placement.

"(c)(1) REQUIREMENTS.—The regulations promulgated pursuant to this section shall include, but need not be limited to, the following requirements respecting above ground storage tanks—

"(A) requirements for inspection of the structural integrity of regulated above ground storage tanks;

"(B) requirements for the granting of operating permits pursuant to an inspection by the regulatory authority to ensure the integrity of the tank structure in order to prevent a release of petroleum into the environment;

"(C) requirements for subsequent periodic inspections of the above ground storage tanks and renewal of the operating permit;

"(D) requirements for immediate reporting of any releases and corrective action taken in response to a release from an above ground storage tank;

"(E) requirements for taking corrective action in response to a release from an above ground storage tank;

"(F) requirements for closure of above ground storage tanks to prevent future release of petroleum into the environment; and

"(G) requirements for maintaining evidence of financial responsibility for the estimated costs of closure and for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases arising from operating an above ground storage tank.

"(2) In promulgating regulations under this section, the Administrator may take into consideration factors, including, but not limited to: location of the tanks, proximity of the tanks to drinking water supplies; age of tanks; condition of the tanks; history of maintenance; sizes of the tanks; any reassembling or altering of the tanks; type of petroleum contained in the tanks; existence of secondary containment designed and constructed to contain any release, including a release caused by a sudden and complete rupture of the tank; existing State programs regulating above ground storage tanks; and current industry recommended practices.

"(d) FINANCIAL RESPONSIBILITY.—

"(1)(A) The Administrator, in promulgating financial responsibility regulations under this section, shall conduct a study to determine the appropriate amounts of coverage, both per occurrence and aggregate. The factors to be evaluated by the Administrator in conducting the study to determine the appropriate amounts of coverage shall include, but not be limited to: the estimated costs of cleaning up navigable waters, groundwater, and surface and subsurface soils; the costs of correcting any other environmental damage; the costs of mitigating harm to wildlife; the costs incurred by Federal, State, and local government entities resulting from actions to protect public health and the environment; the costs incurred by private third parties due to the release; the availability of insurance and other methods of financial responsibility; and the ability of owners or operators to self-insure and to establish risk retention groups.

"(B) On the basis of the results of the study conducted under this subsection, the Administrator shall require owners or operators to demonstrate financial responsibility for the costs of cleaning up a release and compensating third parties injured by a release.

"(C) The Administrator, in promulgating financial responsibility requirements under this section, shall require owners or operators to demonstrate financial responsibility

in an amount adequate to cover the costs of closure.

"(2) Financial responsibility required by this subsection may be established in accordance with regulations promulgated by the Administrator by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator. In promulgating requirements under this subsection, the Administrator is authorized to specify policy or other contractual terms, conditions, or defenses, which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this subtitle.

"(3) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement, pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in any State court of the Federal courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this subsection may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this paragraph such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(4) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. Nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

"(5) For the purpose of this subsection, the term 'guarantor' means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

"(6) The Administrator may waive the financial responsibility requirements under this section upon the determination that the owner or operator has demonstrated that secondary containment designed and constructed to be adequate to hold any release, including a release caused by a sudden and complete rupture of the above ground storage tank, exists at the tank site.

"(e) EFFECTIVE DATE.—Regulations issued pursuant to this section shall be effective not later than 30 months after the date of enactment of this section.

"(f) EPA RESPONSE PROGRAM FOR PETROLEUM.—

"(1) BEFORE REGULATIONS.—Before the effective date of regulations under this section, the Administrator (or a State pursuant to paragraph (6) of this subsection) is authorized to—

"(A) require the owner or operator of an above ground storage tank to undertake corrective action with respect to any release of petroleum when the Administrator (or the State) determines that such corrective action will be done properly and promptly by the owner or operator of the above ground storage tank from which the release occurs; or

"(B) undertake corrective action with respect to any release of petroleum into the environment from an above ground storage tank if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment. The corrective action undertaken or required under this paragraph shall be such as may be necessary to protect human health and the environment.

"(2) AFTER REGULATIONS.—Following the effective date of regulations under subsection (c), all actions or orders of the Administrator (or a State pursuant to paragraph (6)) described in paragraph (1) of this subsection shall be in conformity with such regulations. Following such effective date, the Administrator (or the State) may undertake corrective action with respect to any release of petroleum into the environment from an above ground storage tank only if such action is necessary, in the judgment of the Administrator (or the State), to protect human health and the environment and one or more of the following situations exists:

"(A) A situation which requires prompt action by the Administrator (or the State) under this paragraph to protect human health and the environment.

"(B) The owner or operator of the tank has failed or refused to comply with an order of the Administrator under this subsection or section 9025 or with the order of a State under this subsection to comply with the corrective action regulations.

"(3) CORRECTIVE ACTION ORDERS.—The Administrator is authorized to issue orders to the owner or operator of an above ground storage tank to carry out subparagraph (A) of paragraph (1) or to carry out regulations issued under subsection (c)(1)(E). A State acting pursuant to paragraph (6) of this subsection is authorized to carry out subparagraph (A) of paragraph (1) only until the State's program is approved by the Administrator under section 9023 of this subtitle. Such orders shall be issued and enforced in the same manner and subject to the same requirements as orders under section 9025.

"(4) ALLOWABLE CORRECTIVE ACTIONS.—The corrective actions undertaken by the Administrator (or a State pursuant to paragraph (6)) may include temporary or permanent relocation of residents and alternative household water supplies. In connection with the performance of any corrective action under paragraph (1) or (3), the Administrator may undertake an exposure assessment as defined in paragraph (9) of this subsection or provide for such an assessment in a cooperative agreement with a State pursuant to paragraph (6) of this subsection. The costs of any such assessment may be treated as corrective action for purposes of paragraph (5), relating to cost recovery.

"(5) RECOVERY OF COSTS.—

"(A) IN GENERAL.—Whenever costs have been incurred by the Administrator, or by a State pursuant to paragraph (6), for undertaking corrective action or enforcement action with respect to the release of petroleum from an above ground storage tank, the owner or operator of such tank shall be liable to the Administrator or the State for such costs. The liability under this paragraph shall be construed to be the standard of liability applicable under section 311 of the Federal Water Pollution Control Act.

"(B) RECOVERY.—In determining the equities for seeking the recovery of costs under subparagraph (A), the Administrator (or a State pursuant to paragraph (6) of this subsection) may consider the amount of financial responsibility required to be maintained under subsections (c) and (d) of this section and the factors considered in establishing such amount.

"(C) EFFECT ON LIABILITY.—

"(i) NO TRANSFERS OF LIABILITY.—No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any above ground storage tank or from any person who may be liable for a release or threat of release under this subsection. Nothing in this subsection shall bar any agreement to insure, hold harmless, or indemnify a party to such agreement for any liability under this section.

"(ii) NO BAR TO CAUSE OF ACTION.—Nothing in this subsection, including the provisions of clause (i) of this subparagraph, shall bar a cause of action that an owner or operator or any other person subject to liability under this section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

"(D) FACILITY.—For purposes of this paragraph, the term 'facility' means, with respect to any owner or operator, all above ground storage tanks used for the storage of petroleum which are owned or operated by such owner or operator and located on a single parcel of property (or on any contiguous or adjacent property).

"(6) STATE AUTHORITIES.—

"(A) GENERAL.—A State may exercise the authorities in paragraphs (1) and (2) of this subsection, subject to the terms and conditions of paragraphs (4), (8), (9), and (10), if—

"(i) the Administrator determines that the State has the capabilities to carry out effective corrective actions and enforcement activities; and

"(ii) the Administrator enters into a cooperative agreement with the State setting out the actions to be undertaken by the State.

"(B) COST SHARE.—Following the effective date of the regulations under this section, the State shall pay 10 per centum of the cost of corrective actions undertaken either by the Administrator or by the State under a cooperative agreement, except that the Administrator may take corrective action at a facility where immediate action is necessary to respond to an imminent and substantial endangerment to human health or the environment if the State fails to pay the cost share.

"(7) EMERGENCY PROCUREMENT POWERS.—Notwithstanding any other provision of law, the Administrator may authorize the use of such emergency procurement powers as he deems necessary.

"(8) DEFINITION OF OWNER.—As used in this subsection, the term 'owner' does not include any person who, without participating in the management of an above ground storage tank and otherwise not engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect the owner's security interest in the tank.

"(9) DEFINITION OF EXPOSURE ASSESSMENT.—As used in this subsection, the term 'exposure assessment' means an assessment to determine the extent of exposure of, or potential for exposure of, individuals to pe-

troleum from a release from an above ground storage tank based on such factors as the nature and extent of contamination and the existence of or potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size of the community within the likely pathways of exposure, and the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants. Such assessment shall not delay corrective action to abate immediate hazards or reduce exposure.

"(10) FACILITIES WITHOUT FINANCIAL RESPONSIBILITY.—At any facility where the owner or operator has failed to maintain evidence of financial responsibility in amounts at least equal to the amounts established by subsection (d)(1)(B) of this section for whatever reason, the Administrator shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (3) of this subsection and section 9025 of this subtitle to order corrective action to clean up such releases. States acting pursuant to paragraph (6) of this subsection shall use the authorities provided in subparagraph (A) of paragraph (1) and paragraph (3) of this subsection to order corrective action to clean up such releases. Notwithstanding the provisions of this paragraph, the Administrator may take the corrective actions authorized by paragraph (4) of this subsection to protect human health at such facilities and shall seek full recovery of the costs of all such actions pursuant to the provisions of paragraph (5)(A) of this subsection and without consideration of the factors in paragraph (5)(B) of this subsection. Nothing in this paragraph shall prevent the Administrator (or a State pursuant to paragraph (6) of this subsection) from taking corrective action at a facility where there is no solvent owner or operator or where immediate action is necessary to respond to an imminent and substantial endangerment of human health or the environment.

"APPROVAL OF STATE PROGRAMS

"SEC. 9023. (a) ELEMENTS OF STATE PROGRAM.—Beginning 30 months after the date of enactment of this section, any State may, submit an above ground storage tank release prevention, correction, and financial responsibility program for review and approval by the Administrator. A State program may be approved by the Administrator under this section only if the State demonstrates that the State program includes the following requirements and provides for adequate enforcement of compliance with such requirements—

"(1) requirements for inspection of the structural integrity of regulated above ground storage tanks;

"(2) requirements for the granting of operating permits pursuant to an inspection by the regular authority to ensure the integrity of the tank structure in order to prevent a release of petroleum into the environment;

"(3) requirements for subsequent periodic inspections of the above ground storage tanks and renewal of the operating permit;

"(4) requirements for immediate reporting of any releases and corrective action taken in response to a release from an above ground storage tank;

"(5) requirements for taking corrective action in response to a release from an above ground storage tank;

"(6) requirements for closure of above ground storage tanks to prevent future releases of petroleum into the environment;

"(7) requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden accidental releases arising from operating above ground storage tank; and

"(8) requirements—

"(A) for notifying the appropriate State agency or department (or local agency or department) designated according to section 9021(b)(1) of the existence of any operational or nonoperational storage tank; and

"(B) for providing the information required on the form issued pursuant to section 9021(b)(2).

"(b) FEDERAL STANDARDS.—(1) A State program submitted under this section may be approved only if the requirements under paragraphs (1) through (7) of subsection (a) are no less stringent that the corresponding requirements standards promulgated by the Administrator pursuant to section 9022(a).

"(c) EPA DETERMINATION.—(1) Within 180 days of the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements adopted pursuant to this section.

"(2) If the Administrator determines that a State program complies with the provisions of this section and provides for adequate enforcement of compliance with the requirements adopted pursuant to this section, he shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements of its program.

"(d) WITHDRAWAL OF AUTHORIZATION.—Whenever the Administrator determines after a public hearing that a State is not administering and enforcing a program authorized under this subtitle in accordance with the provisions of this section, he shall so notify the State. If appropriate action is not taken within a reasonable time, not to exceed 120 days after such notification, the Administrator shall withdraw approval of such program and reestablish the Federal program pursuant to this subtitle.

"INSPECTIONS, MONITORING, TESTING, AND CORRECTIVE ACTION

"SEC. 9024. (a) FURNISHING INFORMATION.—For the purposes of issuing and renewing operating permits, developing or assisting in the development of any regulation, conducting any study, taking any corrective action, or enforcing the provisions of this subtitle, any owner or operator of an above ground storage tank shall, upon request of any officer, employee, or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of any duly designated officer, employee, or representative of a State, with an approved program, acting pursuant to subsection (f)(6) of section 9022, furnish information relating to such tanks, their associated equipment, their contents, conduct monitoring or testing, permit such officer at all reasonable times to have access to, and to copy, all records relating to such tanks, and to have access for corrective action. For the purposes of issuing and renewing operating permits, developing or assisting in the development of any regulation, conducting any study, taking corrective action, or enforcing the provisions of this subtitle, such officers, employees, or representatives are authorized—

"(1) to enter at reasonable times any establishment or other place where an above ground storage tank is located;

"(2) to inspect and obtain samples from any person of any substance contained in such tank;

"(3) to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water or ground water; and

"(4) to take corrective action.

Each such inspection shall be commenced and completed with reasonable promptness.

"(b) CONFIDENTIALITY.—(1) Any records, reports, or information obtained from any persons under this section shall be available to the public, except that upon a showing satisfactory to the Administrator (or the State, as the case may be) by any person that records, reports, or information, or a particular part thereof, to which the Administrator (or the State, as the case may be) or any officer, employee, or representative thereof has access under this section if made public, would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this subtitle, or when relevant in any proceeding under this subtitle.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed 1 year, or both.

"(3) In submitting data under this subtitle, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection, and

"(B) submit such designated data separately from other data submitted under this subtitle.

A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to, or otherwise obtained, by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee (including records, reports, or information obtained by representatives of the Environmental Protection Agency).

"FEDERAL ENFORCEMENT

"SEC. 9025. (a) COMPLIANCE ORDERS.—(1) Except as provided in paragraph (2), whenever on the basis of any information, the Administrator determines that any person is in violation of any requirement of this subtitle, the Administrator may issue an order requiring compliance within a reasonable specified time period or the Administrator may commence a civil action in the United States district court in which the violation

occurred for appropriate relief, including a temporary or permanent injunction.

"(2) In the case of a violation of any requirement of this subtitle where such violation occurs in a State with a program approved under section 9023, the Administrator shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section.

"(3) If a violator fails to comply with an order under this subsection within the time specified in the order, he shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

"(b) PROCEDURE.—Any order issued under this section shall become final unless, no later than 30 days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) CONTENTS OF ORDER.—Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a reasonable time for compliance, and assess a penalty, if any, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

"(d) CIVIL PENALTIES.—(1) Any owner who knowingly fails to notify or submits false information pursuant to section 9021(a) shall be subject to a civil penalty not to exceed $10,000 for each tank for which notification is not given or false information is submitted.

"(2) Any owner or operator of an above ground storage tank who fails to comply with—

"(A) any requirement promulgated by the Administrator under section 9022; or

"(B) any requirement of a State program approved pursuant to section 9023;

shall be subject to a civil penalty not to exceed $10,000 for each tank for each day of violation.

"FEDERAL FACILITIES

"SEC. 9026. (a) APPLICATION OF SUBTITLE.—Each department, agency, and instrumentality of the Federal Government having jurisdiction over any above ground storage tank shall be subject to and comply with all Federal, State, interstate, and local requirements, applicable to such tank, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to such requirements, including payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof shall be immune or exempt from any process or sanction of any State or Federal court with respect to the enforcement of any such injunctive relief.

"(b) PRESIDENTIAL EXEMPTION.—The President may exempt any above ground storage tanks of any department, agency, or instrumentality in the Executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriations unless the President shall have specifically requested such appropriations as a part of the budgetary process and the Congress shall have failed to make available such requested appropriations. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"JUDICIAL REVIEW

"SEC. 9027. Section 7006(b) is amended by adding "and section 9022" after "section 3005" and adding "and section 9028" after "section 3006".

"STATE AUTHORITY

"SEC. 9028. Nothing in this subtitle shall preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation or requirement respecting above ground storage tanks that is more stringent than a regulation requirement in effect under this subtitle or to impose any additional liability with respect to the release of regulated substances within such State or political subdivision.

"STUDY OF ABOVE GROUND STORAGE TANKS

"SEC. 9029. (a)(1) DEADLINE.—Not later than 12 months after the date of enactment of this section, the Administrator shall complete a study of above ground storage tanks used for the storage of petroleum.

"(2) ELEMENTS OF STUDIES.—The studies under paragraph (1) shall include an assessment of the ages, sizes, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations and proximity to drinking water sources) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from above ground storage tanks; the effectiveness and costs of secondary containment; the effectiveness and costs of inventory systems and tank testing systems; and such other factors as the Administrator deems appropriate.

"(3) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether or not such tanks should be subject to the preceding provisions of this subtitle and whether the capacity level of 1,000,000 gallons should be revised to a more appropriate level in order to protect human health and the environment.

"(b)(1) DEADLINE.—Not later than 12 months after the date of enactment of this section, the Administrator shall complete a study of above ground storage tanks used for the storage of regulated substances.

"(2) ELEMENTS OF STUDIES.—The studies under paragraph (1) shall include an assessment of the ages, sizes, types (including methods of manufacture, coatings, protection systems, the compatibility of the construction materials and the installation methods) and locations (including the climate of the locations and proximity to drinking water sources) of such tanks; soil conditions, water tables, and the hydrogeology of tank locations; the relationship between the foregoing factors and the likelihood of releases from above ground storage tanks; the effectiveness and costs of secondary containment; the effectiveness and costs of inventory systems and tank testing systems; and such other factors as the Administrator deems appropriate.

"(3) REPORTS.—Upon completion of the studies authorized by this section, the Administrator shall submit reports to the President and to the Congress containing the results of the studies and recommendations respecting whether above ground storage tanks containing regulated substances should be subject to the preceding provisions of this subtitle.

"(c) STUDY AND REPORT.—The Administrator shall conduct a study and submit a report to the Congress regarding the cause and environmental effects of the petroleum spill into the Monongahela River on January 2, 1988.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9030. For fiscal year 1988, and each of the next following 4 fiscal years, there are authorized to be appropriated, out of the Leaking Underground Storage Tank Trust Fund established by Sec. 9508 of the Internal Revenue Code of 1986, such sums as may be necessary to carry out the provisions of this subtitle.".

SEC. 2. The table of contents of the Solid Waste Disposal Act is amended by inserting the following after the items relating to subtitle I:

"Subtitle J—Regulation of Above Ground Storage Tanks

"Sec. 9020. Definitions and exemptions.
"Sec. 9021. Notification.
"Sec. 9022. Release prevention, correction, and financial responsibility regulations.
"Sec. 9023. Approval of State programs.
"Sec. 9024. Inspections, monitoring, testing, and corrective action.
"Sec. 9025. Federal enforcement.
"Sec. 9026. Federal facilities.
"Sec. 9027. Judicial review.
"Sec. 9028. State authority.
"Sec. 9029. Study of above ground storage tanks.
"Sec. 9030. Authorization of appropriations.".

SECTION-BY-SECTION SUMMARY

The Solid Waste Disposal Act is amended by adding the following new Subtitle J, Regulation of Above Ground Storage Tanks.

Section 9020. Definitions and Exemptions: This section defines above ground storge tank, petroleum, regulated substance, owner, operator, release, person, and nonoperational storage tank. Included in the tanks exempt from the regulations are above ground storage tanks that are regulated by other safety laws.

Section 9021. Notification: This section requires owners of above ground storge tanks that can contain at least 25,000 gallons to notify a designated state or local agency of the existance of their tank. The tank owners must specify the age, size, type, location, assembly history, and uses of each tank. The information reported will be used for a a state inventory.

Section 9022. Release Prevention, Correction, and Financial Responsibility Regulations:

This section requires the Environmental Protection Agency (EPA) to develop regulations, as may be necessary to protect human health and the environment, applicable to above ground storage tanks that have the capacity to contain at least one million gallons of petroleum and that are at least 30 years old or have been relocated or reassembled.

The regulations must include requirements for: inspection of the structural integrity of the tanks (EPA may set procedures for certified self-inspections); permitting of tanks that pass inspection; periodic reinspections and permit renewals; reporting of releases and corrective actions taken in response to a release; proper corrective action; sound tank closure practices; and finanical responsibility for closure, corrective action, and compensable damages. These resolutions must be effective no later than 30 months after the enactment of this section.

EPA is required to conduct a study to determine the appropriate amount of per occurrence and aggregate coverage for the costs of cleanup and damage claims. Factors EPA may consider in establishing amounts of coverage include estimated costs cleaning up the spill and restoring all natural resources, both public and private parties' damages, and the availability of financial assurance mechanisms. The amount of financial assurance for closure costs are to be based on estimated costs.

This section also mandates EPA to establish a response program to ensure prompt and effective cleanup of a petroleum spill from an above storge tank. A state program that has been approved by EPA may also direct a response program to satisfy the requirements of this section. Under the response program, EPA must require an owner or operator of a tank that experienced a spill to cleanup the spill according to the corrective action requirements, which should address mitigating threats to human health (e.g., temporary or permanent relocation of residents and supply of alternative drinking water), restoring the environment, and compensating damaged parties. EPA is authorized under this section to issue orders to owners or operators to take corrective actions.

In the event that EPA determines that an owner or operator fails to take a corrective action, EPA (or approved state programs) is required to take the necessary corrective action and recover the costs from the owner or operator. The EPA and approved state programs are authorized to use the Leaking Underground Storage Tank (LUST) Trust Fund to finance corrective actions they must take.

Section 9023. Approval of State Programs: As previously noted, a state agency may implement the requirements of this bill. A state program is required under this section to submit to EPA an application demonstrating that the state has promulgated comprehensive requirements that are at least as stringent as the corresponding federal requirements. A state must also demonstrate that its enforcement procedures are adequate to bring about maximum compliance. EPA is encouraged to develop their regulations and approval requirements to enable states to operate their own programs.

Section 9024. Inspections, Monitoring, Testing, and Corrective Action: This section requires owners and operators to allow federal and state officials to have access, upon request and at reasonable times, to their tanks and records. Tank owners and operators may request that any information to which an EPA or state official may have access be considered confidential and not available to the public. Otherwise, all information is available to the public.

Section 9025. Federal Enforcement: This section empowers EPA to issue orders requiring compliance with any requirement of this subtitle. EPA is authorized to levy administrative penalities in the amount of $25,000 for each day of continued noncompliance. In addition, this section grants EPA the authority to seek civil penalties of $10,000 for each failure to submit proper notification and of $10,000 for each day of continued noncompliance with any of the requirements of this subtitle.

Section 9026. Federal Facilities: The federal government is subject to the requirements of this subtitle except where the President grants annual exemptions.

Section 9027. Judicial Review: This section amends section 7006 of the Solid Waste Disposal Act to provide that an owner or operator may appeal an EPA permit decision and a state may appeal an EPA authorization decision to the Circuit Court of Appeals for the federal district in which the person resides or transacts business.

Section 9028. State Authority: This section clarifies that nothing in this subtitle precludes a state or political subdivison of a state to adopt or enforce requirements stricter that those of this subtitle.

Section 9029. Study of Above Ground Storage Tanks:

This section requires EPA to conduct several studies and submit corresponding reports to the President and the Congress. The first study required is to assess various factors related to above ground storage tanks that contain petroleum. This study is intended to assist EPA in the development of the requirements of this subtitle. Upon completion of this study, EPA shall submit a report to the President and Congress presenting the study results and EPA recommendations regarding whether or not the above ground storage tanks covered by subtitle should be subject to the requirements of this subtitle and whether defining the tank population to be regulated by this subtitle as those with a capacity of at least one million gallons is appropriate.

The second study required by this section concerns above ground storage tanks that contain regulated substances. EPA must study and recommend whether or not chemical tanks should be subject to the same requirements as petroleum tanks.

The final study and report required under this section is required to analyze the cause and effects of the one million gallons diesel fuel spill into the Monogahela River on January 2, 1988.

Section 9030. Authorization of Appropriations: This section authorizes the appropriation from the Leaking Underground Storage Tank Trust Fund such sums as may be necessary to carry out the provisions of this subtitle.

Mr. SPECTER. Mr. President, today I join Senator HEINZ in introducing legislation for Federal regulation of above-ground oil storage tanks. The need for this legislation is obvious in light of the largest inland water oil spill in U.S. history, which occurred on January 2, when an above-ground storage tank ruptured in Floreffe, near Pittsburgh, PA.

On January 3, I toured the site of the Ashland Oil Co. spill and on January 25, I visited the representatives of Ashland Oil Co. to review the reimbursement and compensation process for those affected by the spill.

I am convinced that Congress must take steps to ensure that a spill of this type never happens again. The effects of an inland oil spill arguably are far more severe than from a spill occurring in open waters. Approximately 1 million Pennsylvanians were without fresh water for a significant period of time, factories were forced to curtail operations or shut down to help conserve water, and the water shortage may have reduced water pressure below the level necessary for fire fighting. The long-term effects on wildlife and the environment have yet to be assessed. The total cost of the spill has been estimated at more than $25 million.

The conditions which gave rise to the recent spill are not unique. Similar tanks farms are common along our Nation's navigable waters because of the need for access to transportation systems. Consequently, other accidents of this type may happen again, with equally disasterous effects, if we fail to act.

Pittsburgh's oil spill did not impact solely on Pennsylvania. Slowly, but relentlessly, the oil spread downstream some 147 miles, affecting both Ohio and West Virginia. New reports indicate that Louisville, KY, and Evansville, IN, also may be required to close water intakes when the spill reaches their area. Such inland oil spills frequently will have interstate proportions, and uniform Federal regulation therefore is appropriate.

This legislation will address a serious gap in national environmental policy and will provide such uniform national standards for above-ground oil storage tanks. These revisions will reduce the inconsistent and unclear safety and inspection requirements that seem to have contributed to the Pittsburgh spill.

The bill would place a special regulatory focus on older tanks, which are the tanks most susceptible to ruptures and leaks. The Environmental Protection Agency [EPA] would be required to promulgate regulations applicable to owners and operators of certain high-risk above-ground storage tanks for spill prevention, reconstruction, tank inspection and financial responsibility. Specifically, these regulations will apply to above-ground storage tanks that are 30 or more years old and have been reassembled in whole or in part, or that have been relocated from their site of original placement. Additionally, the legislation would require the creation of a national data base of information for all above-ground storage tanks. The States will be responsible for collecting this information and submitting it to the EPA.

This bill also includes provisions for the emergency relocation of endangered residents and the provision of alternative household water supplies. Federal agencies are not authorized to provide these much needed services under existing Federal laws. Addition-

ally, States will be required to contribute 10 percent of the cost of corrective actions incurred as a result of an oil spill, and owners or operators of above-ground storage tanks will be liable for the costs of corrective actions by the EPA or the States. In requiring those responsible for a spill to pay the costs of cleanup, this requirement is consistent with other Federal environmental laws.

Further, owners or operators of above-ground storage tanks will be required to demonstrate financial responsibility in the form of a guarantor or other type of insurer, and civil penalties by the EPA will be authorized for violations of the regulations under this act.

I would note that, while comprehensive, this legislation would not preempt the States from implementing their own regulatory programs upon approval by the EPA.

Mr. President, this legislation offers a comprehensive approach to addressing the need for Federal regulation of above-ground storage tanks without interfering with the States' legitimate role in dealing with this problem. I urge my colleagues to join us in supporting this much needed legislation.

By Mr. GRASSLEY:

S. 2021. A bill to protect children from sexual exploitation; to the Committee on the Judiciary.

CHILD FREEDOM FROM SEXUAL EXPLOITATION ACT

Mr. GRASSLEY. Mr. President, today I am introducing legislation that continues the war against the sexual exploitation of our Nation's most precious resource—our children.

Mr. President, the elimination of child abuse, through the enforcement of child pornography statutes, has been a top priority of mine since I have been in the Congress.

Mr. President, the bill I am introducing today is a natural outgrowth of my 1986 legislation, S. 985—The Child Abuse Victims' Rights Act, that was enacted as a part of Public Law 99-591, the fiscal year 1987 continuing resolution. That law evolved from the 1982 case of Ferber versus New York, in which the Supreme Court distinguished child pornography from obscenity by focusing on the harm caused to the victim of pornography—the child—rather than the effect of such material on the audience.

As my colleagues will recall, among the provisions from S. 985 that are now law, is a new Federal civil remedy that for the first time gives the victims of child sexual exploitation—the children—the ability to sue their victimizers in Federal court for damages, court costs, and attorneys fees. In addition, criminal penalties for repeat offenders were increased.

Since the passage of S. 985, the Attorney General's Commission on Pornography has reported to the President on its findings regarding the effects of pornography on our society.

According to the Pornography Commission, "what is commonly referred to as child pornography is not so much a form of pornography as it is a form of sexual exploitation of children. Actual children are photographed while engaged in some form of sexual activity, either with adults or with other children."

Many experts agree that the psychological harm of this form of child abuse can be devastating to a youngster. Child pornography creates a "permanent record of sexual practices" that can "follow a child" through adulthood. The President's report stated that there is "substantial evidence that photographs of children engaged in sexual activity are used as tools for the further molestation of other children".

Today, almost all of the child pornography available in the United States is produced by child abusers. This despicable element of society then passes this material among themselves. There is also a commercial network for child pornography that flows virtually untouched through the U.S. mail from foreign sources.

Based upon its findings, the Pornography Commission made recommendations on how to control this degrading enterprise. The President has sent these on to the Congress in the form of proposed legislation.

I have studied this report very closely, especially with regard to its recommendations on the sexual exploitation of children. Based upon my reading of the Commission's report, I have concluded that legislation is needed.

My bill accomplishes several things:

It prohibits computers to be used for the purpose of setting up nationwide "networks", which otherwise enable child molesters, pedophiles, and collectors of child pornography to traffic in child pornography.

This is a recommendation of the President's Commission on Pornography.

It prohibits a parent or other adult with custody of a minor child, from selling that child for use in the production of pornography.

This is a recommendation of the President's Commission on Pornography.

It requires producers and certain distributors of sexually explicit materials to—prospectively—keep and maintain verifiable records with respect to the age and identity of each performer appearing in depictions of "actual sexually explicit conduct".

Pornographers and other sexual exploiters of children often use minors to produce sexually explicit material in order to meet the demand of those who are attracted to obscene depictions of children.

Because there has not been a recordkeeping requirement, it has been virtually impossible to prove the age of the performer in the sexually explicit material. This has allowed pornographers to evade Federal laws that are supposed to protect all persons under the age of 18 from exploitation.

This is also a recommendation of the President's Commission on Pornography. However, I have attempted to eliminate any ex post facto problem with this important enforcement tool, by applying it prospectively.

It amends the Racketeer Influenced and Corrupt Organizations [RICO] Act to include child pornography offenses.

Much of the growing commercial market for child pornography in our country is produced and distributed by networks of pedophiles and child molesters who are well organized.

As I am sure my colleagues are all aware, obscenity was included as a RICO offense in 1985.

I wanted to include child pornography as a RICO offense in my 1986 legislation, S. 985. However, the Department of Justice, among other organizations, opposed such an addition to the list of RICO offenses. The Department has now decided, in 1988 to include child pornography as a RICO offense in the President's anti-pornography bill. I am glad to have the Department's support, at last.

I include it in my bill and hope that the Department will still support it wholeheartedly.

Finally, my bill amends the civil remedy provision, section 2255 of title 18, chapter 110 of the United States Code, established in my 1986 legislation, the Child Abuse Victims' Rights Act.

A minor who is the victim of sexual exploitation under sections 2251 and 2252 of title 18, or juvenile prostitution under section 2243 of title 18, would now be able to sue in U.S. district court and recover treble damages, instead of actual damages plus costs, including reasonable attorney's fees.

Mr. President, I believe the sanctions provided for in my bill, such as the RICO section; the title providing for the seizure and sale of all assets used in, or obtained through, organized criminal activity in child pornography; and the amended civil remedy section, provide for much needed criminal enforcement tools against those who abuse our children through such sordid enterprises.

Mr. President, I would also like to remind the Department of Justice that S. 985, the Child Abuse Victims' Rights Act, as passed as a part of Public Law 99-591 in 1986, called for recommendations from the Attorney General on suggested courtroom procedures that would serve as a model

for measures designed to facilitate the testimony of child witnesses.

As we all know, there has been a good deal of State legislation passed in this area. However, there apparently has been some question as to the constitutionality of these statutes.

We expected this report in October 1987; and we hoped that it would provide needed guidance in developing effective legislation at the State and national level that would survive constitutional scrutiny.

I trust the extra time that the Department has taken on this report means that there has been an especially thorough study of this problem, and that consequently, the report will be worth the wait.

Mr. President, my legislation addresses the need to keep the pressure on the producers and distributors of child pornography. My bill recognizes that there are many harms that can befall children who are used in the production of pornography; and consequently, it recognizes the rights of these children not to be the victims of sexual exploitation.

I thank my colleagues for their consideration of this legislation and I ask them for their support.

By Mr. BRADLEY (for himself, Mr. LAUTENBERG, Mr. WILSON, Mr. GARN, Mr. BUMPERS, Mr. BURDICK, Mr. DURENBERGER, Mr. STENNIS, Mr. STAFFORD, Mr. FOWLER, Mr. MCCLURE, Mr. WIRTH, Mr. MURKOWSKI, Mr. NUNN, Mr. DOMENICI, Mr. GRAHAM, Mr. COCHRAN, Mr. SARBANES, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. CONRAD, Mr. EXON, Mr. MOYNIHAN, Mr. INOUYE, Mr. HEFLIN, Mr. HOLLINGS, Mr. DODD, Mr. KENNEDY, Mr. CRANSTON, Mr. SANFORD, Mr. GORE, and Mr. KERRY):

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on the Judiciary.

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, in 1970 and 1972, Congress legislated and the President proclaimed the last Friday in April as National Arbor Day. Last year, the Senate passed legislation commemorating National Arbor Day, and 51 Senators cosponsored the legislation. Today, I am introducing legislation which will once again recognize this important day. I'm pleased to announce that 32 of my colleagues have joined me in sponsoring this legislation.

Mr. President, trees are one of our Nation's most important natural resources. They not only provide the raw materials for some of our basic industries, but they also stabilize our environment and add natural grace and beauty to our surroundings. The establishment of a National Arbor Day acts as an important reminder to all our citizens of the vital presence of trees, whether they be in urban areas or distant wilderness.

We know now, however, that there is a special need for our concern and our attention. In large areas of Europe and the United States, scientists have observed the death and decline of a number of species of trees. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California. And, in an 11-State region extending from Maine to Alabama, a wide variety of other coniferous species have been ravaged by pollutants and poor management.

Because we are concerned about damage to our forests and our trees and because we need to acknowledge the contribution that trees make to our health and well-being, I urge the Congress to designate National Arbor Day. I encourage others of my colleagues to join us in this effort. I ask unanimous consent to have the joint resolution printed in the RECORD.

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

S.J. RES. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1988 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.●

By Mr. QUAYLE (for himself, Mr. HATCH, Mr. DURENBERGER, Mr. STAFFORD, Mr. DOMENICI, Mr. COCHRAN, Mr. GRASSLEY, Mr. PELL, Mr. MATSUNAGA, Mr. DODD, Mr. SIMON, Mr. RIEGLE, and Mr. BRADLEY):

S.J. Res. 248. Joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week"; referred to the Committee the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

Mr. QUAYLE. Mr. President, on behalf of a number of my colleagues and myself, I am introducing a joint resolution to authorize the President to issue a proclamation designating the week of October 2-8, 1988, "Mental Illness Awareness Week."

The purpose of this joint resolution, introduced, passed and proclaimed for 6 successive years, is to focus public attention on concerns surrounding, and advances in treating mental illness.

In any given 6 months period, approximately 30 million adult Americans suffer from a diagnosable mental disorder. Approximately 2 million children have such severe mental disorders that they require immediate care, and another 8 to 10 million need help somewhat less urgently; 1.5 million Americans suffer from schizophrenia, with 300,000 new cases occurring each year; 9-16 million adult Americans today are diagnosed with manic-depression, depression, and other depressive disorders, of the elderly who are diagnosed as "senile," nearly one-fourth actually suffer from treatable mental illnesses. It is a little known fact, but nearly two-thirds of the AIDS patients in the United States will show symptoms of dementia before they die.

Mental illness occurs in all social levels and ethnic and national groups in equal proportion. Serious mental illness affects one family out of every five in our Nation. The Institute of Medicine of the National Academy of Sciences states that the personal and social costs of mental illnesses, alcoholism and substance abuse disorders are comparable to those for heart disease or cancer. Mental illness is an increasingly treatable disease. Appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced utilization of other health services and lessened social dependence.

Mental illness is an increasingly curable disability with excellent prospects for amelioration and recovery when properly recognized and treated. Recovery from mental illness is now a reality; 9 in 10 stricken with major depression or anxiety can recover; 7 in 10 suffering from manic depression can return to normal lives; 5 in 10 with schizophrenia can improve and 1 in 4 can recover. Much of the progress in the treatment of mental illness can be attributed to major advances in clinical research in psychiatry. In the past decade Alcohol, Drug Abuse and Mental Health Administration-supported research has led to advances such as:

Identification of markers for specific genes as a cause of mental illness.

Identification of sites to which the AIDS virus appears to attach in the brain.

Demonstration, using Positron Emission Tomography [PET], visualizing the specific neurotransmitter system affected by schizophrenia in living patients.

Delineation of brain sites which may contribute to the addictive actions of cocaine and heroin and identification of the existence of natural substances whose normal sites of action in the brain may provide the means of addictive drugs to act on the brain.

Identification of a protein that appears to be specific to the brains of patients with Alzheimers' disease.

The findings that alterations in a specific brain neurotransmitter—serotonin—may be an indicator of an aggressive impulsive temperament asso-

ciated with suicide and other violent acts.

This joint resolution is inspired by groups such as the American Psychiatric Association whose members conduct research for the treatment of mental illness and treat those suffering from the disease and the National Alliance for the Mentally Ill formed in 1979 for families with a mentally ill member whose purpose is support, education, advocacy and research. Few diseases have such capacity to disrupt and devastate human life, for both individuals and families, and no other carries such a stigma. Because of the burdens felt by families and friends of those suffering from mental problems, this nationwide effort is under way to join together and draw attention to these needs.

The education and information disseminated through the week of its observance will help people understand that they don't have to suffer from debilitating anxiety, panic, phobias, depression or schizophrenia. Only through the understanding of the causes of mental illness and the knowledge of available treatment and successful cures will the fear and misunderstanding of this disease diminish with people then seeking timely and appropriate care.

Mental illness is worthy of our attention and concern. I urge support and passage of this important joint resolution.

ADDITIONAL COSPONSORS

S. 465

At the request of Mr. METZENBAUM, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 465, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States.

S. 533

At the request of Mr. THURMOND, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Inc.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1910

At the request of Mr. CHAFEE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 1942

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1942, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 1975

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1975, a bill to better enable Federal law enforcement officers to accomplish their missions, to assist Federal law enforcement agencies in attracting and retaining the most qualified personnel, and for other purposes.

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Michigan [Mr. RIEGLE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. NUNN], the Senator from Alaska [Mr. STEVENS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from New York [Mr. MOYNIHAN], the Senator from Wyoming [Mr. WALLOP], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Mr. DIXON], the Senator from Illinois [Mr. SIMON], the Senator from Tennessee [Mr. GORE], the Senator from California [Mr. WILSON], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. FOWLER], the Senator from Michigan [Mr. LEVIN], the Senator from Washington [Mr. ADAMS], the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. BENTSEN], the Senator from Kansas [Mr. DOLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. QUAYLE], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from Alabama [Mr. SHELBY], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 218

At the request of Mr. LAUTENBERG, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Indiana [Mr. LUGAR], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. D'AMATO], the Senator from Virginia [Mr. TRIBLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Mississippi [Mr. STENNIS], the Senator from Colorado [Mr. WIRTH], the Senator from Arkansas [Mr. PRYOR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A "National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 222

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. ADAMS], the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Connecticut [Mr. DODD],

the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KARNES], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from California [Mr. WILSON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 222, a joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week."

SENATE JOINT RESOLUTION 223

At the request of Mr. NUNN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. BOND], the Senator from New Jersey [Mr. BRADLEY], the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Indiana [Mr. LUGAR], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 223, a joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week."

SENATE JOINT RESOLUTION 229

At the request of Mr. WARNER, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from West Virginia [Mr. BYRD], the Senator from Texas [Mr. BENTSEN], the Senator from Georgia [Mr. NUNN], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. SIMON], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Missouri [Mr. DANFORTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Indiana [Mr. QUAYLE], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Carolina [Mr. SANFORD], the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arkansas [Mr. PRYOR], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Carolina [Mr. HELMS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. DIXON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 229, a joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

SENATE JOINT RESOLUTION 230

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 230, a joint resolution to designate the third week of June of 1988 as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. SARBANES, the names of the Senator from Illinois [Mr. SIMON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Washington [Mr. EVANS] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. DECONCINI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. GRAHAM], the Senator from Nevada [Mr. HECHT], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nebraska [Mr. KARNES], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Idaho [Mr. MCCLURE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. QUAYLE], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Delaware [Mr. ROTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988 as "National Child Abuse Prevention Month."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. HUMPHREY, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a

cosponsor of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the U.S. Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 314

At the request of Mr. SYMMS, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 314, a resolution expressing the sense of the Senate regarding the American Civil Defense program.

SENATE RESOLUTION 366—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 366

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committe on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $983,492, of which amount $1,500 may be expended for the training of professional staff of such Committee (under procedures specified by secton 202(j) of such act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 367—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 367

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,501,901, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988 through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 368—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. MELCHER, from the Special Committee on Aging, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 368

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its descretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,106,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 369—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. STENNIS, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 369

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including hearings, reporting such hearings and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988 through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the proper consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the Committee under this resolution shall not exceed $4,119,856, of which (1) not to exceed $160,000 may be expended for the procurement of the services of individual consult-

ants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such Committee (under procedures specified by section 202 (j) of such Act).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but no later than February 28, 1989.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 370—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 370

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquires and Investigations."

SENATE RESOLUTION 371—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CHILES, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 371

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $3,027,546 of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 372—EXPRESSING SUPPORT FOR THE EFFORTS OF B'NAI B'RITH TO ESTABLISH A DISTRICT OFFICE IN THE SOVIET UNION

Mr. McCONNELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 372

Whereas, the Soviet Union is the home of approximately two million members of the Jewish community;

Whereas, B'nai B'rith is one of the most widely recognized and highly regarded service organizations for the Jewish community;

Whereas, a B'nai B'rith District in the Soviet Union would represent a vital link between Soviet Jews and the international community interested in their plight;

Whereas, the establishment of a B'nai B'rith District office in the Soviet Union would be a welcome development under the policy of glasnost; it is

Resolved by the Senate, That the Senate—

(1) Supports the efforts of the B'nai B'rith Board of Governors in establishing a District in the Union of the Soviet Socialist Republics; and

(2) Encourages the Union of Soviet Socialist Republics to cooperate with B'nai B'rith is achieving this goal.

Mr. McCONNELL. Mr. President, as many of us know, B'nai B'rith is one of the world's largest service organizations for the Jewish community. In addition to being advocates for issues such as Soviet Jewry, B'nai B'rith is also concerned with matters of international appeal such as arms control and has tackled domestic issues like crime prevention and care for the homeless. Thus, B'nai B'rith provides a unique service function for all of us.

The B'nai B'rith International Board of Governors convened in Washington last week bringing together some of its most influential office holders. Last Tuesday, I met with several of the members who assembled for the meeting, including three Kentuckians—Mr. Richard D. Heideman, president of B'nai B'rith's district 2, which includes eight States; his wife, Mrs. Phyllis G. Heideman; and Mr. Irvin Friedman, a B'nai B'rith international vice president. I also met Ms. Pnina Bor, the president of B'nai B'rith in Israel and Mr. Zvi Gincbarg, an international vice president. They told me of a development that I would like to share with my colleagues. On January 25, the board of directors passed a resolution seeking to establish a B'nai B'rith district in Moscow.

I applaud this initiative and am hopeful that Soviet officials are receptive to this proposal. This will provide us with an opportunity to see how genuine Mr. Gorbachev's dedication to glasnost is. The success or failure of B'nai B'rith's effort will help us learn whether or not the Soviet leadership is sincerely interested in allowing its citizens the simple liberty of identifying with a common religious heritage.

I visited the Soviet Union in August and met with several refuseniks who are waiting for permission to emigrate. I have joined many of my colleagues in sending letters to Secretary Gorbachev on behalf of refuseniks seeking their freedom. I strongly hope that we will see a day soon when there is an open door policy for emigration from the Soviet Union.

In the meantime, I think the resolution that B'nai B'rith has passed is an important milestone. I would urge the Soviets to give full and fair consideration to the resolution, and that they recognize the need for their 2 million Jews to have this unifying organization established.

I would like to enter this resolution into the RECORD for my colleagues' consideration. I also urge my colleagues to join me in a Senate resolution of support for this undertaking. I think a B'nai B'rith organization in Moscow would serve as a vital link in the international community interest-

ed in the issues of the treatment and emigration of Soviet Jews.

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

B'NAI B'RITH BOARD OF GOVERNORS, WASHINGTON, DC, JANUARY 23-26, 1988

Resolution No. 88-100C, Passed January 25, 1988.

In re: B'nai B'rith office in Moscow.

Proposed by: Billy Goldberg.

Whereas, there exists in the Soviet Union the third largest Jewish Community in the world estimated to number some 2,000,000 people;

Whereas, for almost a century and a half B'nai B'rith has been the preeminent Jewish "service" organization and today continues that same tradition throughout the world;

Whereas, it was B'nai B'rith, acting through its late President Label Katz, who—a quarter of a century ago—initiated the modern movement for free emigration of Soviet Jewry. This remains, as it must in the future, a high priority item on the B'nai B'rith agenda;

Whereas, we realize that—either by necessity or choice—for the foreseeable future there will remain in the Soviet Union the large majority of the Jewish Community which lives there today;

Whereas, there may be beginning in the Soviet Union a movement for greater freedom for its people: Now therefore be it

Resolved, That our International President appoint a Select Committee to work in conjunction with our European B'nai B'rith Districts and our International Council towards the goal of establishing B'nai B'rith in Moscow.

ADDITIONAL STATEMENTS

TRIBUTE TO TIMMY SMITH

● Mr. BINGAMAN. Mr. President, I wish to honor a tremendous New Mexican athlete, Timmy Smith, the star running back of the world champion Washington Redskins.

As everyone knows, the Washington Redskins became world champions last night after defeating the Denver Broncos 42 to 10 in Super Bowl XXII. Timmy Smith, a native of Hobbs, NM, was in his rookie season and had seen limited playing time during the regular season. He was not even the announced starting running back. He did start, however, and the rookie was far and away the leading rusher in the game, running for a record setting 204 yards. His two touchdowns, the first two of his NFL career, also tied a Super Bowl record for number of rushing touchdowns. After the game, Smith said he was so wrapped up in the game, he did not even realize he was close to a Super Bowl record until someone told him his yardage total at halftime. "I hadn't had a game like this since high school," Smith said.

Indeed, he had had quite a few games like last night's during his years at Hobbs High School. As a star of the Hobbs Eagles football team, Smith was voted "Most Valuable Player" of the team in his junior year of 1981. Despite missing three games that season, he still ran for 914 yards. The following year, in his senior season, Smith rewrote the record books at Hobbs High School. He rushed for an incredible 2,306 yards on 283 carries and scored 31 touchdowns. Smith averaged 200 yards a game, and had 12 consecutive 100-yard games including an astounding season high of 315 yards against Lubbock Monterey. Timmy graduated in 1982 and went on to play for Texas Tech University. Due to serious knee and ankle injuries, however, he was able to play a total of only two games his junior and senior years.

Timmy's mother and father, Ella and T. Harold Smith, have every reason to be proud of their star son and their four other children; Steve, Mike, Kenny, and Sharon; all who were outstanding athletes in their own right. Looking back on the long road to his record-setting day, Timmy praised his parents for helping him get through his injury-ridden years in college.

My parents helped me a lot when I kept getting hurt in college * * * they gave me the courage to keep working because they knew I had a tendency to slack off sometimes.

All fans of the Washington Redskins and all who love to watch a great athlete, also owe Ella and T. Harold a great debt of gratitude.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Samet, a member of the staff of Senator MOYNIHAN, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 7, 1988, through February 14, 1988.

The committee has determined that participation by Mr. Samet in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. John Walsh, a member of the staff of Senator PROXMIRE, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, Inc., from February 6, 1988, through February 14, 1988.

The committee has determined that participation by Mr. Walsh in the program in Japan, at the expense of the Japan Center for International Exchange, Inc., is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Cynthia Shade, a member of the staff of Senator BENNETT JOHNSTON, a participate in a program in the Taipei, Taiwan, and sponsored by the Soochow University, from November 27, 1987, to December 6, 1987.

The committee has determined that participation by Ms. Shade, in the program in the Taipei, Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Barbara Larkin, a member of the staff of Senator TERRY SANFORD, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4-19, 1988.

The committee has determined that participation by Ms. Larkin, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Senator WILLIAM ROTH, to participate in a program in Taipei, Taiwan, sponsored by Soochow University in January 1987.

The committee has determined that participation by Senator ROTH in the program in Taipei, Taiwan, at the expense of the Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, from Senator SARBANES for Ms. Ruth Kurtz, a member of the staff of the Joint Economic Committee, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4-18, 1988.

The committee has determined that participation by Ms. Kurtz, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-

Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Ann Goldman, a member of the staff of Senator ALAN CRANSTON, to participate in a program in the People's Republic of China, organized by the United States-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, from January 4-19, 1988.

The committee has determined that participation by Ms. Goldman, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Laura Hudson, a member of the staff of Senator BENNETT JOHNSTON, to participate in a program in Iraq by the National Council on United States-Arab Relations, from January 11, 1987, to January 20, 1987.

The committee has determined that participation by Ms. Hudson in the program in Iraq, at the expense of the National Council on United States-Arab Realtions, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Carrie McMillan, a member of the staff of Senator MARK O. HATFIELD, to participate in a program in Iraq by the National Council on United States-Arab Relations, from January 12, 1987, to January 22, 1987.

The committee has determined that participation by Ms. McMillan in the program in Iraq, at the expense of the National Council on United States-Arab Relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Senator BOREN, to participate in a program in Paris, France, sponsored by the Center for Strategic and International Studies and the Centre for the Geopolitics of Energy and Raw Materials at the University of Paris, from January 21 through 22, 1988.

The committee has determined that participation by Senator BOREN in the program in Paris, France, at the expense of the Center for Strategic and International Studies and the Centre for the Geopolitics of Energy and Raw Materials, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Bill LaForge, a member of the staff of Senator THAD COCHRAN, to participate in a program in the People's Republic of China by the United States-Asia Institute, in January 1988.

The committee has determined that participation by Mr. LaForge in the program in the People's Republic of China, at the expense of the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Martin J. Gruenberg, a member of the staff of Senator WILLIAM PROXMIRE, to participate in a program in the People's Republic of China by the Chinese Peoples' Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from January 4-18, 1988.

The committee has determined that participation by Mr. Gruenberg in the program in the People's Republic of China, at the expense of the Chinese Peoples' Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Thomas F. Heyerdahl, a member of the staff of Senator WILLIAM COHEN, to participate in a program in the People's Republic of China sponsored by the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, from January 4-20, 1988.

The committee has determined that participation by Mr. Heyerdahl in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs in conjunction with the United States-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Kent H. Hughes, a member of the staff of Senator ROBERT C. BYRD, to participate in a program in Japan funded by the Japan-United States Friendship Commission, from January 8-17, 1988.

The committee has determined that participation by Mr. Hughes in the program in Japan, at the expense of the Japan-United States Friendship Commission, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Edward Long, a member of the staff of Senator TOM HARKIN, to participate in a program in the Republic of China sponsored by the Tamkang University, from January 7-15.

The committee has determined that participation by Mr. Long in the program in the Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Peter Flory, a member of the staff of Senator MCCLURE, to participate in a program in South Africa sponsored by the South Africa Foundation, from January 15-23, 1988.

The committee has determined that participation by Mr. Flory in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Thomas Duesterberg, a member of the staff of Senator DAN QUAYLE, to participate in a program in the Republic of China sponsored by the Tamkang University, from January 7-15, 1988

The committee has determined that participation by Dr. Duesterberg in the program in the Republic of China, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Cynthia Jurciukonis, a member of the staff of Senator DONALD W. RIEGLE, Jr. to participate in a program in Jordan sponsored by the World Affairs Council, from January 8-17, 1988.

The committee has determined that participation by Ms. Jurciukonis in the program in Jordan, at the expense of the World Affairs Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Sally Susman, a member of the staff of the Senate Committee on Commerce, Science, and Transportation, to participate in a program in Taiwan sponsored by Tamkang University in January 1988.

The committee has determined that participation by Ms. Susman in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jim Morhard, a member of the staff of Senator KASTEN, to participate in a program in the People's Republic of China sponsored by the Chinese Institute of Foreign Affairs, from January 4-20, 1988.

The committee has determined that participation by Mr. Morhard in the program in the People's Republic of China, at the expense of the Chinese Institute of Foreign Affairs, is in the interest of the Senate of the United States.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Jazwick, a member of the staff of Senator SYMMS, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Jazwick in the

program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Linda Emery, a member of the staff of Senator NICKLES, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15-23.

The committee has determined that participation by Ms. Emery in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jonathan Chambers, a member of the staff of Senator DANFORTH, to participate in a program in South Africa sponsored by South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Chambers in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Marjorie Chorlins, a member of the staff of Senator DANFORTH, to participate in a program in Japan, sponsored by the Japan Center for International Exchange, from February 7-14, 1988.

The committee has determined that participation by Ms. Chorlins in the program in Japan, at the expense of the Japan Center for International Exchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Sam Routson, a member of the staff of Senator SYMMS, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Routson in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Paul Carothers, a member of the staff of Senator BREAUX, to participate in a program in Taiwan, sponsored by the Tamkang University, in January 1988.

The committee has determined that participation by Mr. Carothers in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Strauss, a member of the staff of Senator BURDICK, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Strauss in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. H. Edward Quick, Jr., a member of the staff of Senator PRYOR, to participate in a program in South Africa, sponsored by the South Africa Foundation, from January 15-23.

The committee has determined that participation by Mr. Quick in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.●

U.S. AID TO THE CONTRAS

● Mr. LEAHY. Mr. President, in the waning hours before the Christmas recess the conference committee on the continuing resolution appropriations bill voted to give another $8.1 million in aid to the Contras. Despite the obvious failures of the Contra policy, this aid, including the right to deliver military equipment beyond the original December 31 cutoff date, has kept the Contras alive in the field during the fragile Central American peace negotiations. Although Nicaragua has taken some significant steps toward fulfillment of the Guatemala peace agreement it has a long way to go, as do El Salvador and Honduras, before the Central Americans can live in peace. The administration, however, maintains that anything short of total compliance by Nicaragua is no compliance, and that the Contras deserve continued United States support.

Despite a supposed Christmas truce, the fighting has raged more furiously than ever in Nicaragua. The administration is bragging about Contra victories, even though there are reports that dozens of innocent civilians, including women and children, were killed and wounded in those attacks. There is abundant evidence that the Contras have shamelessly continued their terrorist tactics throughout the peace negotiations. They have done nothing to demonstrate that they are ready to comply with the terms of the Guatemala peace plan. To the contrary, they appear to be doing everything possible to sabotage it.

The administration would have us believe that the Contras have changed—that the old reports of Contra atrocities are just that—old and no longer relevant. Unfortunately, past experience has shown that neither the Contras nor United States officials can be trusted to tell the truth about events in Nicaragua. We are left to rely on from news reporters who have visited the war zones.

A recent four part series of articles in the Philadelphia Inquirer contains a grisly account of recent developments in the Contra war. Two reporters spent 4 months investigating how the Contras wage war. Another traveled with the Sandinista army. They witnessed dozens of Contra military actions, and inactions, and interviewed scores of eyewitnesses as well as Contra officials, and Sandinista and United States officials in Honduras, Costa Rica, Washington, and Miami. Their findings depict a very different situation from that portrayed by the administration officials who lobby for more Contra aid.

They report that the Contras are:

A rebel army that often doesn't want to fight and prefers to attack soft targets like powerlines, trucks, and lightly guarded farm cooperatives.

A band of guerrillas who have not blended into the populace and who are totally dependent on CIA air drops of food, weapons, and cash.

A military force that, when it does fight, often kills, shoots and kidnaps unarmed civilians, and ransacks and burns their homes.

A military force that, despite the millions of dollars in U.S. aid, is shrinking. Their are fewer Contras today than a year ago.

An army whose claimed successes do not hold up to scrutiny and whose atrocities go unmentioned in official reports.

The reporters went to locations recommended to them by the Contras as places where they had scored recent successes. The articles are the result of painstaking onsite investigations and interviews at those locations. They deserve serious attention by any Member of Congress who wants another perspective than the administration's version of what has happened in Nicaragua since the August 7 signing of the Guatemala peace plan.

I will ask the full text of the articles be printed in the RECORD.

The articles follow:

[From the Philadelphia Inquirer, Dec. 13, 1987]

AVOIDING FOES, SHOOTING CIVILIANS

(By Steve Stecklow and Andrew Maykuth)

For 31 days, a human train of contra rebels slogged through the muddy jungles of northern Nicaragua, each man lugging up to 75 pounds of food, clothing and weaponry courtesy of the United States. Their objective: Ambush Sandinista troops on the sole road that links Nicaragua's coasts.

The 150-mile trek passed through a wilderness so inhospitable no peasants have ever bothered to claim it; a hothouse in which the pummeling rains provide relief only from the mosquitos; a land where five-foot snakes are considered petite; a place where the few good trails are mined by the Sandinistas and the rest are rivers of knee-deep mud.

Then, an hour's hike from the target, the 100-man column came to a dead halt. Word had come from local peasants that every entrance to the dirt road was either mined or guarded. An attack on this October day would surely result in heavy contra casualties.

The entire company turned around and promptly began a five-day retreat. Better to attack some other time, some other place.

It was a minor setback. But typical.

After more than six years of fighting and more than $200 million in U.S. aid gone, many of the contras remain an aimless army, wandering across Nicaragua's landscape, deliberately avoiding direct contact with the Soviet-supplied Sandinista military.

To be sure, the contras' efforts have not been a complete failure. Resurrected by $100 million in U.S. aid this year, the rebels have moved thousands of soldiers deep inside Nicaragua and have spread their attacks to nearly half the countryside. They have ambushed scores of military vehicles, shot down helicopters with U.S. "Red Eye" surface-to-air missiles, disrupted electric and telephone service, and helped push Nicaragua's economy to the brink of bankruptcy. Even the Sandinistas acknowledge they have suffered mounting casualties.

Nevertheless, the contras have utterly failed to convert their occasional military success into a popular movement that can challenge the Sandinistas' rule in Nicaragua.

Two Inquirer reporters spent four months investigating how the contras wage war in Nicaragua. One reporter and an Inquirer photographer traveled and lived with the contras. Another reporter worked in Nicaragua and, together with a photographer, traveled with the Sandinista army. They documented dozens of contra military actions—and inactions—and interviewed scores of eyewitnesses, as well as contra officials, Sandinistas and U.S. officials in Nicaragua, Honduras, Costa Rica, Washington and Miami.

They found that the contras are:

A rebel army that often doesn't want to fight and prefers to concentrate on what a Western diplomat in Central America called "targets of opportunity"—such as power lines, trucks and lightly guarded farm cooperatives.

A band of "guerrillas" who have not blended into the populace, and who are all but totally dependent on CIA air drops of food, weaponry and even cash.

A military force that, when it does fight, often kills, shoots and kidnaps unarmed civilians, including children and pregnant women, and ransacks and burns peasant houses. This is despite a $3 million training program mandated by Congress to curb such atrocities—and despite the fact that such abuses alienate potential supporters in Nicaragua and abroad.

A military force that, for all the aid it has received, is shrinking. A Reagan administration official and a Western diplomat in Managua said the contras' troop strength had dropped from "10,000 to 12,000" in early 1987 to "between 8,000 and 10,000" last month. "I think they dried up their basic sources" of new recruits, the administration official said.

An army whose purported successes do not stand up to examination and whose atrocities go unmentioned in official reports.

A rebel force that is up against a Sandinista army that is better trained, better organized, more mobile, more aggressive and at least six times larger.

The bottom line is that the contras have no chance of winning the war without continued U.S. funding and training well into the next decade. And even with more military assistance, there is no assurance they could win over the war-weary Nicaraguan people, many of whom simply want the conflict to end now.

"So many people are dying," cried Christina Flores, 38, whose husband and four sons disappeared four years ago and are believed to have joined the contras. "All mothers suffer here. One suffers not only for our children, but for all of Nicaragua. We ask of God, for everybody, for all of humanity . . . we don't want more war."

The Reagan administration says it plans to ask Congress next month for an additional $270 million in contra aid. But the recent peace initiatives of Costa Rican President Oscar Arias, on the heels of disclosures by the Iran-contra committees that the National Security Council, CIA and Pentagon secretly helped the contras during a congressional ban on all military assistance, have made further military aid seem less likely.

Indeed, even a Reagan administration official recently acknowledged that a negotiated settlement with the Sandinistas is probably the only politically palatable way to end the war in Nicaragua.

At the moment, negotiations between the two sides are deadlocked.

Not every contra unit flees at the first threat of combat.

Nearly every day, newspapers in Managua are filled with reports of contra road ambushes, raids on farm cooperatives and minor skirmishes with Sandinista troops.

Mortars and rocket-propelled grenades pound the provinces of Jinotega and Matagalpe to the north and Chontales to the south. Convoys of olive-green army trucks rumble down dirt roads, ferrying battalions of teenage Sandinista soldiers to new areas of conflict. Peasants report more frequent sightings of large contra units passing along mountain trails.

The rebels and their U.S. backers boast that the heightened activity is the work of the "New Contras"—a more mature and professional guerrilla army that, thanks to a new U.S. training program, focuses on legitimate military targets and no longer engages in "a lot of violence and even banditry," as one State Department official put it.

But visits to the scene of some recent contra attacks indicate otherwise.

Contra officials in Miami and Honduras were asked to recommend places in Nicaragua where a reporter could observe evidence of recent military successes. They suggested La Patriota, a small rural village and military garrison in Matagalpa that was attacked in September, and Comalapa, a larger town and military outpost in Chontales that was overtaken in May.

A reporter also visited Rama Road, a major highway that the contras shut down during a coordinated series of raids in mid-October that U.S. officials have described as the rebels' most successful military action ever.

LA PATRIOTA

A contra news release said the rebels attacked a military garrison at La Patriota on Sept. 9 killing an estimated 13 Sandinista soldiers and wounding 10 others. It also said they destroyed eight utility poles and captured a small arsenal of Soviet-supplied military equipment.

A visit to La Patriota 11 days after the attack confirmed that the contras had killed at least seven armed Sandinista militia members, wounded at least six others, captured weapons and cut off power to the town.

But the news release failed to mention that during the 4 a.m. raid, the contras also killed two unarmed civilians, including a 20-month-old infant, wounded the baby's mother and kidnapped three men, according to eyewitnesses. In addition, after defeating the local militia, the contras looted and burned 10 houses, the village health center and a local store.

Aurora Martinez, 26, said she was shot while hiding in a gully with her children. The bullet killed her infant son, Marion Antonio, and then wounded her.

Later, after she returned to her house to wash her wound, four contras ejected her and then torched her home, Martinez said.

Other residents vividly described how the contras entered their houses and stores and argued—in one case while they made coffee—over whether they should steal belongings or simply burn them.

"Some were saying, "Take it out!" and others were saying, 'Set it on fire! Set it on fire!" said Maria Herrera, 24, who overheard the argument as she hid near her small general store.

In the end, she said, they burned the store to the ground, merchandise and all.

COMALAPA

Liberation Bulletin, a pro-contra newsletter distributed by the rebels' press office in Honduras, gave this account of a recent "impressive victory" by the contras: "The town of Comalapa, Chontales province, was taken for three hours on May 16. The villagers received the Nicaraguan Resistance fighters with enthusiasm, and wished them well."

Another report on the attack, issued by the contra press office in Miami, said the contras had killed 14 Sandinista soldiers, wounded 10 others and captured weapons, uniforms and ammunition.

A visit to Comalapa in September found that the contras had killed at least one Sandinista soldier, two militiamen and two civilians, according to residents and a local Sandinista official. One of the civilians was apparently armed. The other was a 20-year-old woman who was four months pregnant.

The contras also looted the community health center, the residents said.

The residents scoffed at the claim that the contras were welcomed during the attack. Most of the villagers were asleep when the contras attacked at 10 p.m. and hid under their beds during the three-hour battle in the town, they said.

Xionara Duarte Flores, 20, was shot through the head by a stray bullet while inside her house.

Her mother, Catalina Duarte Rios, 60, had been critical of the Sandinistas before the attack—the sort of person the rebels say they are trying to win over. But now she says she can never forgive the contras for what happened to her daughter.

RAMA ROAD

A State Department official called the contras' attack on Rama Road in mid-October "their best single operation to date."

The Sandinistas used the two-lane paved highway to transport armaments delivered to the river port of Rama from Cuba and the Soviet Union.

Between Oct. 14 and Oct. 16, the contras staged a series of coordinated strikes on a 60-mile stretch of the road. They shot down

a Sandinista helicopter, destroyed two small bridges, ambushed two army trucks, damaged an army fuel depot, burned a fuel truck and overcame several small military posts.

The Sandinistas admitted to losing 44 soldiers, although interviews suggest that the casualties were greater. The contras said they killed as many as 200.

Even though the contras clearly took the Sandinistas by surprise, they failed to achieve what a State Department official called their major military objective—destroying a bridge near Muelle de los Bueyes that would have cut the highway.

A contra demolition team was killed trying to blow up the bridge. Two days later, the highway was reopened.

The Rama Road attack failed on another score as well—the contras managed to alienate some potential sympathizers.

The contras burned the municipal building in San Pedro de Lovago, which had contained a jail and offices for the local militia and the Sandinista party. But it had also housed the office of Mayor Augusto Vega Gonzales, 46, an opposition party leader. All of his records were lost in the fire, including those relating to his efforts to free 25 local political prisoners accused of aiding the contras.

Gonzales, standing beside the only item that survived the fire, his metal desk, said the attack made San Pedro's residents fearful, and probably did not help to win converts to the contras' cause.

"Although there are some here who accept the contras, at the hour of war nobody wants war," he said. "When the shots ring out, everybody tries to save their skins."

He said a "psychosis of war" has paralyzed the town residents, who have witnessed five contra attacks in recent years.

"Nobody wants it to get dark now because the attacks have been in the night," he said. "So when night falls, everybody gets nervous."

U.S. officials said the Rama Road attack showed that the rebels could pull off a major coordinated military action, without killing or injury many civilians.

But a subsequent attack on a small farm cooperative at El Juste, just off the Rama Road and about 10 miles west of San Pedro de Lovago, indicated that the contras' tactic of attacking civilians had not changed.

In a surprise raid before dawn on Nov. 3, about 50 contras overtook the co-op killed two militiamen, wounded five others and then began ransacking and burning every building, according to residents.

All of the co-op's 40 residents fled except for Rita Galeano, 44, and her daughter, Elivette, 9. They were wounded while hiding in their house. The contras then entered and killed the mother, according to an account Elivette gave to her sister, Geraldina Martinez, 16.

After killing Galeano, the contras carried the little girl out of the house and told her to walk to town, Martinez said. Then they burned the house with her mother's body inside.

Later, when Martinez walked by another burning house, thinking that the contras had left, a rebel shot her in the back, she said. The bullet tore a hole through her body and entered the leg of her two-month-old baby, whom she was carrying.

[From the Philadelphia Inquirer, Dec. 14, 1987]

CONTRAS LEAVE A TRAIL OF TEARS

(By Steve Stecklow)

EL JUSTE, NICARAGUA.—Geraldina Martinez hid in a ditch, hugging her 2-month-old infant to her chest. All around her, the tiny farming settlement of El Juste was under attack by Nicaraguan contra rebels.

Finally, after more than an hour, the gunfire and explosions stopped. Only the crackling of flames consuming every house and building on the hillside could be heard. Martinez, 16, emerged with her baby from the ditch.

Two men dressed in olive uniforms called to her. They must be Sandinista soldiers who have come to help, she thought.

But when she came closer, they cursed at her. They were contras.

Martinez, who cooked for the local militia, turned and ran. But she could not outrun the machine-gun bullet that ripped through her back and intestines and into her baby's leg.

Martinez, who later recounted the Nov. 3 incident from her hospital bed, is expected to live. Her baby also survived, although his leg was amputated. But Martinez's mother was not so lucky. According to Martinez, a rebel shot Rita Galeano, 44, to death as she lay wounded under a bed—and as her daughter, Elivette, 9, looked on in horror.

No one knows how many civilians have been killed, wounded, kidnapped or made homeless in Nicaragua's devastating six-year-old war between the U.S.-backed contras and the Soviet-supplied Sandinistas. The contras rarely mention civilian victims in their military reports. The Sandinistas, by contrast, exaggerate their figures for civilians killed by the contras. They do that by labeling anyone not in the active military a civilian—including armed members of volunteer militas. Independent human rights organizations place the number of civilian victims in the thousands.

Despite an outcry from human rights organizations at home and abroad that has continued for years, the contras continue to kill, shoot and kidnap unarmed civilians, including children and pregnant women, and to ransack and burn peasant houses. A $3 million human-rights training program mandated by the U.S. Congress last year designed to curb such abuses has not stopped them.

That's because killing civilians is built into the contras' very strategy of war. That strategy calls for destroying hundreds of Sandinista-organized farm cooperatives where many thousands of peasants live and work.

The contras maintain that the co-ops are legitimate miltary targets because they often are strategically located near army bases. They also contend that these peasants are forced to report rebel movements to the Sandinistas, making them in effect spies.

Calling the co-ops the Sandinistas' "first line of defense," contra spokeswoman Marta Sacasa said, "The Sandinistas have placed co-ops as military advance posts that serve the Sandinista army in terms of food, in terms of weaponry, in terms of defending. They're shielding their major military bases."0

But an Inquirer examination of contra attacks on co-ops found instances in which the contras had shot and kidnapped unarmed civilians, and burned houses after overcoming the local militia and their garrisons.

The Inquirer also found that the contras' claim that the co-ops are military targets is in part of self-fulfilling prophecy—many peasants said they took up arms in response to being attacked.

Consider Las Lajas, a coffee cooperative Jinotega province. Originally it was guarded by 10 Sandinista soliders. Then in April 1986, the contras attacked, killing two guards and an elderly man, blowing up a giant bean-processing mill and burning 21 peasant shacks and the plantation's only school.

Today, the security force has been increased to 18, the co-op is in constant communication with a nearby army battalion, and many of Las Lajas' 55 families have been issued Soviet-made AK-47 rifles.

"My husband has it and it makes me feel more secure," said Patrano Ruiz, 45, who lost her house and her family's possessions in the attack.

In interviews last month, some U.S. officials said they believed the contras should become more "discriminating" in their attacks on peasant cooperatives. But a high-ranking State Department official in Washington, who closely monitors the contras, said such attacks would continue.

"It isn't going to let up, because the resistance believes, with some validity, that these have to be taken on as part of their [military] strategy," he said.

"I don't mean to be cold. But these are not the first civilians to be killed in a war."

EL JUSTE—CHONTALES PROVINCE, NOV. 3

On a grassy slope overlooking cattle-grazing fields, the nine families that made up the year-old Reynaldo Martinez farm cooperative in El Juste had just harvested their first crop of corn.

The families were optimistic. Although their bean crop had wilted during a recent drought, they successfully grew corn, rice and root plants, and sold several hundred dollars' worth of milk.

"It was producing well," said Francisco Martinez, 61.

But the optimism has been replaced by mourning. About 4 a.m. on Nov. 3, an estimated 50 contras surrounded the small farm and opened fire. In less than an hour, they had overtaken the co-op, killing two militiamen and wounding five others, according to eyewitnesses.

The two slain militiamen were the brothers of Geraldina Martinez. They died in the same attack in which the contras killed their mother, Rita Galeano, shot Martinez and her baby, and ransacked and burned every building, including seven houses, a store and two grain storehouses, eyewitnesses said.

Family members said Galeano panicked when the shooting began and hid under her bed with her daughter Elivette, 9. The other 40 members of the co-op fled.

In the cross-fire, Galeano was shot in the leg, they said, and the little girl was wounded in the face and shoulder.

After the shooting stopped, the contras entered the house. As Elivette watched, the contras shot her mother to death, according to Martinez. The child, who was later taken to a hospital in nearby Juigalpa, declined to be interviewed. But Martinez said her sister had recounted the incident to her.

"She saw everything," Martinez said.

After killing Galeano, the contras carried the little girl out of the house and told her to walk to town, Martinez said. Then they burned the house with her mother's body inside.

Martinez herself had been hiding in a ditch with her two-month-old son, Alexis Antonio. Believing the attack was over, she walked toward the houses with her baby and was spotted by two men. She thought they were Sandinista soldiers.

But as she approached them carrying her baby, she said, they called her a *piriquaco*, an Indian word meaning "rabid dog" that the contras use to curse Sandinistas. Martinez, who cooked for the local militia, turned and ran.

"It was immediately after I turned around and started to run that they shot me," she said.

Five days after the attack, Martinez's brother Elyexzer, 12, who was not injured in the attack, recounted the conversation his younger sister, Elivette, said she had with the contras as they carried her from the family's house:

"She said that they told her, 'Don't be afraid. We don't kill anybody, we're good people.'

"And the little girl replied, 'How could you be good people if you killed my mama?'

"And they said, 'It was the *piriquacos* who killed her.'

"That's what the contras said to my little sister."

In the wake of the attack, other residents of El Juste remained in shock.

"I feel sad because everything's finished," said Carmela Perez, 54, whose family now slept in pup tents made of black plastic sheets supported by a few charred sticks.

As she spoke, she slowly stirred a pot of green and yellow squash over a small campfire on what used to be the floor of her kitchen. She paused for a moment and gazed blankly at the ruins all around her.

"Everything was burned—the corn, the beans, the food," she said. "That's the greatest damage they do to one. They burn everything. They burn clothes, and then you have to flee without anything, alone, and see if your life is spared."

Added Carmen Requenez, 62, who has lost two homes in separate contra attacks, "More than anything else, the war is against the peasants. It's the peasants who lack every necessity."

EL CASTILLO—MATAGALPA PROVINCE, OCT. 7

The rainy season had not been kind this year to El Castillo, a small coffee-growing cooperative in the rural province of Matagalpa.

In July, a massive mudslide five miles to the west wiped out the only road to the plantation, limiting travel to foot and mule. Shortages of food and other goods ensured as deliveries from the nearest town, nearly three hours away, were restricted to essential items, such as rice and sugar. The co-op's nine militiamen, assigned to guard about 200 residents, had to make do with little ammunition.

Thus, El Castillo was not prepared on Oct. 7 when, shortly before dawn, an estimated 80 contras launched an assault with grenades, mortars and high-powered rifles, according to eyewitnesses.

Within an hour, the rebels had driven back the local militiamen, most of whom had been asleep when the attack began about 4 a.m. "When our munitions ran out, we had to make a run for it," said Bartolo Alvarado Perez, 36.

Added Luis Martinez, who fled from another guardpost, "We heard them say, 'Let's take these guys alive.' So we got out of there fast."

With the road wiped out, the first Sandinista reinforcements, who had heard the explosions from the village of La Dalia, about 12 miles away, did not arrive in El Castillo until 7 a.m. By that time, the contras had burned and destroyed three peasant dwellings, set fire to three others, blown up the co-op's coffee processing machinery and looted or burned nearly all of the residents' possessions, eyewitnesses said.

They had also shot and wounded Miriam Jesus Perez, 33, an unarmed pregnant woman, and two of her sons, Santos, 10, and Tomas, 7, while they were fleeing the attack, the eyewitnesses said.

In an interview in El Castillo six days later, Perez's mother, Maria, 70, said that when the shooting began she and another woman gathered up the children and ran out the back. There, she encountered Miriam, who had fled from her house with her eight children.

"We were right around here when it started to get worse," recalled the small, spry woman, standing above a large hole in the grass behind her house. "So I threw myself in. Miriam went on."

A barbed-wire fence separated a grassy knoll behind the house from a deep, broad gully. As Miriam Perez and her children scurried under the bottom strand, she was shot in the left buttock by a contra who apparently fired from a hillside, several hundred yards to the west, eyewitnesses said. Her son, Tomas, was shot in the chest and hand. Santos was also shot in the hand.

"I couldn't walk," said Miriam Perez from her hospital bed in Matagalpa city.

With the help of her mother, she and her children crawled down the gully and waited out the attack, she said.

In the meantime, the contras went from house to house, removing possessions and setting fires, eyewitnesses said.

"I lost all of the stuff I had," said Maria Perez. "All of my dishes, clothing. All of the linens. They robbed them from the houses and then they burned them."

She said family had moved to El Castillo in April from another farm in the mountains that had been attacked by the contras a year before. "This is the second time that we've escaped with our lives," she said.

Miriam Perez, who was seven months pregnant at the time of the interview, said doctors told her she was doing well. Her son, Santos, had already been released from the hospital. But the condition of Tomas was "delicate," hospital officials said.

A bullet had passed through his lung and an infection had developed in the wound, a doctor said. From his bed, the boy, a slight child with sad eyes, did not speak as a nurse inspected the thick bandages on his chest and upraised hand, and took his temperature.

His mother, who was standing by the boy's bed, was asked how she felt about the war in Nicaragua.

"There's nothing we can do," she replied. "Just put up with it."

LA PATRIOTA—MATAGALPA PROVINCE, SEPT. 9

Aurora Martinez was hiding in a gully behind her house, her three young daughters around her, her infant son in her arms. For nearly an hour they lay there in the darkness, tense and frightened and trying to be still, as more than 100 contras stormed the small rural village of La Patriota in the early morning hours of Sept. 9.

According to eyewitnesses, the contras first opened fire on the town's military garrison at 4 a.m. Normally, scores of soldiers and local militiamen were stationed in and around the barracks to protect La Patriota's 40 families. But not this day, the garrison was severly undermanned. One troop of soldiers had moved out and another was on its way in, leaving about 40 men on duty.

In the two-hour firefight that ensued, at least seven militiamen died.

Martinez 26, said she scooped up her children and ran from her house upon awakening to the first gunshots. Her husband, Pedro, had been with the family, too, but turned back when the realized he was barefoot, she said.

About 5 a.m., a contra fired at the gully where Martinez and her children were hiding, she said. The bullet struck Martinez's 20 month-old son, Marlon Antonio, in the ear, exited through his shoulder and then lodged in Martinez's chest, she said. The infant died instantly.

Martinez, blood streaming from her chest, led her three daughters back to the house, the dead baby still in her arms, she said. She found her husband inside and handed him the boy's body while she sought to stop her bleeding. The husband carried their dead son to the river that runs alongside the village.

The next thing Martinez said she knew, four contras were inside the house, two in the kitchen, two in the living room. "They said a piri lives here that we've been looking for," she recalled.

It was clear, Martinez said, that they meant her husband, an agricultural worker who she said was not a member of the local militia. She said she told the contras she did not know where he was.

The men then ordered her to leave the house with her children, Martinez said. She said she began to cry and begged them not to set the house on fire. "They said, 'Get out of the house. Get out of the house. We don't want to harm the civilians, just get out of the house," she said.

So she left, taking the children down to the river. There she met with her husband and the family hid beneath a tree.

"And then the contras started burning the houses," she said.

In all, 10 houses were destroyed, as well as the village health center and a local store, eyewitnesses said. Martinez and her husband said they lost nearly everything.

So did other residents. The contras first looted Isabel Jarquin's store—carrying off pots, ponchos, shoes, veterinary medicine, batteries and cigarettes—then set it on fire, she said. The fire caused only minor damage to the building, but Jarquin said she lost virtually all of her inventory, most of which she said had been recently purchased with loans from friends, local farmers and a bank.

Her son, Luis Felipe, expressed hope that the lenders would be compassionate. His mother, who was tending a frying pan full of rice, beans and eggs, stopped cooking for a moment and shrugged her shoulders dispairingly. "We don't know how we're going to do it," she said.

[From the Philadelphia Inquirer, Dec. 15, 1987]

CONTRAS WAGE WAR OF SYMBOLS

(By Andrew Maykuth)

NEAR THE UIL RIVER, NICARAGUA.—After 27 days of marching through withering jungle and scrambling across perilous mountains, the band on 100 contra rebels was at last ready to engage the enemy.

But first, the contras changed their wardrobe.

One by one, they replaced their old, faded uniforms with the crisp, new camouflage fa-

tigues they had been issued before leaving their base camp on the Honduran border. Some discarded their old boots and laced up the new pair they had carried for nearly a month.

These contras were going to look good.

A rebel commander code-named Buitre, in an interview later, emphasized the importance of making a dapper appearance. He said it gave civilians confidence in the rebels.

There was another intended audience, as well.

"The enemy also sees we have good equipment that we march in American boots that are better than theirs, with ponchos and hammocks that are better than they have," said Buitre. "It drives them crazy with envy when they recover one of our backpacks." As it developed, these contras did not engage the Sandinistas at all. They hiked to within an hour of their target, then fled when they learned it was guarded.

But at the end, Buitre declared the mission a success.

In the three days that the task force hurried through populated areas, he said, the peasants could see that the rebels were alive—and well turned-out.

"The Sandinistas have a policy that they're going to exterminate us," he said. "So if we walk through an area and avoid contact with the enemy, the civilian can see that we're always present."

Not all the contras are as ineffective militarily. The same weekend that Buitre's squad avoided any combat, the Judge Salazar Regional Command was conducting a series of coordinated attacks along the Rama Road in southern Nicaragua.

But U.S. officials acknowledge that many contras are content to demonstrate little more than that they can survive, a survival that depends on their umbilical cord to Washington.

"It's not the way we are trying to train these guys," said a high-ranking State Department official who monitors the contras.

"This war is here today. It was here yesterday and it's going to be here tomorrow," he said. "That's the way a lot of these guys look at the war. They're not in any hurry."

The Coco River is swollen, and opaque in September, the peak of the rainy season along the Honduran border. A contra helicopter of Vietnam War vintage swoops in low over the towering palms and lands on the Honduran side of the river.

This is San Andres de Bocay, a series of camps that stretches for miles along the river. It is the place the contras call home when they are between missions inside Nicaragua.

"This is only a transit point," said one of the base commanders, Johnny, who like most of the contras has-adopted a pseudonym to protect his relatives who still live in Nicaragua.

On any day, about a thousand contra soldiers are stationed at San Andres. They live in huts built of bamboo and banana leaves, side-by-side with their families and civilian refugees. The contras say about 8,000 civilians live in the camps.

Almost every day, the contras' DC-3 plane rumbles over treetops, parachuting crates of U.S.-supplied provisions into the camp. Food, weapons, uniforms, even cash—all of it arrives by air.

In the last year, the $100 million in U.S. aid that Congress approved in late 1986 has kept the aerial supply line filled. This year, everyone agrees, dining has improved significantly in San Andres.

"Without Ronald Reagan, I wouldn't be so fat." said a rebel named Goliat.

Goliat said he left his family's farm near Managua in 1981 to join the contras after the Sandinistas jailed his younger brother, who had been a member of former Nicaraguan dictator Anastasio Somoza Debayle's feared National Guard. At 38, Goliat was more than twice as old as the teenage peasants who make up the bulk of the rebels' ranks. At 5 feet, 9 inches tall and 180 pounds, he was also considerably larger, hence, his nickname, Goliat—Goliath.

As personnel officer for the contras' San Jacinto Regional Command, Goliat was responsible for maintaining troop morale. To amuse the rebels, he performed derisive impersonations of the man he blamed most for the Sandinistas' 1979 triumph:

"Hello," he said in Spanish, flashing a wide smile and extending his hand. "I'm Jimmy Carter."

Now, on this September day, Goliat supervised as the contras divided up the provisions that had been flown into San Sandres for a task force of 150 rebels that was preparing to leave on a seven-month mission inside Nicaragua. Most of the rebels in his task force had been idle in the camp since they returned in April from their last mission.

The leader of the task force was a commander code-named Victor.

Victor explained that the task force initially would hike for several weeks to attack the highway leading to Puerto Cabezas. But Victor harbored a more glorious goal. He wanted to shoot down a Soviet-supplied Sandinista helicopter with one of the new U.S. "Red Eye" surface-to-air missiles that his troops carried. "That is our real objective," he said.

The two 32-pound missiles, worth $28,000 and good for one shot apiece, were wrapped in ponchos to protect them from the rain and stored in a hut in the camp. Outside the hut, the contras busily picked through the piles of gear for Victor's task force.

For each rebel, there were a new pair of camouflage trousers and a matching shirt, a pair of jungle boots, a hammock, a poncho and cartridge belts—all stamped "U.S." They also divvied up piles of medicine, toothpaste, toothbrushes, soap and cigarettes.

There were stacks of crated weapons and ammunition, most of them the same Soviet-bloc arms the Sandinistas carried so the contras could use captured ammunition. But a score of rebels received new Belgium FALs, a powerful gun the rebels covet as a status symbol because it is bigger—and louder—than the Soviet AK-47.

Each man received 700 bullets and three hand grenades. The task force would carry 60 mortar rounds, 60 rocket-propelled grenades, 40 remote-controlled Claymore mines and a dozen U.S. light-antitank weapons (LAWs).

And then there was food. Because the rebels were using San Andres as their point of departure, they had to carry enough food to sustain a march from the border to Nicaragua's populated areas. Victor's task force operates in the zone closest to San Andres, the gold mining region of northern Zelaya province where the coastal highway links the towns of Siuna, La Rosita and Bonanza.

They divided food for a 12-day hike: 500 pounds of sugar, 500 pounds of rice, 500 pounds of beans, 400 pounds of lard, 375 pounds of dried milk, 350 pounds of oatmeal, 300 pounds of salt for preserving meat, 63 pounds of coffee, 750 packets of chicken soup and 300 cans of sardines in picante sauce.

"When we run out of food, we go to the highway and fight for it," said one rebel, exhibiting the bravado that infected the contras as they prepared to depart San Andres.

There was another option for getting food, preferable to fighting for it—buy livestock from peasants. The purchases would require money, but the contras carried plenty of that—28 million Nicaraguan cordobas, worth about $3,000.

The bundles of cash filled two bushel bags.

A contra spokesman who was visiting the camp from Miami described Victor's unit as aggressive. "They pursue the Sandinistas, rather than being chased," he said.

From all appearances, Victor's task force meant business. But what they accomplished in their initial foray, which took 31 days, was next to nothing. Despite all their weaponry, the contas ended up turning tail at the first whiff of the Sandinista army.

Victor's mission began with the rebel column bogging down under their enormous loads and wallowing for weeks in the uninhabited jungle. Then Victor's back gave out, forcing him to return to Honduras. Buitre, his deputy, took command.

Under Buitre's charge, the rebels fared no better. They never fired at a helicopter. They did not even reach the highway they had targeted.

In six weeks, during which they were accompanied by an Inquirer photographer and reporter, they avoided any contact with the Sandinistas whatsoever.

Goliat, the rebel who thanked Ronald Reagan for his girth, was not the only contra who appeared well-fed.

Victor's belly hung over his belt, stretching his sleeveless t-shirt. He had not been inside Nicaragua on a mission for more than a year, and looked it.

A year before, Victor had been flown secretly to a military base in the United States—he was not told where—with other unit commanders to receive training, sponsored by the new U.S. aid program. When he returned, bad luck struck.

In February he injured his back in a jeep accident in Honduras. And then in May he suffered shrapnel wounds in his back when a mortar round fell near him during a Sandinista attack on San Andres.

But Victor declared himself recovered and fit for the mission. "After two weeks of marching, I'll be in good shape," he boasted.

Victor 29, had spent half of his life in the military. A former member of the National Guard, he fled to Honduras the day the Sandinistas overthrew Somoza in 1979. Two years later, he joined the contras.

As the years passed and the original members of the contras died or drifted away, Victor steadily rose in the ranks, finally becoming one of 54 task force commanders. As the contras' numbers grew, teenage peasants filled the ranks, but still many of the commanders are ex-Guardsmen, graduates of the notorious Somoza regime. The contras have been unable to shake the image.

Victor complained that the image was unfair, "I was 20 years old when I left Nicaragua," he said. "I am not struggling to return Nicaragua to Somocista rule. I learned that an army cannot survive without popular support."

"I don't really like this life, living in the mountains," he said. "It's uncomfortable. But we have to fight. In Honduras, we are foreigners. We are people without a country."

Victor appeared firmly in command on the cloudy afternoon of Sept. 15, when the 150 rebels of the Xolotalan Task Force gathered in formation at San Andres for their final instructions before departing on their mission.

The commander held court with his cadre of assistants, who were laughing. Victor was telling dirty jokes.

"I carry the same things the commandos carry," he said later in an interview. "I eat what they eat. I sleep in the same hammocks they sleep in. I play with them. I joke with them. But when I give an order, they obey it."

Nearby on the assembly grounds, a platoon commander tossed bags of hard candy to his troops, some of whom were no more than 14 years old. A few civilians from the camp came down to the assembly grounds to shake the hands with the rebels and wish them well. Reina Flores Moreno had come to see her son, a platoon commander nicknamed Leche Negra.

"I am worried, yes," she said. "But I am also very proud." Leche Negra said he left Nicaragua with his father to join the contras after Sandinistas killed his uncle. At 16, he is the youngest platoon commander in Victor's task force. He became a contra at age 9.

Many of the contras joined when they turned 15, the age of decision for peasants in Nicaragua: They either submit to the government's compulsory military service or they flee and become contras. Either way, they fight.

Many said they were predisposed to join the contras because the Sandinistas had harassed, jailed, killed or taken away the property of their families. Others were attracted by a seductive prospect: not salary—they receive none—but food, clothing and weapons.

Still others have been all but shanghaied into the rebel army. Consider Richard, a wide-eyed 15-year old who said he joined the contras in April after they stopped the bus in which he was traveling to Puerto Cabezas. Richard said the rebels kidnapped 16 men from the bus. Seven "voluntarily" joined the contras. The rest, he said, were released.

Richard is the son of a Sandinista agrarian reform official. He had little bad to say about the government, but he said that the contras presented a better life.

[From the Philadelphia Inquirer, Dec. 15, 1987]

REBELS' JUNGLE TREK A MISSION OF FITS AND STARTS

"There in Nicaragua, things are expensive and life is hard," he said. "Here, the [contras] help those who came."

While the contras milled on the assembly ground, Victor's second-in-command, Buitre, looked quietly over the scene.

Five years older than Victor, Buitre had a soft-spoken, gentle manner that contrasted with Victor's chumminess. He joined the contras in 1980 with his younger brother after the Sandinistas arrested their father, who had been a Somoza appointee to a local political position. Buitre has darker skin than most Nicaraguans. When Victor joked that Buitre was actually a Jamaican, Buitre smiled, but no more. He is not a joking man.

Buitre's attention was absorbed by his 20-month-old son, who frolicked naked before the amused troops. For several days, Buitre had been tenderly playing with his son in the camp whenever there was a break from work. Now, he walked over and picked the child up.

The 34-year-old commander wiped some dirt from the child's eyes, and then he hugged him.

Buitre would see his son in seven months, if the mission went as planned.

Sometimes the contras talked about old battles, striking heroic poses to illustrate the position they assumed when they responded to the gunfire from the *piriquacos*—a Miskito Indian word for "rabid dog" that the contras have adopted as a pejorative for Sandinistas.

There was a certain truth to the boasts. So many of the rebels had scars from gunshot wounds, they obviously had experienced some fighting.

Usually, the spot was marked by a pink dot the size of a dime where the bullet entered, and an ugly divot of tangled scar tissue where the bullet exited.

Some of the scars told miraculous tales.

Raton, a 15-year-old whose voice squeaked from the onset of puberty, had identical dimples on both cheeks, caused by a small-caliber bullet. He said he was talking to another rebel when he was shot, and his mouth must have been open because the bullet passed through without striking his teeth or his tongue.

Another rebel, Ardillo, 16, displayed four gunshot wounds he suffered when the Sandinistas ambushed his unit earlier in the year. One bullet had smashed through both sides of his rib cage, coming and going. Somehow it missed his internal organs, or he could have not survived the two weeks it took his friends to carry him back to Honduras.

Some survived the bullets. Others did not. A Reagan administration official and a Western diplomat in Managua said the contras' troop strength had dropped from "10,000 to 12,000" in early 1987 to "between 8,000 and 10,000" last month. Nobody can say for certain how much of that shrinkage is caused by casualties. The contras would rather change the subject.

"Yes, some of my friends have died," said Sompopo, 19. But the conversation fell off. Although the contras talked eagerly about blowing away *piris*, they became uncomfortable talking about their own fallen comrades.

To talk about the dead could conjure dangerous emotions, and to be sentimental was to be weak. The youthful soldiers rarely displayed any emotion other than firmness or amusement.

The sense of machismo was evident as Victor's troops left the border base and plodded through the mountainous rain forests, their physical condition deteriorating day by day.

"How do you feel?" they would ask each other when they stopped to take a break. Even when a rebel arrived blistered and soaked in sweat from the last, murderous climb, the answer was always the same. "I'm fine."

"Are you sick?" Victor would ask a rebel. "You look exhausted."

"I'm a little tired," the rebel might allow.

Victor's radio-operator, nicknamed Managua, had his own way of responding that soon became the standard response of others, too.

Managua had been a seminary student in Bluefields, he said, when the Sandinistas installed new priests who changed the curriculum to emphasize liberation theology. He objected and quit. Two years ago, he joined the contras. He was one of the few rebels who had even graduated from high school.

How do you feel, Managua was asked.

"Worldly," he said.

But the march was becoming otherworldly.

Some days, the rebels spent more time taking breaks on the trail than they did hiking. When they stopped, they refreshed on beverages made of oatmeal, sugar and dried milk. On two occasions, the entire column stopped to light a fire for coffee.

The two mules the contras used to carry the mortars and mines snagged repeatedly in the brambles that limited visibility on the trail to 20 feet. One mule slipped and cut its leg, further delaying the column as it limped along.

Each day the contras hiked about eight hours, stopping at 2 p.m. The rebels made camp hastily, expertly hacking brush and vines to form a green cave in the thick jungle. Each man strung a hammock between two trees, over the hammock, he suspended a poncho tent-like as a rain cover; he placed his backpack on the ground beneath the hammock to protect it from the inevitable rain. If they were attacked, the rebels could break camp in minutes.

By the second week, Victor's task force had left a winding trail of empty foil food wrappers deep into the mountains. But even with lighter backpacks, some rebels could no longer hide their weariness.

Managua felt "not so wordly." Goliat sought out the group's medic for injections of painkiller for pinched nerve.

"What for?" Goliat shouted one day as he dragged into camp a half-hour behind. "What are we doing this for?"

Victor, meanwhile, was trying to accustom the rebels to hikes of an hour's duration. "When we're in the zone of operation, that's how we march," he said. "Commandos do not take days off, even on Sundays. Sometimes we march at night without flashlights to surprise the piris."

One afternoon Victor announced that the group was going to hike the next 50 minutes without rest.

The group then walked nine minutes before Victor ordered another break.

A few days later, Victor said his back injuries were bothering him. He could go no farther. He had decided to head back to Honduras with a few rebels as escorts.

"I'm leaving Buitre in command," he said, smiling weakly from his hammock. "He's a good man. I have complete trust in him." It was the 12th day. The food they carried was nearly exhausted. And they were far from the target highway.

Under Buitre's command, only the rain picked up.

Half of the task force seemed to be suffering from colds. They blamed the diet, and with good reason: Everything but the powdered chicken soup was gone. The contras were reduced to boiling bland, green bananas for dinner.

Unconcerned about the Sandinistas, the rebels began firing their AK-47 rifles at anything that moved in the jungle—deer, wild turkey, macaws, geese, boars, woodchucks and even monkeys. Some of them even shot at fish in the Wasma River. There was a more efficient way to catch fish—by heaving a hand grenade into the water. The explosions stunned fish by the hundreds, and the rebels dove into the river to retrieve them.

"Pura vida!" the rebels exclaimed. Pure life. It was a peasant expression when one enjoyed the simple pursuits of life.

Despite the firepower, food remained in short supply. But in the next few days, they would burn little energy.

Several days after Victor limped back to Honduras, Buitre's column caught up with a task force of about 100 other contras. They were camped on an abandoned farm; the first sign of civilization the contras had seen since they left San Andres.

The task force of 100 had been operating in the area of Siuna for four months, during which they had attacked an electric plant outside of Siuna. These rebels were ragged and gaunt. They had been waiting eight days at the abandoned farm for a CIA airdrop of new supplies.

The commander had been instructed to return to Honduras, but he bequeathed his men to Buitre. He left the next day with a small escort.

Buitre's group later learned by radio that that commander and his escort needed only six days to return to San Andres, the same ground that had taken Buitre's men 15 days to cover.

Now, at the abandoned farm, Buitre commanded a combined force of 250 men. They settled in to await the airdrop.

Torpor ensued. The contras shined boots, bathed, shaved, waited. And waited.

Finally, after five days, the radio crackled with coded instructions from the commanders in Honduras. Buitre paced as the radio operator deciphered the numbers into words.

The contras were ordered to retrace their route for two days. Their leaders said the group was too close to Siuna to risk a flight by the DC-6, a four-engine plane that made wide turns.

"I know it seems ridiculous to go back," Buitre said, "but the commanders are worried that the piris would spot the plane." Why had the commanders taken so long to reach that conclusion? Some of the contras had waited 13 days at the abandoned farm.

"I don't know," said Buitre. "I just follow orders."

They returned on the same trail to the wilderness along the Wasma River.

Two days later, waiting in their new camp, the rebels tuned in to Radio Liberacion, the contras' clandestine AM station, to an excerpt of President Reagan's speech to the Organization of American States. Reagan said he would ask Congress for $270 million in contra aid for 1988 to keep the force alive.

He recognized the voice on the radio.

"That's Ronald Reagan," he declared, "mi abuelito"—my little grandfather. "Wouldn't you North Americans rather pay to stop communism with your dollars than your own blood?"

Soon, there was more reason to rejoice than the promise of future U.S. aid. Immediate U.S. aid was on its way that night. The CIA airdrop had been approved.

Spirits soared.

"At 9 o'clock, we'll be drinking coffee with milk," said Principe, who had assumed the role of Buitre's deputy since Victor's departure. "We'll be eating rice and beans."

"Maybe they'll send cigarettes," said another.

That night, the contras lit signal fires over a three-acre knoll where they had cleared the trees. At the predetermined hour, the silhouette of a DC-6 appeared over a mountain, swept in an arc over the camp and passed out of view, its baritone buzz drifted into silence.

The contras looked into the sky. Nothing fell. They looked at each other. The plane was supposed to make two passes to drop 20 parachutes.

Something was wrong.

The pilot radioed that his radar had picked up pursuing Sandinista aircraft and he had aborted the air drop to return to Honduras. The kickers on the plane managed to drop six parachutes. Unfortunately, he said they did it at the wrong time. The crates were off-target.

The pilot gave the coordinates of the parachutes in miles.

Buitre was puzzled. "How many meters are in a mile?"

He was told.

"Oh."

Two of the crates landed 10 miles from the camp—several mountains away. The contras would never find them.

But they had more immediate concerns—the Sandinista aircraft.

The contras quickly extinguished the signal fires to hide their position. Ten minutes later, the contras heard the planes passing overhead.

Fifteen minutes passed. Explosions rumbled in the distance. The contras' faces went white. They knew the sound.

The Sandinista planes had not been pursuing the CIA supply flight. Rather, their paths simply crossed. The Sandinistas were bombing San Andres, their border base camp.

For the next two nights, the Sandinistas' Antonov-26 planes dropped 500-pound bombs on the border camps. The contras, far away in the jungle, could hear the explosions and became glum. Sargento, 24, extracted a small photograph wrapped in tissue paper from his backpack.

"This is my son," he said. "He's two years old. "He lives in San Andres."

The next day, Oct. 8, Radio Liberation said that four people died and 17 were wounded in the bombing. Eyewitnesses in San Andres later confirmed the report that two of the dead were children. They were buried in small graves in the center of the camp, a few steps from a six-foot-deep bomb crater.

None of the casualties were related to the contras in Buitre's task force.

"The Sandinistas are assassins," Goliat fumed.

But the contras were helpless to do anything.

After the bombing ended, the contras rescheduled the air drop. The CIA plane finally returned on Oct. 11, nearly two weeks after Buitre's group had arrived at the abandoned farm.

Besides the crates of food, uniforms and weapons, the plane delivered one crate containing an unusual cargo: toys and used civilian clothing, intended as gifts when the contras visited peasants.

But once again, the timing was off.

Twelve hours earlier. Buitre had dispatched a squad of 100 men on a mission to penetrate the populated area outside of Siuna. While he and 150 men planned to stay behind at the wilderness camp to await the air drop, he instructed the assault squad to streak "like lighting" to the highway and set an ambush.

"Security is of extreme importance," Buitre said in addressing the group. He wanted the men to avoid fighting the Sandinistas in the mountains, where there were no civilian witnesses.

Buitre assigned Principe, 31, to command the assault squad.

In a matter of days, the rebels were cautiously moving out of the jungle and through a cooler, dryer terrain of gentle hills. They camped in the burned-out houses whose occupants had been relocated by the Sandinistas. Some of the veterans reminisced about the time four years earlier when the area had been populated with their supporters.

"In the houses around here, the women used to have baskets full of tortillas," said a company commander named Cayman."We could buy them cheap." Now there were only empty houses and overgrown citrus groves.

During the march, they heard on a transistor radio that Costa Rican President Oscar Arias had won the Nobel Peace Prize for his work on the Central American accord. The contras were unmoved, even though it seemed clear that renewed U.S. military aid for the rebels was even more unlikely.

"We will continue our struggle, as we did in 1984, when they cut off aid before," said Principe. Everybody else recited the same response.

The assault force forged closer to populated areas. Talk was confined to whispers and no one fired a weapon. The squad ran across the litter of Sandinista patrols—some of it, they judged, was only days old. They posted guards at night to watch for movement in the hills.

As the squad passed a ravine where the Sandinista army twice before had ambushed rebel patrols, they skittishly scanned the forest. A twig snapped, drawing a score of glares. It was only the wind.

They changed into the new uniforms they carried in their packs.

Now, near dusk on the fourth day after they left Buitre, the contra troupe was about to come on stage.

Descending a mountain, they passed a cane field and a plot of corn and then approached a house.

A 27-year-old woman welcomed them with cups of a gluey beverage made from warm cane juice and flour. Her brother, she said, was a contra, too. She sold the squad a pig, a bushel of corn, some cabbage and a few staples. They camped for the night in her front yard.

For three days they made about 20 house calls on peasants, most of whom had family or friends in the contras. The rebels bought food and gathered intelligence. The peasants recited grievances against the Sandinistas and complained about the sorry state of the economy. They were poor—often their skin peeked through the tattered threads of their clothing.

The contras nodded in agreement. But they delivered no speeches.

Many of the peasants were natural contra supporters. One complained that a Sandinista patrol had invited itself into his house four days earlier and the soldiers helped themselves to his wristwatch on the table. "It would be beautiful if they [the contras] could change the situation," he said. He shook the rebels' hands as they left.

The contras could only visit briefly, and they left the peasants with a sense of dread. Whenever the contras pass through, they said, the Sandinistas follow with reprisal against civilians who fail to report a rebel house call. "I have to go to town tomorrow," one man said as the contras departed. "What should I tell them?"

"Tell them there were only a few of us," he was told.

Every house they passed including the abandoned dwellings and the houses of their supporters—was posted with a Sandinista appeal to defect. "Your family awaits you," the posters said. "Return." The contras carried no leaflets of their own. Nor did

they bring cans of aerosol paint to spray messages as they went, a standard guerrilla practice.

Only once did the contras appear unwelcome. They stopped at the farm of a man named Marcelo, whose wife glowered from the door. Marcelo seemed uncomfortable with the contras on his land, but he agreed to sell them a bull.

"His son's a *piriquaco*," said Principe. "He's already told us that he's going to report us to the authorities the first thing in the morning. There's a lot of people like him, who play both sides." The contras posted four guards outside Marcelo's house for the night.

The next morning, wary that the Sandinistas were alerted, Principe ordered the column to advance hastily. The commanders discussed where they would position the troops for their ambush. Principe assigned a patrol to scout routes for their escape afterward. One rebel joked that the squad was going to eat lunch on an IFA, one of the East German trucks the Sandinistas use as troop transports.

But an hour short of the highway, the column came to a dead halt. There would be no lunch on a truck. Instead, Principe was buying two pigs for dinner.

"We've learned the highway is full," he said.

Full of traffic?

"No, full of Sandinistas," he said. An attack would surely result in heavy contra casualties.

The squad reversed course. For several hours they moved away from the highway, buying dozens of chickens and ducks that they tied squawking to their backpacks. Principe bought a young bull that the squad would eat three days later.

That night, they camped in the yard of a peasant, near a mountaintop. In the morning, the squad planned to scram to the safety of the jungle, retracing its route five days back to Buitre. Later, they hoped to find another, easier target.

After dinner, some of the rebels followed Principe up the mountain next to the camp. They sat on the bare summit under a ceiling of brilliant stars.

Ten kilometers away, the lights of Siuana blazed. Despite the attack three months before by the other contra force, the electric plant appeared to be functioning now.

In the darkness on the hill, the rebels reflected on potential targets—the electric plant, a military post, a gold mine, an airstrip. Someone noticed a pair of headlights moving across the horizon. They said it was a truck, moving down the highway.

The highway—there was always the highway.

"Those are all good objectives, good targets," Goliat said, without a hint of regret. "Some day."

But not this day.

[From the Philadelphia Inquirer, Dec. 15, 1987]

POLITICAL FICTION SAYS CONTRA CAMP DOES NOT EXIST

(By Andrew Maykuth)

SAN ANDRES DE BOCAY, HONDURAS.—This series of contra rebel camps, carved out of about 10 miles of steaming jungle along the muddy banks of the Coco River, does not exist, according to Honduran officials.

The thousand or so contras who live in San Andres at any one time, along with the contra clinic and the contra helicopter pad and the contra anti-aircraft guns pointed across the Coco River into Nicaragua—none of those are on Honduran territory, maintains the government of President Jose Azcona.

It also denies the existence of several other contra cases, offices, medical facilities and airfields scattered deeper inside Honduras.

Even after Azcona in August signed the Central American peace plan, which includes a provision that forbids the five signatory nations from harboring rebel groups, Honduran Foreign Minister Carlos Lopez Contreras remained firm.

"There are no contra camps in Honduras, he said. "Therefore, Honduras has no commitment to dismantle them."

Nobody believes this transparent fiction, least of all Nicaragua's ruling Sandinistas. They have sued their northern neighbor in the World Court, calling the Hondurans' conclusion with the contras a violation of international law.

Without their Honduran bases, the contras could not exist as a force inside Nicaragua.

The contras buy virtually all their food in Honduras. All of the contras' U.S.-supplied weapons and equipment are shipped through Honduras. The highest contra commanders direct their troops by radio from Honduran camps. The planes that resupply rebels inside Nicaragua fly from Honduran airfields.

San Andres is an eight-day walk through mountains from the nearest Honduran settlement, and is protected by dense jungle on the Nicaraguan side of the Coco River. Still, the Sandinistas managed to invade parts of the border base in May with five battalions, driving the contras downriver and holding it for a month. When they left they buried hundreds of one-pound Czechoslovakian mines that the contras are still removing. In October, Sandinista planes bombed San Andres for three nights, killing four and wounding 17, mostly civilians.

[From the Philadelphia Inquirer, Dec. 16, 1987]

SANDINISTAS FIND CONTRAS, WHO THEN TURN AND RUN

(By Steve Stecklow)

EL CEDRO, NICARAGUA.—The peasant woman said the contra rebels had passed by the day before. A large group of them. Toward the hills.

The small unit of Sandinista soldiers hit the trail. Twenty minutes later, as the 10 men entered a brushy, bowl-shaped valley, they heard grenades exploding and machine-gun fire.

The contras had been found.

From a ridge ahead, another, larger Sandinista company was trading fire with the rebels.

The 10 soldiers scaled the nearest hill and hurriedly assembled a Soviet-made grenade-launcher—a three-legged, tube-shaped cannon known as "the Spider." They would provide back-up support for the other company, which was firing rifles and rocket-propelled grenades.

The soldiers manning "the Spider" fired their first round. There was a loud boom followed by a wisp of gray smoke that curled skyward from beyond the ridge to the right.

Then the gunfire grew louder, "How are you? How are you?" Antonio Zeledon, 22, the commander of the smaller unit, shouted into a walkie-talkie to the other company. Aim 50 meters to the right, they responded. "The Spider" unleashed another blast. Then eight more.

Thirty minutes later, the valley fell silent. Three Sandinistas were wounded by shrapnel. The contras' losses, if any, could not be determined. All that could be said was that they had turned and run.

U.S. military experts say that that Oct. 29 skirmish, which was witnessed by an Inquirer reporter who traveled six days and 45 miles with a Sandinista army company, was typical.

For the Sandinistas, this is literally a door-to-door war. They go from peasant house to peasant house, asking the occupants for the whereabouts of contra units. Then, they pursue those units. The contras, who try to avoid direct confrontations with the army, put up brief resistance if encountered. Then they retreat.

The rebels are then supposed to ambush any Sandinistas who pursue them, according to U.S. military advisers who train the contras in guerrilla tactics. But on Oct. 29, the rebels just kept moving.

"What you saw ain't unusual," said a State Department official in Washington, adding, "It isn't in the highest tradition of the military."

It is evident, after travels with each side, that the war in Nicaragua is not a contest between equals. Contra units sometimes wander aimlessly through the jungle; others exaggerate their successes and commit atrocities against civilians. The Sandinistas also are guilty of human rights abuses. But on the battlefield, they clearly outclass the contras.

With an army estimated at 80,000—the largest in Central America—the Sandinistas outnumber the contras by at least eight to one. Their soldiers are better trained, better organized, more mobile and more aggressive.

Wednesday afternoon, Oct. 28. The 62 soldiers in Company Two of the Rufo Marin BLI—a Spanish acronym for unconventional warfare battalion—stand at attention outside the military post at El Cedro in northern Nicaragua.

They are a young, healthy looking lot—many of them shaggy-haired teenagers from Managua—and they appear refreshed and relaxed after a half-day of resting, washing and resupplying. The day before they had fought briefly with the contras. Now, Company Two is ready to go out contra-hunting again.

Shells boom in the distance, fired from a howitzer at a Sandinista base to the north, as one by one the soldiers deftly traverse a log across the Bocay River.

"Mortars," says one of the soldiers, nonchalantly. "Ours."

The contras have been sighted in the mountains about six miles away, and the Sandinistas at the base are trying to keep them at bay while the BLI gives chase.

The BLIs are the Sandinista army's most effective weapon against the contras—highly mobile and versatile guerrilla-style battalions that can be deployed in any region in Nicaragua, including mountains, savanna and thick jungle.

"Building the BLIs was one of our army's smartest moves," said Defense Minister Gen. Humberto Ortega in a recent issue of the Sandinista army magazine. "They have more political cohesion than the enemy forces . . . and they give us great freedom of movement."

The first BLI was formed in 1983. Today, the Sandinista army has at least a dozen, each named after a Nicaraguan war hero and made up of between 800 and 1,000 men divided into smaller companies. Although the BLI concept was devised by the Cubans,

a Western diplomat in Managua noted ironically that the units are "mirror-images" of the Salvadoran army's ready reaction battalions—counter-insurgency forces organized and trained by the United States.

The discipline instilled in the BLIs was apparent in Rufo Marin's Company Two. Each soldier hiked in single-file at all times, never less than three feet from the man ahead. The line moved swiftly but cautiously, frequently stopping for the radio man to receive instructions from other companies ahead. At times, the company split into smaller units to comb a wider swath of terrain.

Though the soldiers were well-armed—with Soviet AK-47 rifles, long tubular rocket launchers, hand grenades and "the Spider"—their rucksacks were not so heavy with weapons and food that their pace was slowed, even through deep streams and up steep mountain paths. The men carried no change of clothes, knowing that their heavy green camouflage uniforms would last until the next stop at a base, probably in a week or two.

"The job of the BLI is to chase the enemy," said Domingo Reyes Tremino, 33, who has fought with the Sandinistas since the war began six years ago. "When the enemy is far away, then the troops can withdraw. They can go back for resupply. They can be recycled, take a rest, recuperate and get ready to chase the enemy once again."

The chase can go on for days, even weeks. Members of the Rufo Marin BLI said they average only three or four combats a month, with most lasting 30 minutes to an hour. The 30-minute skirmish on Oct. 29, a Thursday, was typical, they said.

After the combat ended, Company Two regrouped and began pursuing the contras. At first the Sandinistas were on the right track. At a clearing, they found a green U.S.-made flashlight with Duracell batteries inside. An hour later, they reached a peasant's house where the ground was littered with discarded paper ammunition boxes, labeled in English. The peasant reported that the contras had passed by an hour before.

Like door-to-door salesmen, the Sandinistas continued stopping at each house along the way. They inquired in which direction the contras had gone, and when. Then they pressed on to the next farm, past fields of banana and guava trees and last season's corn. Peasants said the contras also stop at their houses, to ask about the Sandinistas. In effect, Nicaragua's peasants are used as an intelligence network by both sides.

The Sandinistas set up camp that night by a small house adorned on the outside with potted plants. The peasant family who lived there had converted the largest room into a small chapel, which they decorated with pink paper streamers, tiny candles and pictures of Jesus and Mary.

The contras passed by all the time, said the oldest woman in the family scaring her. They had walked by earlier in the day and appeared to be in a hurry. The family did not seem to mind that the front yard was now being used as a campground by the Sandinistas. They offered the men tortillas, cheese and water. The soldiers paid for the food.

The chase resumed the next morning just after dawn. Outside another house, the soldiers found a small tin of green paste. They eyed it curiously, smelling and dabbing their fingers in the can. A few were convinced it contained women's makeup. But another soldier disagreed. "If it was for a woman it would be red," he said. They finally decided it was camouflage paint, left behind by a contra.

By Friday night, the trail had grown cold. An occasional explosion could still be heard in the distance, but in another combat zone at least five miles away. Company Two rendezvoused with Company Five and awaited new instructions from the base back at El Cedro.

They were an eclectic group.

Ranging in age from 15 to 27, most of the members of Company Two came from a wide spectrum of Managua neighborhoods; middle-class developments where the homes, though deteriorating, have color TVs and stereo cassette players; poor sections where the streets are dirt and large families share their houses with pigs and chickens.

Some of the soldiers were volunteers who had spent all of their adult lives in the army. Others were draftees who planned to leave the day they completed their required two years of service. Only about half were members of the ruling Sandinista party.

Alex Amado, a tough-looking 21-year-old who carried around a pet parrot on his rifle butt, had deserted from the navy. He spent two years on the lam, but couldn't find work. Pressured by his parents, he turned himself in last May and was assigned to the BLI.

When the talk turned to politics, many of the soldiers criticized the United States for financing the contras. Yet it was the American-made equipment captured from the rebels—cartridge belts, rucksacks, walkie-talkies—that the Nicaraguans coveted most. Zeledon, the commander, proudly lifted off a camouflage cap that bore a "Made in U.S.A." label inside, "It is very good fabric," he said.

In some ways, the younger ones were no different from American youths. After dutifully listening to a news conference by President Daniel Ortega one night, Martin Espinosa Bone, 19, immediately turned the radio dial to another Managua station. Suddenly, he grew excited. "Michael! Michael!" he cried out.

It was Michael Jackson singing "Bad." That the soldiers didn't understand any of Jackson's lyrics or those of their other favorite rock stars—Lionel Ritchie, Prince, Queen and Bruce Springsteen—made no difference to them.

Finally, there were some soldiers who could have been fighting in any war, on any side.

During a brief rest stop one afternoon, one of the men walked down to a stream to fill his canteen. A young woman was standing knee-deep in the water, washing her hands.

"Are you married?" he asked.

"No," the woman replied, looking down sheepishly.

"Do you want to marry?"

"No."

"Why not?" the soldier asked, looking surprised.

"My father has someone in mind," she said.

The suitor persisted.

"Have you been to Jinotega?"

"Yes."

"Matagalpa?"

"No."

"Ever been to Managua?"

"No."

"Managua is very beautiful."

He lied.

Oscar Berrios, 18, was the company's political officer. Every company in every BLI has one and the job is to promote the party line of the Sandinista National Liberation Front.

"A political officer, most of all, has to be a supporter of the government," explained Berrios, a soft-spoken, determined youth who was drafted last February in the middle of his junior year in high school.

The job he held was the Sandinistas' equivalent of a local ward leader. His responsibilities included promoting and explaining party positions, recruiting new party members, organizing meetings and providing service to soldiers with problems. If a soldier needed a leave, Berrios was the man to see.

Though his speech often fell into rhetoric, it was clear that Berrios, who studied business administration in high school, strongly believed in the party line.

"All this destruction carried out by the contras and the expenditures that the government invests to maintain its army has led at certain points to economic destabilization," he said during a break one day. "That carries with it discontent among the population, shortages, prices being very high.

"We can see that this is one of the purposes of the U.S. government's low-intensity war—to try to strangle the government little by little. And in this way, if there were to be a direct invasion [by the United States], they would be able to justify the intervention by saying that this government has not solved people's problems."

Does he like being a soldier? he was asked.

"I like the life of the Army here in Nicaragua because it is an army that defends the interest of the country against an aggression from abroad, carried out by irregular forces. And I feel, most of all proud of being in the Sandinista People's Army, to be serving our country, our nation."

But isn't it dangerous?

"That's true what you say," said Berrios, who noted that a soldier in Company Two was killed in an ambush Oct. 12. "You risk your life here. But as you spend time in the war zones, you start to forget about death."

He paused, then continued. "Nobody here thinks about death," he said. "We are fighting for life here."

But Mario Sergio Miranda, at 15 the youngest member of Company Two, said he thought about death often.

"For me the army is very difficult," he said, lowering his voice. "I'm afraid to die."

Overhearing the remarks, Berrios asked a reporter not to interview the boy. Because he was under 17, under Ministry of Defense regulations he was not supposed to be in the BLI, the political officer explained. "It isn't permitted," he said.

Actually, Miranda had been assigned to the BLI at the age of 14. According to his sister-in-law, Blanca Azocena Pena, 21, Miranda had heard a rumor at school that the Sandinistas next year were going to raise the number of years of required military service from two to three. Because he wanted to spend as little time in the military as possible, she said, he enlisted in June, rather than wait until he turned 17, when he would have been eligible for the draft.

She described Miranda as a shy bookworm who had never shown any interest or ability in sports or outdoor activities, and his family never thought he would be sent to the mountains with a BLI. They assumed that because of his age, he would be assigned to non-combat duty near his home in the flat, west coast region of Rivas.

"He's just a young boy," said his sister-in-law. "An older boy is better developed and has got courage."

She noted, too, that Miranda had never even been to the mountains before. "No. Never. Not even as a tourist," she said.

Miranda was first assigned to a training barracks in Mulukuku in remote Zelaya province. On Aug. 23, he sent a disturbing letter to his sister-in-law.

"This Sunday I believe that we're going to the BLI," he wrote. "Blanca, it makes me very sad not to see you and my niece."

After receiving the letter, Azocena said, she traveled to a military headquarters in Granada to try to get Miranda transferred. A lieutenant there agreed that he was too young to be in a BLI, she said. But Azocena said the woman told her that the copy of the birth certificate she had showing Miranda was 14 was not adequate proof. She needed to get another document that was only available in Dario, the town where he was born.

"Since I didn't know where Dario is, I couldn't go there," Azocena said.

So she gave up her efforts and resorted to praying that her young brother-in-law would survive his stint in the mountains with the BLI.

Much of a Sandinista soldier's time is spent trudging through mountains and jungle, never certain whether the next curve might conceal a contra ambush. In the rainy season, the trails are knee-deep in mud. The rest of the year, the sun burns like a branding iron.

But it isn't all drudgery. When the contras aren't in the area, the soldiers can go food shopping.

Some of the more enterprising peasants in the war zone subsidize their meager incomes by selling food to soldiers—tortillas, ripe bananas, salted cheese and milk. One woman who was selling corn meal crackers freely acknowledged that her customers included both Sandinistas and contras.

Company Two's biggest purchase was a bull bought from a rancher. The soldiers paid 600,000 cordobas—about $63—for the animal. After trying unsuccessfully to strangle it—the bull broke away and charged at some soldiers—they shot it with a rifle. After gutting it, they sliced the meat into long, thin strips that they salted and hung in the sun on barbed wire fences to dry. For the next two days, the company enjoyed beef soup and shish kebab.

The soldiers also spent some of their freer moments trying to generate good will among the peasants. When the company stopped at the house of Petrona Blandon Palacios, she told them that her 10-month-old grandson had been sick for eight days with a high fever and pain in his arms.

"This one," she added excitedly, pointing to another child, "suffers from headaches."

A soldier called over the company medic. Normally, the medic spends his time treating soldiers—removing bits of shrapnel, dispensing anti-malaria pills, and fighting infections caused by coarse knapsacks chafing against the skin.

But this time, he removed from his satchel a bottle of antibiotics and counted out some pills for the children. He handed them to Blandon, carefully explaining how many to give the boys each day. Blandon, whose house was miles from the nearest clinic, was grateful. She thanked him and wished the other soldiers well.

A soldier pointed his rifle skyward and fired a shot to alert another company to turn on its radio.

Company commander Zeledon shouted into his walkie-talkie in code: "Nicaragua, Yankee, Lima, Nicaragua, Yankee, Lima."

The walkie-talkie cracked as the other commander gave the appropriate response.

"*Corr-ecto,*" said Zeledon, playfully rolling his r's.

Zeledon, a self-assured and jocular man who appears much older than his 22 years, had thought that his company might be ordered to hike to Pantasma, a lush valley about 10 miles to the west that had a large military base. But the new instructions were to head back through the mountain toward El Cedro.

He didn't mind. After six years in the army, and two years with the BLI, Zeledon knew that in the military, plans were always subject to change.

The only plan that was certain, he said, was his intention to stay in the army—as long as there was a war going on.

Displaying a row of front teeth that glistened with metal, he smiled at an American reporter.

"I'll stay till the end of the aggression," he said.

DR. MARY FULSTONE

● Mr. HECHT. Mr. President, it is with great honor that I rise today to pay homage to a fellow Nevadan whose dedication to the practice of medicine and the people of Nevada will not soon be forgotten. Dr. Mary Fulstone was born in Eureka, NV, in August 1892 and moved to Carson City, NV, with her family in 1896 where she graduated from Carson High School in 1911. Through the persistence of Mary's classmates, she was persuaded to seek a career in medicine. Mary received her M.D. from the University of California at Berkeley in 1918. In 1919, she married Fred Fulstone and later moved to Smith Valley, NV, and began her life at the Fulstone sheep ranch.

Women physicians, Mr. President, were indeed rare in the early 1920's whereby the community of ranchers, miners, and Indians were somewhat taken aback by her presence in this scarcely populated area. The community soon grew accustomed to their new physician and quickly came to love her as one of their own. Dr. Mary soon found herself examining more than 50 patients a day in Smith Valley and the Yerington area, often making housecalls by horse and buggy. Dr. Mary was best known for her proficiency in delivering babies. She delivered approximately 5,000 babies in her 65 years of service in medicine.

During these deliveries, Dr. Mary was well known for having fathers present during births, long before this practice was considered the norm. She would often ask the ranchers to aid her in the deliveries, thus furthering the role of the father during the birth process.

Mr. President, Dr. Mary, a mother of five, also held a teaching degree which was a tremendous tool in dealing with people on a personal level. She served 24 years on the Smith Valley School Board and 12 years on the Nevada Board of Education.

Through her great sense of charity, she was often known to pay for the medical expenses of the less fortunate as well as performing medical services free of charge for those without means.

Her awards have included Nevada Mother of the Year in 1961 and Nevada Doctor of the Year in 1963. As a member of the Soroptimist International, she received the organization's Women's Achievement Award in 1975. The Lyon Health Center in Yerington dedicated a new wing of their facility in 1963 to her, where she herself spent time after back surgery in 1975 and 1978. In the late 1970's, she was interviewed by all the national television networks including news programs such as CBS' "60 Minutes" and others.

A plaque at the entrance to the Lyon Health Center sums up the attitude of Lyon County residents toward Dr. Mary Fulstone,

Dedicated to our Dr. Mary Fulstone, whose medical skill and helping hand have protected and guided us through many years: a faithful wife, loving mother, and philanthropist to all mankind.

Though this Senate Chamber could not begin to hold the number of individuals brought into this world by Dr. Mary, I am sure, that were they here, their applause would be deafening for this great lady, who for 65 years, unselfishly dedicated herself to the people of Nevada.●

NATIONAL VOCATIONAL EDUCATION WEEK

● Mr. RIEGLE. Mr. President, as many of my colleagues are aware, next week is National Vocational Education Week. I would like to rise today to express my continued support for this very important program.

This year's theme is "Vocational Education: the Competitive Edge," which I believe is highly appropriate. Strengthening and maintaining educational programs is essential for meeting important national goals, especially the goal of improving our ability to compete in the world economy. Vocational education programs can help us reach that goal by making sure that each individual can fully develop his or her God-given talents and capabilities. Developing highly skilled workers and retraining the existing work force to meet new needs is essential if we are to strengthen our national competitiveness.

Three fourths of today's jobs require vocational or technical skills. Vocational education is a fundamental part of this Nation's employment-related education and training programs. In my State of Michigan, there are over 300,000 students enrolled in vocation-

al-technical education programs. These programs reach a large group of people, providing them with the skills they need to find jobs, and providing communities with trained workers.

The Federal Government has played an important role, in conjunction with State and local governments, in encouraging the development of strong vocational education programs. Federal funding assists States in improving their programs, and helps make sure that there is equal access to vocational education.

I urge my colleagues to join me, as we observe this important week, in pledging their support for this vital program.●

UKRAINIAN DISSIDENT FYODOR PARASENKOV

● Mr. WILSON. Mr. President, just a little over a month ago, President Reagan and General Secretary Gorbachev met in Washington to discuss a wide range of issues affecting United States-Soviet relations.

Of particular importance was the issue of human rights. Despite public declarations of glasnost from the current Soviet leadership, very little progress has been made in improving the treatment of those who publicly speak out against the Soviet Government.

Mr. Fyodor Parasenkov is a long suffering victim of this lack of progress. Mr. Parasenkov has been detained in a "special psychiatric hospital" for over 12 years for publicly advocating economic reforms. His continuing mistreatment clearly demonstrates the Soviet Union's lack of respect for human rights. Accordingly, I wish to take this opportunity to read a letter I sent in August of last year to the Soviet Ambassador on behalf of Mr. Parasenkov in the hope that it will lead to his release.

Mr. President, I ask that my letter to the Soviet Ambassador on behalf of Mr. Parasenkov be printed in the RECORD as if read.

The letter follows:

U.S. SENATE,
Washington, DC, August 19, 1987.

His Excellency MIKHAIL SERGEYEVICH GORBACHEV,
General Secretary of the Central Committee of the Communist Party of the Soviet Union, The Kremlin, Moscow, U.S.S.R.

DEAR MR. GENERAL SECRETARY: I am writing in search of information on the status of Ukranian dissident Fyodor Parasenkov.

Twelve years ago, Mr. Parasenkov was incarcerated in a "special psychiatric hospital" apparently for writing letters to government officials that advocated economic reforms. At the time of his imprisonment, he faced the charge of "anti-Soviet agitation and propaganda." Yet in light of the new industrial incentives which you recently announced, many of Mr. Parasenkov's ideas may now have become official policy.

Ever since 1975, Soviet authorities have rejected appeals from Amnesty International as well as thousands of American and Western European citizens for an official statement on Mr. Parasenkov's health and whereabouts. But in this age of "glasnost," Mr. General Secretary, I appeal to you to break your government's silence on Mr. Parasenkov's condition.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,

PETE WILSON.●

INFORMED CONSENT: NEW YORK

● Mr. HUMPHREY. Mr. President, in 1973, the Supreme Court legislated abortion on demand for the women of the United States. After 15 years and some 21 million abortions, we are repeating the consequences of that decision. Hundreds of women from all over the country have written to tell me of the tragic results of their abortion decisions. The rights of these women and their unborn children were abrogated by an abortion industry that does not provide essential information about the procedures, risks, or alternatives to abortion. S. 272 and S. 273 would restore those rights by requiring informed consent. I ask that two letters be printed into the CONGRESSIONAL RECORD.

The letters follow:

SCHENECTEDY, NY,
June 9, 1986.

To the Honorable Senator Gordon Humphrey:

In regards to the bill on requiring informed consent, I would like to express my total support. I truly believe that each woman should know the development stage of the baby she will abort, and also the physical and psychological side effects. It should be more publicized about the alternatives to abortion that each community offers.

I would also like to say that I had an abortion 7 years ago, and I wasn't informed of anything. They (Planned Parenthood) told me my baby was a "mass of cells, a blot of pregnancy tissue." They encouraged my abortion and didn't tell me if it would bother me for the rest of my life—the guilt, the sleepless nights, the tears and the hurt. Had I known the facts instead of hearing the "language of illusion," I would have 3 beautiful children instead of 2.

Please let my voice be heard to anyone willing to listen and know.

Sincerely,

LINDA M. NISSELBECK.

ALBANY, NY,
June 6, 1986.

DEAR SENATOR HUMPHREY: Regret is the word that comes to my mind when I'm reminded of the abortion that I had in 1975. Thanks to God, the guilt, sorrow, shame, and self-hatred have been healed. Even though I still cry sometimes when I think about the reality that it was my real live baby that was murdered.

I know that I can't change my past actions, but I do want to help make sure that someone else doesn't make the same horrible mistake that I made. If I had been informed, I truly believe that I would not have made the decision to abort. I was told there was nothing to it, just a very simple procedure and that it was not even a baby. Immediate grief came on me, even during the actual abortion.

I hate writing this down, but I hope it will help to ensure that the Informed Consent Law can be passed. Please let me know if there's something more that I can do. This holocaust must be stopped!

Thankful for you,

DIANNA SEGRETO.●

HUMAN RIGHTS IN THE SOVIET UNION

● Mr. D'AMATO. Mr. President, I rise today to call my colleagues' attention to certain developments in the human rights situation within the Soviet Union. Today, I sent a telegram to General Secretary Mikhail S. Gorbachev, on behalf of the aged and ill parents of Vladimir and Sophia Bravve.

I participated with Vladimir in a news conference on the grounds of the Capitol, at which he announced the beginning of a hunger strike. He has begun this hunger strike because Soviet authorities have again denied his parents, Grigory and Ninel Bravve, permission to leave the Soviet Union.

Soviet authorities claim that Grigory had access to classified information and that he cannot leave the Soviet Union. This is a false statement. Grigory did, in fact, work for an aeronautical institute—but he retired 10 years ago from his position as a civil engineer with the institute.

What did he do for the institute? He designed houses for persons who worked for the institute—and these houses were constructed outside the institute's grounds.

What is secret about Soviet methods for building houses?

Moreover, the Soviet Union's basic position—that it can deny emigration permission to persons who had access to state secrets—is not supported by international law. The Soviet Union is bound to allow its people to leave their country and freely to return.

Under the Soviet Union's freely assumed international commitments, it is irrelevant that Grigory was a civil engineer and not an aeronautical engineer. His access to state secrets is irrelevant.

Of course, we all know that this international obligation is ignored by the Soviet Government. Also, we know that tens of thousands of people suffer terribly because the Soviet Union will not keep its word on this issue.

The Bravves' case is particularly tragic. In December 1986, I traveled to Vienna, Austria, to the review meeting of the Conference on Security and Cooperation in Europe, to take up the case of Rimma Bravve. She and her husband Vladimir were finally allowed to leave the Soviet Union, but too late to arrest the spread of Rimma's cancer.

I shared her joy and her family's joy when she was released by the Soviet authorities. I flew back from Vienna with her and her husband and family. Then, last June, I attended Rimma's funeral in Rochester, NY, when medical treatment proved unable to deal with her advanced cancer.

Now, Vladimir's sister, Sophia, and his niece, have been allowed to come to Rochester. Sophia, like Rimma, is a cancer patient. Yet, when she needs her parents here by her side, to comfort and support her as she receives treatment for her illness, Soviet authorities have once again denied them permission to emigrate.

Almost 9 years of denial. Why? Why can the leaders of the land of Glasnost and Perestroika not understand the human suffering this causes? Why can they not let these people go?

Grigory is 70 years old and Ninel is 68. Ninel is not in good health. What purpose is served by keeping them in the Soviet Union against their will?

I hope the leaders of the Soviet Union respond to Vladimir's hunger strike and understand the humanitarian appeal he is making. They are obligated under the Helsinki Final Act to heed requests for family reunification, giving special consideration to the cases of those who are old and ill. Failure to do so in this case would illustrate how far short of their public image Soviet reality actually falls.

Vladimir Bravve issued a public statement at his press conference. He also sent a letter to Yuri Dubinin, the Soviet Ambassador, which he delivered to the Soviet Embassy in person after the press conference.

Mr. President, I will ask unanimous consent that Vladimir's statement and his letter to Ambassador Dubinin be printed in the RECORD at the end of my statement.

Mr. President, I also want to take a moment of the Senate's time to call to my colleagues' attention two articles which appeared in the Washington Post over the weekend. The first article, "Visiting Rights Monitors Call For More Soviet Progress," by Gary Lee, appeared in Saturday's edition on page A13. The second article, "Revolt of the Radiators; We didn't Get Glasnost Until the Plumbing Broke," by Adam Michnik, appeared in the Sunday edition on the front page of the "Outlook" section.

I will ask unanimous consent that these two articles be printed in the CONGRESSIONAL RECORD at the end of my remarks, following Vladimir Bravve's statement and letter.

Both of these articles are significant, in my view, because they cast considerable light on the current situation in the Soviet Union. Having served on the Helsinki Commission since coming to the Senate in 1981, and have had the privilege of chairing the Commission in the 99th Congress, I have come to know both Bob Bernstein and Jeri Laber very well. They have done tremendous work for human rights through Helsinki watch.

The comments attributed to them in the story of their visit to the Soviet Union are cautious and diplomatic. But the bottom line comes through very clearly—they are looking for tangible indications that there has been real change in the Soviet Union.

Gary Lee writes:

> Bernstein, Laber, and other members of the International Helsinki group stressed in meetings this week that Soviet officials should concentrate on giving a general amnesty to all prisoners held for anti—Soviet activities.

This is the key point. Only 200 such prisoners have been released under glasnost. The rest must be released and article 70 of the Soviet Criminal Code, under which they were convicted and imprisoned, repealed.

Adam Michnik's story is particularly important. It is written by one of the leaders of the Solidarity movement in Poland—by a man with life-long personal experience with Soviet oppression and the Soviet-imposed bureaucratic state.

We should pay close heed to his comments. In particular, he writes:

> When Gorbachev stubbornly repeats that the Soviet Union professes some idiosyncratic conception of human rights and of national sovereignty, incomparable to the conception of these rights in pluralist democratic countries, he repeats—consciously or not, I don't know—a classic Stalinist stereotype. According to that stereotype, the persecution of opponents, the suppression of democratic institutions and disregard for the law are contemptible under capitalism but permissible and useful in a country that is building communist socialism.

Michnik continues:

> This is the meaning of the new situation. When he raised the need for perestroika, Gorbachev finally rejected all the trashy Communist propaganda that could trace back all the economic crises and social conflicts to the operations of foreign intelligence services. The present crisis, which manifests itself as the revolt of the radiators and of the people, is a general crisis of communism.

He makes a key point in closing:

> That is why the world needs a fresh idea of détente—détente with a human face. And let that face belong to a gulag prisoner. People are more important than missiles, and before you eliminate missiles, you must eliminate the habit of persecuting people. Everything else is fraudulent.

Those, Mr. President, are words we would do very well to remember as we consider the INF Treaty. Peace turns not upon missiles, but upon the way governments interact with their people and with foreign states.

Before we become too enthusiastic about General Secretary Gorbachev and his slogans—glasnost and perestroika—we should remember people like Grigory and Ninel Bravve, and their son's hunger strike seeking Soviet permission for them to be reunited with their family.

Peace is about people. It is about reunited families, able to share their love and support each other in time of need. Will Sophia Bravve be able to see her parents, to count on their help as she undergroes her cancer therapy? This question—seen clearly by Bob Bernstein, Jeri Laber, and Adam Michnik—is at least as important as missiles, because it gauges the values and the temperament of the other regime.

As I have said before, we do not fear nuclear missles in the hands of the British and the French. We have confidence in their values and their temperament. Soviet values—so long as the gulag is full of prisoners, the special psychiatric hospitals are open and accepting new dissident patients committed against their will, and families like the Bravves are suffering and divided—threaten us and all other peace-loving peoples around the world.

I ask that the material to which I referred be printed in the RECORD.

The material follows:

HUNGER STRIKE STATEMENT FROM VLADIMIR BRAVVE, FEBRUARY 1, 1988

My name is Vladimir Bravve. I am fighting for reunification here in the United States with my parents, Gregory and Ninel Bravve.

For the past 9 years the Soviet Authorities have denied them the permission to emigrate from the Soviet Union. The reason for this denial is the access of my father to so-called "State Secrets". General Secretary Gorbachev stated that access to State Secrets would not be a barrier to emigration after 5 or at most 7 years, but my father has been already retired for almost 10 years.

During the last year my parents have suffered a lot: the death from cancer of my wife Rimma, the cancer of their daughter Sophia and separation from their children.

My parents are elderly people, in poor health and they are exhausted physically and emotionally. They are completely alone in Moscow with nobody to help them.

During our telephone conversation last week my parents told me that they had lost any hope and they are on a verge of nervous breakdown.

I am unable to stand their suffering any longer and I decided to begin a hunger strike today.

I'd like to appeal to American People: Please help reunite our family. Please ask Mr. Gorbachev to let my parents join us in the United States.

VLADIMIR BRAVVE.

ROCHESTER, NY.

IDENTIFYING INFORMATION

Father: Bravve Grigory Abramovich (70 years old).

Mother: Zetkovskaya Ninel Semenovna (64 years old).

Address: U.S.S.R. Moscow, 107553. Bolshaya Cherkizovskaya Street, 32-5-15.

Phone: 162-4626.

ROCHESTER, NY, *February 1, 1988.*

His Excellency YURI DUBININ,
Ambassador, Embassy of the U.S.S.R., Washington, DC.

DEAR AMBASSADOR: I am writing to you at a very difficult time for all of our family.

Seven months ago my wife Rimma Bravve died from cancer. Rimma's dying wish was for all our family to be together in Rochester.

Unfortunately my parents Ninel and Grigory Bravve have been denied permission to emigrate for almost 9 years.

During the last year my parents have suffered a lot: the death from cancer of my wife Rimma, the cancer of their daughter Sophia and separation from their children.

My parents are elderly people, in poor health and they are exhausted physically and emotionally. They are completely alone in Moscow with nobody to help them.

During our telephone conversation last week my parents told me that they had lost any hope and they are on a verge of nervous breakdown.

I am unable to stand their suffering any longer and I decided to begin a hunger strike today.

I beg you to make a human gesture and let my parents leave the Soviet Union and reunite with their children. This decision will be welcome in the whole world as a humanitarian approach to the problem of devided families.

Thank you very much.

VLADIMIR BRAVVE.

IDENTIFYING INFORMATION

Father: Bravve Grigory Abramovich (70 years old).

Mother: Zetkovskaya Ninel Semenovna (64 years old).

Address: U.S.S.R. Moscow, 107553, Bolshaya Cherkizovskaya Street, 32-5-15

Phone: 162-4626.

[From the Washington Post, Jan. 30, 1988]

VISITING RIGHTS MONITORS CALL FOR MORE SOVIET PROGRESS

(By Gary Lee)

Moscow.—A leading American activist today identified four key areas in which the Soviet Union can improve its human rights record, including eliminating psychiatric abuses and allowing unofficial groups to monitor violations.

But Mikhail Gorbachev has achieved an overall improvement in Soviet adherence to international human rights standards, Robert L. Bernstein, chairman of the U.S. Helsinki Watch Committee, said today.

His comments came at the end of the first visit here by the Vienna-based International Helsinki Federation for Human Rights, which monitors compliance with the accords signed by 35 nations, including the Soviet Union, in Helsinki in 1975.

"The fact that we were allowed to come," Bernstein said of the group of human rights monitors from 13 countries, "is a good indication that things have changed for the better."

Bernstein and Jeri Laber, executive director of the U.S. Helsinki Watch group, said that increases in emigration of Jews and other minorities in recent months have added to the improved Soviet human rights image. But other incidents during the visit indicate that many violations are continuing, they said. While the group met with Soviet rights activist Lev Timofeyev in his apartment, for instance, security agents in a car outside listened in through a bugging device.

One of the most important human rights is the freedom to monitor human rights abuses, and the Soviet Union has "some ways to go" in this area, said Bernstein, who is chairman of Random House publishers.

Many independent or unofficial human rights groups have sprung up under Gorbachev's rule, but they have yet to be recognized or registered by Soviet authorities.

The burden of seeing that other groups are approved falls on the Soviet Human Rights Commission, Bernstein said, referring to a newly formed group of officials and academics chaired by commentator Fyodor Burlatsky.

"Since the Burlatsky commission is the only one that is government-approved," Bernstein said, "it is up to that commission to see that other groups are registered. If it doesn't do so, it will lose its credibility."

The abuse of psychiatry, which long has marred the Soviet human rights record, is still a potential problem, Bernstein said, even though the Soviet media have campaigned against committing political dissidents to psychiatric clinics and Soviet officials maintain that standards have been improved.

Many of the key Soviet officials who instigated the use of psychiatric clinics to punish dissidents are still in place under Gorbachev, including one institute director who met with the Helsinki federation.

"With people like that still around," Bernstein said, "it doesn't exactly inspire public confidence in the leadership's commitment to change. The burden of proof on this lies on the Soviet side."

A third unresolved issue is that of prisoners still in local jails, prisons or camps for political reasons, Laber said. Altogether, about 370 prisoners in this category are still jailed, she added, including 170 held for religious reasons.

Bernstein, Laber and other members of the international Helsinki group stressed in meetings this week that Soviet officials should concentrate on giving a general amnesty to all prisoners held for "anti-Soviet activities." More than 200 such prisoners already have been pardoned, they said.

The right of Soviet citizens to emigrate is the fourth problem yet to be fully resolved, Helsinki Federation members said.

While Soviet emigration rose in 1987, Moscow continues to deny visas to a few citizens it says have had access to state secrets, Bernstein said, even in cases where such access ended so long ago that the knowledge is no longer operative.

The group of Helsinki monitors is the first authoritative, independent human rights group to visit the Soviet Union since Gorbachev began his human rights reforms. The group met with Soviet officials and some dissidents and was given the chance to see Gorbachev's policy of *glasnost*, or openness, in practice.

While a group of Jews, refused the right to emigrate, demonstrated on a Moscow street yesterday, for instance, police stood by watching rather than making swift arrests, now customary for protests in the center of the city.

"The reasons for the change in policy is because the Helsinki monitors were in town," one of the demonstrators said.

REVOLT OF THE RADIATORS: WE DIDN'T GET GLASNOST UNTIL THE PLUMBING BROKE

(By Adam Michnik)

WARSAW.—The communist system has proven methods of dealing with popular revolt. A crowd of demonstrators is met in the streets by riot police armed with truncheons, tear gas and water cannons. When that is not enough, you send out army units to defend the dictatorship of the proletariat by firing at the marching workers. This was the method in Berlin and Poznan, in Novocherkask and Alma-Ata.

It is much worse for the authorities when the central heating goes on strike. I remember one such rebellion last winter in Warsaw. All Warsovians, from generals to workers, sat with their teeth chattering in unheated apartments. What can the Communist Party's general secretary do in such circumstances? He could convene a Central Committee plenum and push through a strongly worded resolution to the effect that the radiators' strike must be suppressed. But the radiators do not recognize the leading role of the Communist Party.

The general secretary could summon the minister of internal affairs and order him to "break the radiators' strike by force." And a police charge could be mounted. The radiators could be attacked with rubber truncheons, water cannon and tear gas. But the radiators fear none of these. Proud and self-confident, annoyingly composed, they would persevere in their resistance, revealing a weakness in the teachings of Marxism-Leninism.

At the root of the changes going on now in the Soviet Union is the rebellion of radiators. A rebellion of inanimate objects has forced the authorities to introduce changes for which the heroic Soviet dissidents have been fighting for years. And this is why we say that this is the deepest crisis of all: The society proved powerless when confronted with a totalitarian state, but this very state proved powerless in the face of the rebel radiators.

It is from this angle that I look at the two staple interpretations of Mikhail Gorbachev's policies. Those who perceive a prospect of democracy and human rights in them are wrong. But so are those who dismiss the changes as purely cosmetic and as a spectacle for the benefit of western audiences.

Perestroika is a reaction to a rebellion of inanimate objects. Glasnost is a sign of the awareness that the clash with inanimate objects can never be won unless you enlist the support of the people. Gorbachev surely wants a reform which would make the Soviet Union a more efficient and powerful state. And, just as surely, he is a child of the Soviet power apparatus. This apparatus does not have the slightest intention of giving up its monopoly status. Gorbachev is neither a comedian nor a liberal; he is a communist who wants to make his state a modern superpower. But that is precisely his dilemma: As a communist, he must defend the monopoly of the party. As an advocate of change, he must curtail that very monopoly.

Gorbachev's prospects are—let's put it bluntly—not terribly encouraging. Members of the nomenklatura, those millions of powerful officials whose habits and privileges are in jeopardy, is completely against him. Glasnost poses a permanent threat to their security. A call for "perestroika without glasnost" will be the natural rallying cry of the conservative apparatus.

Let us take a look at the controversy surrounding Stalin and Stalinism. This controversy, which is as divisive and fundamental as the German dispute concerning Hitler and Nazism, helps us to discover who stands where.

Stalin is defended by those who favor a totalitarian order, by those who prefer freedom from responsibility, and risk to freedom from censorship and police. There are many of them. To them, Stalin was the father and the symbol of might of the

Soviet state; if you attack Stalin you are attacking the state.

Such views are criticized by democratic and reform-minded people who demand the full truth about Stalinism. For them, overcoming the Stalinist heritage is a prerequisite of Russia's spiritual revival. Although they are far removed from naive optimism, they trust Gorbachev and support him because he started the process of change.

This liberal and humanistic tendency, however, has come under fire from representatives of the slavophilic current who regard the Bolshevik revolution as a child of foreign parents. The Marxist doctrine, concocted in western Europe, was carried out by people who were alien to Russia: Poles, Jews, Latvians, etc. It was not autocracy that was Stalinism's real crime—after all, Russia never wished to be a parliamentary democracy. It was his ideology: its atheism, its rejection of the tradition of great Russian statehood and the attacks against the church.

From this angle, the liberal-humanist orientation with its ideas of pluralist democracy is but another embodiment of the same European plague that Bolshevism was. The most extreme—indeed grotesque—embodiment of the slavophile view is the Pamyat Association, which ostensibly deals with the protection of historic monuments but in practice is preoccupied with spreading a xenophobic and conspiratorial theory of history. Pamyat's anti-Semitism is reminiscent of the times when the czar tried to neutralize social conflicts and delay its own demise by staging Jewish pogroms.

Where do Gorbachev's declaration fit into this context? His appraisal of Stalin and Stalinism is splendidly inconsistent and full of internal contradictions. It must be that way. Gorbachev is heir to the Stalinist legacy and also its cautious critic. Since Gorbachev must synthesize conflicting arguments and viewpoints, intellectual nullity is the inevitable product: The history of the Soviet Union is at once a succession of endless triumphs and a string of errors and distortions; collectivization is at once a success of socialist policies and a source of crisis in agriculture.

The fundamental question is whether there is room for independent opinion in the Soviet Union. It used to be said that there is lots of room—at Lubyanka [prison], that is. Will it be different today? Can the so-called "informal clubs" become seeds of pluralism in public life? This question does not concern Gorbachev's intentions but rather the vital forces of Russian society. We do not ask whether Gorbachev wants pluralism but whether he is likely to be forced to accept it by pressure from the people.

From the Polish perspective, this is the basic issue. After the referendum lost by Jaruzelski's government, the awareness of the need for structural reforms is universal. It is even obvious to secretaries and generals. But the question about the shape of reform has yet to be answered. Is this going to be a "paternalistic" reform or the outcome of a social compromise based on pluralism and on institutions that are autonomous from the state? What are the limits of reform going to be? What is Russia going to look like after the reforms? In this matter, the Soviet leader does not go beyond banal, stereotyped declarations.

When Gorbachev repeats that the era of nuclear weapons requires "new thinking," we are eager to agree. When he says that every nation must choose its own road and no superpower must allow itself to dictate its terms to any other state, we want to applaud him. But we are also tempted to ask whether he is just condemning the Monroe Doctrine or the Brezhnev Doctrine as well. Does the right to autonomous development apply to Nicaragua and Cuba or to Afghanistan and Poland as well? And what about Lithuania and the Ukraine?

When Gorbachev says that the Soviet Union does not intend to invade any country, does that mean he is prepared to deplore the Soviet interventions in Hungary and Czechoslovakia or is he merely saying that the Soviet Union will not invade any country matching it in strength, like the United States? Is the "new thinking" limited to Soviet-American relations or does it extend to Soviet-Polish relations as well?

When Gorbachev stubbornly repeats that the Soviet Union professes some idiosyncratic conception of human rights and of national sovereignty, incomparable to the conception of these rights in pluralist democratic countries, he repeats—consciously or not, I don't know—a classic Stalinist stereotype. According to that stereotype, the persecution of opponents, the suppression of democratic institutions and disregard for the law are contemptible under capitalism but permissible and useful in a country that is building the communist system.

This is the meaning of the new situation. When he raised the need for *perestroika*, Gorbachev finally rejected all the trashy communist propaganda that could trace back all the economic crises and social conflicts to the operations of foreign intelligence services. The present crisis, which manifests itself as the revolt of the radiators and of the people, is a general crisis of communism.

Lech Walesa tells fellow Poles, "We must avoid despair and hatred." I suppose this formula could be applied around the world. It should lead to the abandoning of simple formulas of preserving the Yalta order by means of detente or Cold War rhetoric. Something has changed. Unless democratic reforms take place, the system is doomed to progressive decline.

That is why the world needs a fresh idea of detente—detente with a human face. And let that face belong to a Gulag prisoner. People are more important than missiles, and before you eliminate missiles, you must eliminate the habit of persecuting people. Everything else is fraudulent.●

● Mr. D'AMATO. Mr. President, I rise today to give my wholehearted support to legislation, Senate Joint Resolution 246, that designates the month of April 1988 as "National Child Abuse Prevention Month." I commend my colleague, Senator DECONCINI, for stressing that child abuse in our Nation is indeed a problem and one with which we must deal strongly.

Every year, nearly four million youngsters are subject to some form of child abuse. Nearly 5,000 of these children die each year. Those who survive carry with them emotional, psychological, or physical scars for the rest of their lives. Tragically, many of those abused become abusers as adults. Something must be done to break this horrendous cycle.

The American people must be made aware of the outrage of child abuse. Through recognition of this problem, people will come to understand the magnitude and pervasiveness of child abuse. There are many private organizations and thousands of dedicated individuals committed to ending child abuse. Acknowledgment of their efforts will only enhance our goal of obliterating this destructive behavioral pattern.

In additon to my interest in raising public awareness of child abuse, I have sponsored S. 226, the National Child Protection Act. This bill would establish a national clearing house of information on convicted child molesters to prevent them from continuing to abuse our children in child care centers. Criminals must know that we do not condone, and will not tolerate, the molestation of our children in child care centers or anywhere else.

Mr. President, I must reiterate the severity of this problem. We must assist those who cannot help themselves. Our children are our greatest asset; we cannot afford to compromise their safety and welfare. I am pleased to join my good friend, Senator DECONCINI, in cosponsoring this resolution. I encourage my colleagues to join us in this effort, and I urge the immediate passage of Senate Joint Resolution 246.●

THE NEW YORK STATE ASSEMBLY RESOLUTION

● Mr. D'AMATO. Mr. President, we in the Congress occasionally need reminding that we are not the only sovereign, democratically elected legislature in the United States—that here in Washington sits what is, after all, a government of only delegated powers.

The Assembly of the State of New York has enacted a resolution specifically addressing this body on a matter much commented upon within this Chamber: The recent continuing resolution's prohibition on waivers of the FCC's cross-ownership rule. My colleagues certainly know where I stand on this question. They may even think that, after last week, I have had my say. I assure them I have not. They will hear more.

But for now, Mr. President, I would like to put the assembly's resolution into the RECORD so that my colleagues will not fail to receive the message. I can only add that it has my heartfelt agreement and support, as well as my commitment to continue this fight.

The resolution follows:

NEW YORK STATE ASSEMBLY RESOLUTION

Whereas Congress, in the Conference Report to House Joint Resolution 395, Report 100-598, has approved an amendment which denies the Federal Communications Commission the discretion to permit the New York Post and WNYW-TV to be owned by the same individual; and

Whereas the Narrow application of the amendment, its suspect motivation and its eleventh hour adoption belie the amend-

ment's purported goal of media diversity; and

Whereas the cross-ownership rule is not the main issue in this instance, since the amendment only affects the Federal Communications Commission's flexibility in its application; and

Whereas a forced divestiture would likely jeopardize on-going efforts to save the New York Post from going out of business; and

Whereas such a loss would mean the loss of hundreds of jobs, and a major news source: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to memorialize Congress to repeal recently enacted provisions which prohibit the Federal Communications Commission from exercising its expert discretion in waiving the cross-ownership rule where, as in the case of the New York Post and WNYW-TV, the merits currently warrant such action: And be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the New York State Congressional Delegation.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the conferees on the Medicare Catastrophic Protection Act, H.R. 2470, have not yet been appointed. I will ask consent on tomorrow that the Senate insist on its amendments and agree to the conference requested by the House on the disagreeing votes of the two Houses and the Chair appoint conferees on the part of the Senate.

If there is an objection I will move. That motion will be debatable. It is a privileged motion. Its adoption would not dislodge the then-unfinished business, S. 2; am I correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BYRD. Very well.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 11:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on tomorrow there be morning business not to extend beyond the hour of 12 noon and Senators may speak therein for not to exceed 2 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that no motions or resolutions over under the rule come over tomorrow and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection it is so ordered.

RECESS BETWEEN 12 NOON AND 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that at 12 noon tomorrow the Senate stand in recess until the hour of 2 p.m., to accommodate the regular conferences of the majority and minority parties in the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I would suggest that Senators daily might expect a rollcall vote on the motion to have the Sergeant at Arms request the attendance of absent Senators. I have not been scheduling that vote this week for good and sufficient reasons, but a little later on, when the Senate is a bit busier than it is now, Senators might expect us to return to that regimen and, as a normal approach, I would suggest that that vote will come very early on each day that the Senate is in session.

I shall like to have the RECORD show that because nothing may be said about such a vote the previous day, there is no indication that it will not be called for. I will say, however, that on days when the Senate is coming in reasonably early, 9 o'clock, 9:30 or earlier, or 10, if such a vote occurs, I would expect to make that a rollcall vote of 30 minutes duration, especially if it begins as early as 9:30, so as to give Senators the opportunity to deal with traffic problems. I would urge them always, however, to be alert to the fact that such a vote may occur.

Of course, if another vote is scheduled early, there is no point in having the kind of rollcalls to which I have referred.

THE DENVER BRONCOS

Mr. BYRD. Mr. President, if the distinguished Senator from Colorado, whom I assume was betting on the Redskins this past Sunday, has no further business—or have I just stimulated some?

Mr. ARMSTRONG. If the leader will yield, let me say I am going to resist the temptation to elaborate on the moment of heartbreak which occurred over the weekend and merely point out that once again the Denver Broncos are, for the second year in a row, the AFC champions, and have been accorded a warm welcome home to Denver today; and wait until next year.

Mr. President, while I have the attention of the leader, I do have one unanimous-consent request that I would like to put before the body if I may.

LEAVE OF ABSENCE

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that rule VI, paragraph 2, of the Standing Rules of the Senate be waived for Senator DOMENICI for official business today.

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

Mr. ARMSTRONG. Mr. President, the senior Senator from New Mexico [Mr. DOMENICI] is necessarily absent today. He is in Santa Fe, NM, meeting with Governor Carruthers, key New Mexico legislators and the Umbrella Association for the Chamber of Commerce and the Hispano Chamber of Commerce. He is attending an all-day series of meetings that the Governor set up to discuss the state of the economy in New Mexico and possible economic development.

Senator DOMENICI is meeting with the Governor's Business Advisory Council, the New Mexico Industrial Development Executives, and other interested groups as well. State and Federal legislation will be discussed in addition to a report on "Marketing New Mexico."

The day's activities include a joint session of the New Mexico Legislature's Business and Industrial Committee and the Commerce Committee, and a joint session of the State appropriations and finance committees.

As we can all appreciate, scheduling a group this large is very difficult especially when the New Mexico Legislature is only in session for 30 days this year. February 1 was the best day for the key parties involved.

Mr. BYRD. Mr. President, as I have done here before in the case of other Senators, I compliment Senator DOMENICI on pursuing the rules and following the rules in this respect, and I thank Senator ARMSTRONG for making the request.

ADJOURNMENT TO 11:30 A.M., TOMMOROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 11:30 tomorrow morning.

The motion was agreed to; and at 6:25 p.m., the Senate adjourned until Tuesday, February 2, 1988, at 11:30 a.m.