HOUSE OF REPRESENTATIVES—*Monday, April 25, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 21, 1988.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore on Monday, April 25, 1988.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Reverend Father Arsen Barsamian, St. James Armenian Church, Richmond, VA, offered the following prayer:

Heavenly Father, we thank You for the gift of life and that singular blessing of being a member of Your holy family. Forgive our sins that have caused our separation from You. It separates we human beings from one another and even within each of us from our own souls. In this season of rebirth and resurrection we recall acts of man's inhumanity toward his fellow man. We remember, O Lord, the victim of all genocides and holocausts and especially the souls of the first genocide of this century, those of our Armenian brothers and sisters. Help us, O Lord, in our resolve to do Your will so as to bring an end to injustices, past and present. Increase in us the power of Your love and lead us so we may be a reflection of Your goodness. Guide our deliberations so we may do that which is pleasing in Your sight. As it is in heaven, so, too, be it here on Earth. We ask this in praise and glory of Your holy name, through our Lord and Saviour, Jesus Christ, together with the Holy Spirit, now and forever. Amen.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill, joint resolutions and a concurrent resolution of the House of the following titles:

H.R. 2139. An act for the relief of John H. Teele;

H.J. Res. 508. Joint resolution designating May 1988 as "Older Americans Month";

H.J. Res. 541. Joint resolution commending the State of Israel and its people on the occasion of the fortieth anniversary of the reestablishment of the independent State of Israel;

H.J. Res. 421. Joint resolution designating May 1988 as "National Digestive Disease Awareness Month"; and

H. Con. Res. 270. Concurrent resolution authorizing printing of a House report, previously printed in the 82d Congress, concerning an investigation and study of the facts, evidence, and circumstances of the Katyn Forest massacre.

The message also announced that the Senate had passed bills, a joint resolution and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated;

S. 1827. An act to designate the Federal Building located at 330 Booth Street in Reno, NV, as the "C. Clifton Young Federal Building";

S. 2248. An act to designate the U.S. Courthouse located at 156 Federal Street in Portland, ME, as the "Edward Thaxter Gignoux United States Courthouse";

S. 2304. An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine;

S.J. Res. 287. Joint resolution designating May 1988 as "Older Americans Month"; and

S. Con. Res. 114. Concurrent resolution authorizing the Law Enforcement Torch Run for the Special Olympics through the Capitol Grounds.

The message also announced that pursuant to sections 276d-276g, title 22 of the United States Code, the Chair on behalf of the Vice President appoints Mr. MURKOWSKI as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 100th Congress, to be held in Key West, FL, May 5-9, 1988.

WELCOME OF REV. ARSEN BARSAMIAN

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

Mr. BLILEY. Mr. Speaker, it is my privilege and honor to welcome to the House of Representatives Father Arsen Barsamian, pastor of St. James Armenian Church in Richmond, VA, and his wife and son who are in the gallery today.

Born and raised in Milwaukee, WI, Father Barsamian has become a most-respected Armenian theologian having studied at the:

Armenian Seminary of the Catholicissate of Cilicia in Beirut, Lebanon;

Armenian Seminary of the Armenian Patriarchate in Jerusalem, Israel;

Seabury-Western Episcopal Theological Seminary; and

Garrett Biblical School.

For the past 21 years, Father Barsamian has been the spiritual leader of our vibrant Armenian community in the Richmond area. Father Barsamian has dedicated his life to fanning the flame of Armenian Christianity and culture; a flame that was nearly snuffed in 1915.

In 1915 the Ottoman Turks began the systematic destruction of the Armenian people. Moving from town to town, the Turks butchered the Armenian men, brutalized the Armenian women, and carried off healthy Armenian children to be raised as Turkish Muslims. Armenian survivors of the initial violence were then uprooted from their 2,000-year homeland and forced on a death march into the Syrian desert. Two out of every three Armenians perished in this atrocity. Had it not been for the Allied defeat of the Turks in World War I, this could very well have been the last chapter in the history of this proud people.

Armenians throughout the world mark April 24 as Martyr Day; a day to mourn the death of their loved ones and ancestors; a day to reflect on the struggles of those Armenians who survived the genocide; and a day for all Armenians to unite and look to the challenges of tomorrow. Today, the Armenian flame is burning brightly, a source of strength for the Armenian people, and a symbol of hope for all of mankind.

TRIBUTE TO THE LATE HONORABLE MELVIN PRICE

(Mr. MICHEL asked and was given permission to address the House for one minute.)

Mr. MICHEL. Mr. Speaker, the flags around the Capitol are flying at half-mast today, and it symbolizes the passing of our dear friend and colleague, MEL PRICE.

MEL ranked No. 2 in this House next to the dean of the House in seniority having first been elected to this body way back in 1944 when he was a member of the Army during World War II and was plucked out of his outfit to begin serving here in this House of Representatives.

Members are well aware of his long distingished record of service and what a stalwart individual he was in always

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shoring up and providing for the defense of this country, serving for many, many years as the chairman and ranking member of our Armed Services Committee.

There are so many things that at a time like this we could say about MEL, but we will defer those until a time when I am sure we will have a special order and all Members will be recognized for appropriate tributes to MEL.

For this moment, let me say funeral plans have been arranged by the Sergeant at Arms and the family. Buses will depart the Capitol steps at 8 o'clock in the morning for Andrews Air Force Base where the funeral will be held in Belleville at MEL's church at 11 a.m. tomorrow. It is expected that all Members wishing to attend the funeral notify the Sergeant at Arms so that appropriate arrangements can be made for as many Members as possible to attend the funeral.

As for this Member, having known MEL for so many, many years and his dear wife Gari, I want to take this opportunity on behalf of the House, therefore, to extend our deepest sympathy to Gari and to son Dr. Major Bill Price for the great loss that they have sustained in the passing of our dear friend.

Mr. GRAY of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the gentleman from Illinois.

Mr. GRAY of Illinois. Mr. Speaker, I thank the distinguished minority leader for yielding. I want to associate myself with his remarks.

Mr. Speaker, this is a very sad day for me. This is not the time to go into a long eulogy of our departed friend, MEL PRICE. However, having known MEL for 44 years, both of us having been in the military service together at Camp Lee, VA, in 1944, this is a sad day for this body and a sad day for this country. I thank the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader, for taking this time to make this sad announcement.

I hope all Members and staff who can get away will be able to travel to Belleville, IL, for the 11 a.m. Tuesday services to pay proper tribute to our dear friend and great Congressman MEL PRICE. Thank you.

Mr. MAZZOLI. Mr. Speaker, will the gentleman from Illinois [Mr. MICHEL] yield?

Mr. MICHEL. Mr. Speaker, I will be happy to yield.

Mr. MAZZOLI. I want to thank the gentleman from Illinois [Mr. MICHEL] and the gentleman from Illinois [Mr. GRAY] for having brought this to our attention.

Many of us were home over the weekend and heard of MEL's death, and we all join and will be taking part in the eulogy.

□ 1210

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF HON. MELVIN PRICE, REPRESENTATIVE FROM THE STATE OF ILLINOIS

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 434) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 434

Resolved, That the House has heard with profound sorrow of the death of the Honorable Melvin Price, a Representative from the State of Illinois.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 4:30 p.m. on tomorrow.

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

There was no objection.

RHONDA R. BALLARD, WINNER OF VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST

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

Mr. WHITTEN. Mr. Speaker, the Veterans of Foreign Wars has long been an organization that supported the highest ideals of freedom and liberty. Its members and its ladies' auxiliary demonstrate this commitment each year by sponsoring the Voice of Democracy broadcast scriptwriting contest and scholarship program. This year more than 300,000 secondary school students participated nationwide.

The winner from Mississippi was Miss Rhonda Renee Ballard, a junior at Eupora High School in Eupora, MS, and the daughter of Mr. and Mrs. Charles T. Ballard.

Mr. Speaker, her words are worth repeating and I include them in the RECORD.

AMERICA'S LIBERTY—OUR HERITAGE

Liberty, by definition, is the quality or state of being free, but what does the term liberty actually mean? Is it a statue with its head held high, a bird soaring through the air, a flag waving in the breeze, or is liberty a bell resounding through Independence Hall? Liberty is all these things, and more. It is not just a word or an object. Liberty is a state of mind, a state of being, and a heritage that is ours only in America.

Our country's formation was based on the foundation of liberty. When the pilgrims entered this new land, they became the beginning of the creation of a democracy, not just an ordinary one, but a unique democracy based on truth, liberty, and justice for all. The pilgrims were the beginning, and the people that followed them in the years to come created some of the most memorable events in American history. Events such as the signing of The Declaration of Independence, and the Constitutional Convention established, on paper, the legal right to liberty that our country holds today. But the fight for liberty did not end with these events. The struggle was a brutal one. The wars, the riots, and the protests were the occurrences that made liberty meaningful in the minds and hearts of all Americans. The true spirit of liberty, I believe, is best seen in the heart of a soldier fighting for what he believes.

Visualize, if you will, a brave, young soldier, wounded and bleeding in a deserted field moments after battle. Lying on the cold ground with his leg bleeding profusely, the soldier realized that his regiment had once again lost to the enemy. His comrades were gone, and the American flag for which they had fought so bravely was torn to shreds and lying on the ground beside him. The young man, in an effort to stop the endless flow of blood, seized the torn American flag and began to wrap it tightly around his leg. He pulled the wrap tighter and tighter. Slowly his pain began to disappear, and a feeling of pride overwhelmed the youth as he bled through the red, the white, and the blue. He now felt that the puddle of blood surrounding him was not a painful or grotesque sight, but a triumphant one. You see, death was no longer frightening because this young man had paid the price—in blood and tears—for liberty.

Is this what liberty is all about? Maybe Thomas Jefferson had the right idea when he said, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." Or perhaps it was Thomas Paine, who believed that "Those who expect to reap the blessings of freedom must undergo the fatigue of supporting it." I believe that the young soldier, as well as these great men, had the right idea. They fought for liberty as their fathers before them had, and now it is our turn. We have a responsibility to our forefathers and to future Americans to keep the heritage of liberty alive. Will this fight for liberty ever end? History is the only answer to the question, or as Patrick Henry put it, "I know no way of judging the future but by the past." Thanks to our ancestors, we in America, now hold freedom in our grasp, but we must not forget how we earned it. A great Ameri-

can, Woodrow Wilson, once said, "A nation that does not remember what it was yesterday, does not know what it is today."

Yes, we must remember liberty as our ancestors established it. First, there was the land, then the people, and always the promise and idea of liberty. Americans have written and talked about the promise of their country and their ideas about the meaning of liberty since the beginning, but one definition remains clear. Liberty is a state of mind, a state of being, and a heritage that is ours only in America.

INTRODUCTION OF YAKIMA RIVER BASIN ENHANCEMENT LEGISLATION

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

Mr. MORRISON of Washington. Mr. Speaker, for the last 40 years, water users in the Yakima River basin as well as Congress have attempted to deal with the fact that the demands of Federal contracts for delivery of water from the Yakima River exceed what the system can supply, particularly in short-water years. Drought conditions in the Pacific Northwest over the past 2 years have dramatically demonstrated the need to address this problem, and today I am introducing legislation, along with Senator EVANS and Senator ADAMS, that for the first time presents Congress with an outline of the elements of a comprehensive solution.

The bill represents an important step in our effort to solve the water problem in the Yakima basin in that for the first time it provides the broad framework for a comprehensive solution that addresses additional storage, conservation, and the fulfillment of Indian treaty rights. The bill does not, in its present form, however, represent a consensus of opinion, or my opinion, as to all the elements that should be included in a final Yakima enhancement package or the balance that should be achieved among those elements. It is intended only to bring the issue to Congress and better define the specific matters that must be addressed in the coming weeks if legislation is to be enacted this year. I would have preferred to resolve these matters prior to the introduction of legislation, but due to the short time remaining in this session of Congress I feel it is essential that we introduce a bill now—with the understanding that it is only a starting point and that all issues are open for discussion.

TRIBUTE TO HUGH M. BATES

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

Mr. HARRIS. Mr. Speaker, I rise today to pay tribute to my constituent, Mr. Hugh M. Bates, a man whose lifetime has been spent in serving his native State of Alabama and this great country.

Few citizens in our community can match or even approach Hugh Bates' record of service. After completing high school, he enlisted in the U.S. Marine Corps and served his country in Korea where he was awarded the Bronze Star and three Purple Hearts. Upon his return, he attended Penn State University and Virginia Polytech Institute.

In 1965, he was appointed postmaster of Clanton, AL. He served as both vice president and president of the Alabama chapter of the National Association of Postmasters of the United States [NAPUS]. He recently completed 2 years of service as national president of NAPUS, the first and only Alabamian to be so chosen. In this capacity, he well represented the interests of 43,000 members of that organization, both active and retired. He continues his association with the U.S. Postal Service as interim executive director of NAPUS and as a member of the board of directors of the NAPUS Federal Credit Union.

Mr. Bates has also contributed generously to the community of Clanton, AL. He has served as chairman of both the hospital board of Clanton and the school board trustees and as president of the civil defense rescue. His civic activities include president of the chamber of commerce, commander of both the VFW and the American Legion, and member of the Clanton Industrial Development Board. He is also a 32d degree Mason and Shriner and an active member of the First Baptist Church of Clanton.

A dedicated family man, Hugh M. Bates and his wife, Jane have three children and six grandchildren.

Mr. Speaker, I wanted to share with the House both Mr. Bates' contributions and my community's appreciation for his continued service throughout the years. We wish his family and him continued health and much happiness in the years ahead.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 22, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:50 p.m. on Friday, April 22, 1988 and said to contain a message from the President whereby he transmits the annual Aeronautics and Space Report covering 1986 activities.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REPORT ON AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

(For message, see proceedings of the Senate of Friday, April 22, 1988, at page S4578.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, April 26, 1988.

GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1988

Mr. MAZZOLI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4243) to implement the International Convention on the Prevention and Punishment of Genocide, as amended.

The Clerk read as follows:

H.R. 4243

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 "Genocide Convention Implementation Act of 1988".

SEC. 2. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 50 the following:

"CHAPTER 50A—GENOCIDE

"Sec.
"1091. Genocide.
"1092. Relation to other remedies.
"1093. Definitions.

§ 1091. Genocide

"(a) BASIC OFFENSE.—Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) of this section and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

"(1) kills a member of that group;

"(2) causes serious bodily injury to a member of that group;

"(3) causes the permanent impairment of the mental faculties of a member of the

group through drugs, torture, or similar techniques;

"(4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;

"(5) imposes measures intended to prevent births within the group; or

"(6) transfers by force a child of the group to another group;

or attempts to do so, shall be punished as provided in subsection (b) of this section.

"(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an offense under subsection (a) of this section is—

"(1) in the case of an offense under subsection (a)(1), a fine of not more than $1,000,000 and imprisonment for life; and

"(2) a fine of not more than $1,000,000 or imprisonment for not more than 20 years, or both, in any other case.

"(c) INCITEMENT OFFENSE.—Whoever in a circumstance described in subsection (d) of this section directly and publicly incites another to violate subsection (a) of this section shall be fined not more than $500,000 or imprisoned not more than five years, or both.

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) of this section is that—

"(1) the offense is committed within the United States; or

"(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

"(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1) of this section, an indictment may be found or an information instituted at any time without limitation.

"§ 1092. Relation to other remedies

"Nothing in this chapter—

"(1) precludes the application of State or local laws on the same subject; or

"(2) creates any Federal civil remedy with respect to the conduct prohibited by this chapter.

"§ 1093. Definitons

"As used in this chapter—

"(1) the term 'child' means an individual who has not attained the age of 18 years;

"(2) the term 'ethnic group' means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

"(3) the term 'incites' means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

"(4) the term 'national group' means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

"(5) the term 'racial group' means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

"(6) the term 'religious group' means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

"(7) the term 'substantial part' means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 50 the following new items:

"50A. Genocide ..... 1091".

The SPEAKER pro tempore (Mr. HARRIS). Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 20 minutes and the gentleman from Georgia [Mr. SWINDALL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, it is no exaggeration to say that your Committee on the Judiciary brings to the floor today a bill of monumental and historic significance—the Genocide Convention Implementation Act of 1988.

The genesis of this legislation can be traced to that point in time 43 years ago when the world was compelled to confront the horrifying realities of the Nazi murder camps. The names of those camps are well known—Treblinka, Dachau, Auschwitz, Burhenwald—names that will continue to carry with them powerful feelings of anguish, horror, and disgust.

It is too late to help the victims of the Holocaust. But it is not too late for us, as a nation, to express our collective outrage at the crime of genocide and to fashion whatever prosecutorial tools may be necessary to ensure that those who would commit genocide in the future are severely punished.

The simple purpose of H.R. 4243 then is to deter and dissuade, where possible, those who would commit this grievous sin against man and God. If deterrence fails, they would be punished severely.

Mr. Speaker, we are aware of the long and difficult history of the International Convention on the Prevention and Punishment of the Crime of Genocide. But for the record it might be worth pointing out a few things.

This Convention was signed by the United States in 1948 and submitted to the Senate by President Truman for its advice and consent in 1949. There it languished for 37 years.

It might be interesting to note here that for 19 of those 37 years our colleague from the other body, the senior Senator from Wisconsin, Senator PROXMIRE, made a speech, at the beginning of every day the Senate met, in behalf of the Senate taking up that treaty and approving it. Mr. PROXMIRE delivered a statement every day, 3,300 such statements. Finally, 1986, Senator PROXMIRE's exhortations to his colleagues and the country prevailed, and the Senate on February 19, 1986, gave its advice and consent to the Genocide Convention by a vote of 83 to 11.

The Senate's advice and consent to the treaty, however, did not come without conditions. The eighth and final Senate proviso to the convention established as a condition precedent to final ratification of this convention that domestic legislation criminalizing the act of genocide had to be adopted by both bodies and signed into law.

Pursuant to this mandate, Mr. Speaker, the distinguished gentleman from New Jersey [Mr. RODINO], chairman of our full Judiciary Committee, and I, along with the gentleman from California [Mr. BERMAN], introduced the legislation before us today. It was overwhelmingly approved at the subcommittee and again at the full committee level on April 13.

At this point I would digress for a moment to salute and pay tribute to two people in my hometown, and the district I am privileged to represent: Mrs. Kathy Sloane, who is the wife of our distinguished county judge/executive, Harvey Sloane, both personal friends of mine of long standing, and Mr. Richard Heideman, a leader in the B'nai B'rith organization at home, and also a personal friend of long standing. Both took part in the deliberations before our subcommittee and the full committee and submitted very important statements for the record which helped us to formulate our opinion on this matter. I want to thank them for that interest.

Turning back to the bill, Mr. Speaker, H.R. 4243 is carefully crafted to conform precisely with the Genocide Convention itself. Both seek to protect those groups of people distinguishable by their race, their religion, their nationality or their ethnicity. To be convicted of genocide it must be shown that the person had to commit an act of violence with the specific intent to destroy, in whole or in part, one of those four protected groups.

Depending on the act, the penalty in the bill before us ranges from 5 years imprisonment or a $500,000 fine to life imprisonment and a $1 million fine.

Mr. Speaker, I am pleased to note that virtually identical legislation has been approved by the Judiciary Committee in the other body and is awaiting floor action. I think floor action will be swift and positive.

We stand, therefore, Mr. Speaker, on the threshold of bringing to closure a process that began 40 years ago. With the enactment of H.R. 4243 we will be able at long last to join the list of some 96 nations of this world which have already ratified the Convention on Genocide.

Mr. Speaker, I urge my colleagues to vote for and to vote enthusiastically for H.R. 4343.

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

□ 1225

Mr. SWINDALL. Mr. Speaker, I am pleased that H.R. 4243, legislation to implement the Genocide Convention, is before the House today. This year

marks the 40th anniversary of the creation of the Genocide Treaty which was adopted unanimously by the U.N. General Assembly in 1948. Not surprisingly, the United States was the first country to sign the treaty on December 11, 1948, 2 days after it was adopted. It was transmitted to the Senate soon afterward seeking ratification. However the Senate did not ratify the treaty until 1986 in the 99th Congress. The final step in the process of the U.S. ratification of this treaty is the legislation before us today to implement this treaty and make it part of our own U.S. criminal law.

The Genocide Treaty was an outgrowth of the Holocaust trauma that occurred during World War II. The convention was designed to place all of the nations of the world on record in opposition of the crime of genocide in hopes of preventing future tragedies. By ratifying the convention and implementing the treaty into our own laws, the United States joins the community of nations pledging to forever ban genocide.

This legislation has two purposes. First, to codify the international law respecting the crime of genocide and second, to list the punishment for acts of genocide. In essence, this legislation makes an offense with its specific intent to destroy in whole or in substantial part, a national ethnic, racial, or religious group: First, to kill a member of the group; second, to cause serious bodily injury to a member; third, to cause the permanent impairment of the mental facilities of a member; fourth, to subject the group to conditions of life that are intended to cause a physical destruction of the group; or fifth, to impose measures intended to prevent birth within that group or to transfer by force a child of the group to another group. The bill also prohibits the attempt and the direct or public incitement to commit any of these offenses. This legislation is strongly supported by both the Department of State and the Department of Justice.

I might add, Mr. Speaker, that there were some reservations prior to the ratification or passage by the Senate with respect to the treaty vis-a-vis our own Constitution. I might add that those problems were worked out before ratification so in no way does the passage of this treaty in any way subjugate the rights of individual Americans to their constitutional rights as guaranteed under our Constitution.

Mr. Speaker, 97 other countries including every major power and virtually every democratic country have already ratified this convention. I am hopeful that we can move quickly toward final passage of this legislation in the House and encourage the Senate to do the same. I urge my colleagues to vote in support of H.R. 4343.

Mr. MAZZOLI. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4243.

I want to pay tribute to the gentleman from Kentucky [Mr. MAZZOLI], to the gentleman from New Jersey [Mr. RODINO], the chairman of the Committee on the Judiciary, and to the other members of the Committee on the Judiciary and of the House who have made it possible to bring this historic legislation before us today.

Forty years after the adoption of the Genocide Convention by the United Nations, the Congress of the United States has finally gotten around to enacting the necessary implementing legislation which will give substance to the American ratification of this important treaty.

Mr. Speaker, I represent back in Brooklyn in my own constituency probably more survivors of the Holocaust than any other Member of the House.

For literally thousands and thousands of my constituents in Brooklyn, the Holocaust is not an ancient memory but a living reality which haunts literally every step of their daily existence.

It seems to me that the murder of 6 million Jews which took place during the Second World War constitutes the central existential fact in the history of human civilization. It demonstrated the depths of depravity to which the human spirit can sink. I would suggest, Mr. Speaker, that there is no greater or higher task that confronts us as a nation than to do everything we possibly can to make sure that no such catastrophe ever befalls the Jewish people nor any people anywhere in the world ever again.

This legislation which we enact today constitutes a small but significant step in that direction. I want to express my own profound personal appreciation to my very good friend from Kentucky, the chairman of the subcommittee, for facilitating the adoption of this historic legislation. There is nothing that we can ever do, there is nothing that we can ever say which will bring back the 6 million from their graves; but by adopting this legislation today we can endow and invest their deaths with a redeeming significance. By taking the kind of action which can diminish the possibility of another Holocaust in the future we can ensure that they will not have entirely died in vain.

I would also like to point out to my colleagues that in addition to commemorating the 40th anniversary of the Genocide Convention, 1988 marks the 40th anniversary of the creation of the State of Israel, and just last week, we celebrated Yom Ha'atzmaut—Israel's independence day. Just as the passage of this bill would constitute an important symbol of our commitment never again to allow another Holocaust, the existence of the State of Israel represents the world's living memorial to the victims of the Holocaust and the ultimate guarantee that the Jewish people will never again fall victim to genocide.

So, Mr. Speaker, I call upon all of our colleagues in the House to support this legislation and to put the House of Representatives and the Congress of the United States firmly on the side of justice and human dignity.

The noted American philosopher, George Santayana has so eloquently stated: "He who chooses not to recall the past is condemned to repeat it." It is incumbent upon this Congress to implement the Genocide Convention and thus say "never forget."

I thank my friend from Kentucky for yielding this time to me.

Mr. MAZZOLI. Mr. Speaker, I want to thank my friend for a very powerful and eloquent statement and for his friendship over the years and his support, his very important support in bringing this bill foward today.

I think the people in the gentleman's district are extremely well served on a daily basis by his service here in the Congress.

Mr. SWINDALL. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from New York [Mr. FISH], the ranking member of the full Committee on the Judiciary.

I might also add at this time, Mr. Speaker, that as a result of the efforts of this gentleman, we have seen this legislation not only move expeditiously but we have seen it move with virtually no opposition whatsoever.

Mr. FISH. Mr. Speaker, I thank my colleagues for those kind remarks.

Mr. Speaker, I urge my House colleagues to support the legislation we have before us today, H.R. 4243, the Genocide Convention Implementation Act of 1988. Passage of the legislation will be the final step toward ratification of this international treaty approved in 1948 by the United Nations.

Immediately following World War II, the United Nations convened to assure that atrocities like those committed by the Nazi regime against European Jews must never be repeated. At the Genocide Convention, all member countries pledged to outlaw acts of genocide and to punish their perpetrators. The convention was submitted by President Truman to the Senate for its "advice and consent" in 1949.

During the nearly 40 years of debate that followed, some lawmakers feared

treaty implementation would undermine U.S. sovereignty. Finally in 1986, the Senate approved the Genocide Convention incorporating provisions to accommodate the various concerns raised in these debates. The legislation now before us to implement this convention into U.S. law defines the crime of genocide—an attempt to destroy a national, ethnic, racial or religious group—and sets appropriate punishments for anyone found guilty of this crime. To date, the United States has no law governing genocide.

Mr. Speaker, it is a fact the world today continues to look to the United States for moral leadership in human rights. Therefore, the U.S. implementation of the Genocide Convention is important to those throughout the world who look to this country for consistency and strength on human rights issues.

It is also important in our continuing dialog and pressure on human rights as we have been criticized for failure to complete ratification of this convention.

Mr. Speaker, your Judiciary Subcommittee on Immigration, Refugees and International Law heard numerous parties in support of the legislation including the State Department and the Justice Department. Implementation was strongly favored by witnesses representing groups that have experienced genocide: the American Jewish Committee, Amnesty International, B'nai B'rith International, Armenian Assembly of America, and the National Spiritual Assembly of the Baha'is of the United States.

Hyman Bookbinder read a statement to the subcommittee from Nobel Laureate Elie Wiesel. In his statement Mr. Wiesel said:

> What is at stake is our moral credibility in the world. Naturally, our Nation opposes any massacre; but genocide is the ultimate massacre and thus must be opposed and denounced with force and vigor.
>
> What is at stake is our honor as a nation governed by an ancient ethical tradition that proclaims its belief that life is to be celebrated and sanctified.

Mr. Speaker, I am hopeful that this final step to implement this treaty will be completed quickly by both Houses of Congress and urge my colleagues to vote for its passage.

Mr. MAZZOLI. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. I thank my friend from Kentucky for yielding this time to me and I also want to congratulate the chairman of the full committee, the gentleman from New Jersey [Mr. RODINO], as well as the ranking member, the gentleman from New York [Mr. FISH], and the gentleman from California [Mr. BERMAN], and all those who have sponsored this important initiative.

Mr. Speaker, the Genocide Convention has two purposes. The first is to codify our national law respecting the crime of genocide. The second is to require the contracting parties to the convention to deter acts of genocide and punish them pursuant to their laws and in fact to date some 96 nations have signed the law.

Mr. Speaker, genocide is defined generally as acts committed with intent to destroy in whole or in part a national, ethnicl, racial, religious group by acts such as killing, maiming, wounding, deliberate attempts to in fact prevent births in those groups.

Mr. Speaker, one could not think of a more horrendous act against a people or an ethnic or religious or other group.

It has taken us some 40 years, Mr. Speaker, and that is unfortunate. But the timing is ironic because this is the 40th anniversary of the founding of the State of Israel. So it is timely that we in fact get our act together in this country and sign a most important convention. Although we were one of the first countries concerned, unfortunately we have been a little tardy in ratifying it. I am proud to be a sponsor of this important piece of legislation. I congratulate my colleague for moving it quickly to the floor.

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

Mr. HUGHES. I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I appreciate my friend's yielding. I want to thank him for his help at the full committee level because as the gentleman knows, we brought this up in a very expeditious way in the hope that we might qualify to bring this matter to the floor by April 14 which, as the gentleman knows, was a national day of remembrance of the Holocaust.

We missed that by just a little bit because of some parliamentary problems. But the gentleman has been extremely helpful to us on the full committee and at the subcommittee in making sure that we had our record, making sure that we received the requisite number of votes to bring it out under this procedure.

So I want to thank him for his help and support over the years.

Mr. HUGHES. I thank the gentleman. As the gentleman knows, in fact, this Genocide Convention came out of the tragedy, the grotesqueness of the Holocaust. It is appropriate that in fact we move it expeditiously to the floor. I am proud of the gentleman from Kentucky for moving it as he has. This implementing legislation has moved very speedily through the Congress thanks to the gentleman and also the ranking Republican on the committee.

Mr. RODINO. Mr. Speaker, genocide, the deliberate extermination of a racial, religious, or ethnic group: Is there a more heinous or diabolical crime which can be conjured up in man's mind?

Yet, modern history records within our lifetime and memories, two major occurrences of genocide.

Who can forget the Holocaust? An estimated 6 million Jews died in the years from 1933 to 1945. The Holocaust was unique in scope and barbarity, concentrating on the complete annihilation of one people, the Jews. This is the very definition of genocide.

Laws and physical persecution provoked anit-Jewish arrests and riots. Countries conquered and dominated by the Nazis forced Jews into crowded ghettos ravaged by disease and starvation. They were banished to concentration camps which culminated in executions in death camps at Auschwitz, Treblinka, Dachau, and Buchenwald. In 1942, this became the implementation of the final solution, the complete extermination of European Jewry.

If some are too young to recall the Holocaust, surely the wanton executions of untold millions under Pol Pot and the Khmer Rouge are still vivid. All prominent members of previous Cambodian regimes and all Cambodian citizens viewed as potentially hostile were rounded up and executed. All urban residents were sent to rural areas to work literally as slaves under the ruthless direction of soldiers. Untold millions were killed and dispersed.

All this demonstrates the imperativeness of this legislation, H.R. 4243, the Genocide Convention Implementation Act of 1988.

It has been a long time in reaching this point in the legislative process. In 1946, India, Cuba, and Panama proposed to the U.N. General Assembly that study should be given to declaring genocide an "international crime." The United Nations declared that "punishment of the crime of genocide is a matter of international concern" and asked member governments to create legislation for the prevention of genocide.

After the U.N. Council and the General Assembly considered the convention, it was unanimously adopted on December 9, 1948. President Truman signed it that year. Ninety-six nations have ratified the convention and every U.S. President since Truman has endorsed it.

After 37 years of consideration, the Senate gave its advice and consent to the treaty in 1986. The only remaining step is the passage of this implementing legislation. Once this is done, the President can then deposit the instrument of ratification with the United Nations.

How often have we heard the expression, "It can't happen here?" We may be complacent enough to think genocide is never likely to occur within our borders. Nonetheless, this legislation underlines our leadership role in the free world on behalf of the cause of human rights. Above all this bill clearly condemns this most vicious and barbaric crime.

History has shown that the crime of genocide has been visited upon ordinary good, unsuspecting people taken up in a manic and hateful atmosphere. Survivors and descend-

ants of survivors of genocidal criminality can attest to the fact that hatred of those who are different can provide vile and incomprehensible reactions, leading to the systematic elimination of those who are different.

I repeat, this legislation reinforces our moral credibility in the world and demonstrates our profound commitment to the dignity of man.

I urge my colleagues to vote for H.R. 4243.

Mr. FASCELL. Mr. Speaker, this is an historic day in this Chamber for human rights and the United States! This Chamber has before it legislation to implement the Genocide Convention. The General Assembly adopted that Convention back in December 1948—almost 40 years ago. It came into force in January, 1951. Many States of the world have ratified the convention, technically called the Convention on the Prevention and Punishment of the Crime of Genocide. Ratification requires advice and consent of the other body as well as enactment of legislation implementing the provisions of the convention.

The United States remains one of the very few governments that has not yet ratified the Genocide Convention. The United States signed the convention in 1948, and numerous Presidents, beginning with Harry Truman transmitted it to the Senate for its advice and consent. But the convention, like other human rights instruments languished for a number of years. The American Bar Association supported its ratification and along with public support from various groups it contributed to U.S. consideration of the convention. To his credit, President Reagan transmitted it to the Senate which finally gave its advice and consent in February 1986 when after adding eight provisos, approved the convention by a vote of 83 to 11.

Subsequently, in January 1987, Congressman RODINO, chairman of the Committee on the Judiciary, introduced H.R. 4243, the Genocide Convention Implementation Act which after due consideration in the Judiciary Committee was amended and reintroduced as a clean bill, the Genocide Implementation Act of 1988. The purpose of this legislation is to deter and punish, through criminal penalties, anyone who commits specified acts of violence specifically intended to destroy, in whole or part, a national, religious, ethnic or racial group. Adoption of this legislation will further full ratification by the United States Government of the convention.

Under the terms of the convention, final and full ratification cannot occur until implementating legislation is adopted. The administration has strongly supported U.S. ratification and this legislation. I hope that Members of this Chamber will give their full endorsement to it also. Passage of this legislation will enable the United States to join a majority of the members of the world community in upholding the international legal principles of this very significant international human rights instrument!

I strongly endorse the Genocide Implementation Act of 1988 and commend my good friend and colleague, Congressman RODINO for his significant work in bringing this legislation to the floor today. I would hope that passage of this legislation and subsequent full U.S. ratification would be followed by the administration's transmittal of other international human rights instruments that the United States has already signed to the other Chamber for advice and consent.

Mr. ATKINS. Mr. Speaker, I rise today in support of the Genocide Convention Implementation Act. Upon enactment of this legislation, it will finally become possible—after a delay of 41 years—for the United States to ratify the International Convention on the Prevention and Punishment of Genocide.

Mr. Speaker, in the aftermath of World War II, nations grieving for the victims of the Nazi Holocaust, convened at the United Nations. Their purpose was to ensure that never again would such atrocities—such wholesale slaughter of human beings on the basis of race, religion, nationality, or such distinguishing characteristics—be repeated. Henceforth, these nations agreed, genocide would be outlawed and perpetrators of genocide would be prosecuted.

Notwithstanding the requests of seven Presidents, the U.S. Congress steadfastly refused to ratify the convention. Instead, we comforted ourselves with "lest we forget" sorts of exhortations.

Well, Mr. Speaker, we did forget. In the wake of our own departure from the war in Veitnam and Cambodia, the evil leaders of the Khmer Rouge in Cambodia took over and systematically and wantonly destroyed from 1 to 3 million Cambodians. Slave labor, merciless torture, hunger, disease were all rampant in Cambodia—not by happenstance, not by an act of God or nature—but because of the malevolent Hitlerian dictator, Pol Pot and his henchmen.

The nations of the world had said "never again" after Nazi Germany, but indeed they were wrong. Genocide committed by Khmers against Khmers happened and the vows taken by so many to prevent another Holocaust were suddenly hollow and meaningless. It is our shame that genocide did occur again in our midst and we did nothing.

Haing Ngor, the actor who starred in the movie the Killing Fields, described in his own recently released autobiography the harrowing effects the crimes committed by the Khmer Rouge had on his own life:

> Day after day the purge grew worse. Some were taken away for complaining, most for stealing food to stay alive. We tried to learn why the Khmer Rouge were killing so many but found no real reason. It was just something they did, a craving they could not satisfy. They created enemies to devour, which increased their appetite for enemies . . . Shock, horror, grief—with the death of my father, part of us died too. Two weeks later, my brother and his wife were taken away with their hands tied. They never came back. There were only two of us left to pray for their souls. We wondered who would light candles for us.

The genocide of Cambodia is not an event of the far distant past. It is yesterday's tragedy. One has only to walk among the Cambodian refugees housed in camps on the Thai-Cambodian to understand the sadness, the poignancy, the emptiness of the lives of the survivors. For them, the only memorial to a holocaust is the refugee camp where they wait—wait for the long trip home when times are better and their country is restored to normalcy.

And, so today, we pass the legislation that at the very least gives greater credence to our abhorrence of genocide. I remain perplexed, Mr. Speaker, why this day is so long in coming, but at least it has arrived. Now, Mr. Speaker, let us attach some greater meaning to American ratification of the treaty by bringing to justice one of the world's most heinous criminals, Pol Pot. Let us not pass today's legislation and expect that it in itself will produce the moral suasion to protect future victims. We know now that that is not enough. Only by prosecuting, by exposing and punishing Pol Pot, who lives and plots to this very day, will we make people understand that perpetrators of genocide cannot go free, unencumbered by their crimes, by their hatred and the spectre of punishment.

Mr. YATRON. Mr. Speaker, after four decades, it appears that the United States will soon ratify the Genocide Convention. The House of Representatives passed the implementing legislation and hopefully the U.S. Senate will not be far behind.

Out of the ashes of the holocaust, the newly founded United Nations wanted to put an end to the scourge of genocide, so on December 9, 1948, the U.N. General Assembly adopted and proposed for signature and ratification a Convention on the Prevention and Punishment of the Crime of Genocide. On December 11, 1948, during the Truman administration, the convention was signed.

Despite this historical signing, the convention did not receive the advise and consent of the Senate for many years. On April 24, 1985, the House Foreign Affairs Subcommittee on Human Rights and International Organizations, which I chair, marked up a resolution expressing the sense of the House of Representatives with respect to the ratification of the Convention of the Prevention and Punishment of the Crime of Genocide. The resolution was amended and passed by the House on May 21, 1985. After 27 years, the Senate gave its advise and consent to the treaty in 1986.

Mr. Speaker, the Genocide Convention, which U.S. representatives to the United Nation had a significant role in drafting, is an important human rights instrument. Genocide is the most abhorrent of all human rights violations, and the convention establishes a procedure to try any person(s) charged with committing such an act.

The convention also focuses attention on that repugnant crime. Hopefully, by instituting this convention and drawing attention to this heinous act, we will never again witness such a deed.

Mr. LEVIN of Michigan. Mr. Speaker, I rise in support of this bill. This month is known as the Days of Remembrance as we commemorate the holocaust, so it is perhaps especially fitting that we consider approval of the Genocide Convention at this particular time.

Forty years ago the Genocide Convention was adopted unanimously by the U.N. General Assembly. Although the United States signed that agreement, final, formal ratification

cannot occur until Congress submits its advice and consent. One can only wonder why we allowed for 40 years our best intentions to be overcome by debate. This bill now has bipartisan support in both Houses of Congress and it has support in the key executive branches—State and Justice. We must not delay this bill's passage another moment.

Those of us who have become familiar with the tragic histories of the holocaust, the Armenian Genocide and the displacement of one-third of the Afghan people know fully that no piece of legislation could have stopped these atrocities. We know the bill is mostly symbolic. It's symbolic of our commitment to the sancitity of human life. And it's symbolic of our special commitment to minority groups and ethnic groups, many of whom have faced serious threats to their population.

But this bill is not only symbolic. It defines acts which constitute genocide and establishes laws governing the investigation and prosecution of those who perpetrate genocidal acts. And perhaps more importantly it requires the signers of the convention to deter, to prevent, these acts of genocide. By formally ratifying the Genocide Convention we pledge ourselves to observe a legal, as well as moral obligation, to never forget previous genocides, and to never again allow genocidal acts to occur.

Mr. Speaker, I urge my colleagues to vote for this legislation.

Mr. GEKAS. Mr. Speaker, I rise in somewhat reluctant support of H.R. 4243. I support the intent of the legislation and that is to implement the International Convention on Genocide negotiated in 1948 which the U.S. Senate ratified only after some 40 years.

However, what H.R. 4243 fails to do is a glaring defect which may in fact make what we do today entirely nugatory. The criminal penalties in this bill should include the death penalty. For if there was ever a crime that merited capital punishment it certainly would be genocide. Some 40 States apply capital punishment for deeds which pale in significance to the crime of genocide. Yet H.R. 4243 does not contain the death penalty—even for the intentional, wanton slaughter of an entire race. I find this omission unconscionable.

I fear that if we punish the crime of genocide less severely than nearly 40 of our States punish ordinary homicide we are making an unfortunate statement on the culpability of the respective offenders. We are holding the Eichmanns of this world to a lesser moral standard than we do the least advantaged of our citizens—an indefensible duality when one considers the overwhelming evil of genocide.

Since this bill is being brought up under suspension, I am precluded from offering the amendment which I did at the Judiciary Committee to apply the death penalty to genocide. I support the bill now only in the hope that the Senate will be able to fill the gap which we have left.

Mr. Speaker, I can conceive of no more serious a crime than genocide and I can think of no reason for not imposing the most serious punishment permitted under our system of laws. H.R. 4243 does not do that and for that reason it makes but a garbled moral statement about what is and what is not the most reprehensible human conduct.

Mr. SWINDALL. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI] that the House suspend the rules and pass the bill, H.R. 4243, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on H.R. 4243, the bill just passed.

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

There was no objection.

INTERNATIONAL CHILD ABDUCTION REMEDIES ACT

Mr. FRANK. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3971) to establish procedures to implement the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, and for other purposes.

The Clerk read the Senate amendment, as follows:

Page 5, strike out lines 2 to 7, and insert:

(a) JURISDICTION OF THE COURTS.—The courts of the States and the United States district courts shall have concurrent original jurisdiction of actions arising under the Convention.

The SPEAKER pro tempore. Is a second demanded?

Mr. SWINDALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes and the gentleman from Georgia [Mr. SWINDALL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

□ 1240

Mr. FRANK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the day in which the House is being asked to face up to some very difficult issues.

Having gone on record against genocide, we will now forthrightly condemn child abduction.

The House has already passed this bill. It was necessitated by a treaty which we signed. We do have a serious problem where in cases of divorce or separation there have been cases of the noncustodial parent abducting the child from the custodial parent. When that happens within the United States, our legal system has been able in many cases to deal with it, but there is a pattern that has tragically developed of the noncustodial parent in some cases kidnapping a child and taking that child to a foreign country.

The U.S. Government has signed a treaty with several countries where we have commonality in our legal system to set up procedures whereby we can litigate to recover the child. And it is obviously a very important thing for us to do; namely, to prevent children from being used as pawns. The trauma and the horror that is inflicted on the child, who is the victim, is inordinate. Having children who have a right to live in one country with the custodial parent, forcibly abducted to live in a foreign country or country where that child may not know the language, that ought not to be, and it is our obligation to do everything we can do to prevent that.

Mr. Speaker, this bill implements that treaty. It was passed, as I said, a couple of weeks ago unanimously. It went to the other body. There was a minor difference on some details; namely, dealing with what the jurisdiction ought to be in the courts. The House had modified it; the lead was taken in that by our colleague from Maryland who serves on the subcommittee, Mr. CARDIN. He was asked by the chairman of the full committee and myself to work out the differences. He was satisfied, after some conversation, that we could all live with the way the Senate did it; the administration I should say.

The Justice Department clearly preferred a different way. The State Department, while it concurred in the Justice Department's presentation, concurred with a certain lack of enthusiasm leading me to believe that they preferred it the way the Senate did it.

In any case I do not think anyone thinks these are major differences of the sort that ought to slow this bill down, so I hope we will concur in the Senate amendment. That will allow the bill to go to the President. He will sign it. The process of the ratification of the treaty will begin, I think, as soon as we act today, and we will not have a magic answer, but a much better set of procedures to deal with the problem of abductions.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to congratulate the gentleman from Massachusetts, the chairman of the Administrative Law Subcommittee, for his excellent work on H.R. 3971, a bill to establish procedures to implement the 1980 Hague Convention on the civil aspects of international child abduction. It is a good piece of legislation.

Child abduction is a serious problem. In most instances it is just an effort on the part of the noncustodial parent to escape the jurisdiction of the court that has awarded custody of the child or children to one particular parent. This, in fact, is very carefully drawn. It does not remove from the States, and that is clearly spelled out, jurisdiction over a child, custody and care, but it does, in fact, implement an international convention to deal with those cases where, in fact, a child has been abducted.

Mr. FRANK. Mr. Speaker, I thank the gentleman from New Jersey. His expertise in the field of criminal law is available to the rest of us on the committee, and we appreciate his support.

Mr. SWINDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we now have before us, H.R. 3971, addresses head on an issue that has become increasingly important to citizens of our country and of foreign countries as well. I would like to concur with the remarks made by my colleague, Mr. FRANK, the chairman of the subcommittee from which this bill originated in the House, and to commend our colleagues in the Senate for acting on this legislation.

In recent years, there has been an increase in the abduction of children from one country, who are then transported into a foreign country in order to evade enforcement of the child custody laws against the abductor. Certainly a person who abducts a child should not be able to succeed in that abduction simply by fleeing to a foreign country and then hiding behind legal obstacles in that foreign country in order to keep that child from being recovered by his or her rightful custodial parent. This legislation addresses that problem by implementing the Hague Convention on the Civil Aspects of International Child Abduction.

H.R. 3971, like the Hague Convention, sets forth procedures under which a parent whose child has been abducted may seek recovery of that child in a foreign country without the obstacle of a protracted custody battle. The purpose of the convention is simply to return the custody of the child to the status quo that existed before the child was abducted; then, if a legal custody battle is to ensue, at least the wrongdoer will not benefit from a lenghty legal contest by having custody of the child during the pendancy of the legal dispute.

Members of the Subcommittee on Administrative Law and Governmental Relations in the House hammered out some of the issues surrounding this legislation at the subcommittee level and further at the full committee level. The language of the Senate amendment to the House bill regards concurrent jurisdiction of the Federal and State courts over the procedures set forth by this legislation. The Senate language regarding court jurisdiction was part of the original House bill and was subject to debate in the committee process on the House side. Many of us in this body felt that the language of this bill should have remained in its original form to begin with. Consequently, we have no objection to accepting the Senate amendment with regard to Federal and State court jurisdiction over these procedures.

I commend my colleague from California, Mr. LANTOS, for introducing this bill, my colleagues on the Judiciary Committee for the constructive debate regarding this bill, and our colleagues from the other body for moving this important legislation in an expedited fashion.

Mr. FRANK. Mr. Speaker, I again yield myself such time as I may consume.

Mr. Speaker, I want to congratulate and thank my friends on the other side, the gentleman from Georgia, who is helping out, and the gentleman from Florida, who has to be absent today but was very cooperative.

I did not want to point out that this is an example of interbranch comity. I want to point that out probably because serving in the legislative body means you get to say the word "comity," which nobody else in the world ever says.

But we had a conference last December on the State Department authorization bill in which our colleagues on the other side of the building included a number of matters that were within the jurisdiction of the Judiciary Committee, and several of us at the time asked that those be deferred because we wanted to preserve committee jurisdiction, and I want to be able to report this was one of those. My colleagues should understand that was a good-faith effort, and I think it is important to point out that, of all the issues that were in that authorization that we thought should not be, I believe that the Judiciary Committee has either completed action or is undertaking action.

So I want to say that to give some legitimacy to the committee process. We thought that these things would benefit from the committee being able to study them. In fact, the committee made some changes here which the Senate concurred in, and I think that is a useful thing to point out.

Mr. Speaker, I also want to include at this point in the RECORD, although I will ask for general leave, statements by two of the men who are very much responsible for the successful conclusion of this. First, the chairman of the full committee, the gentleman from New Jersey [Mr. RODINO] whose leadership on this and other things has been very important; and, second, the gentleman from Maryland, whom I already mentioned, who took a very active part in this and was very helpful in bringing it to a conclusion.

Mr. RODINO. Mr. Speaker, the Committee on the Judiciary considered H.R. 3971 on an expedited schedule so that abducted American children can be returned home as soon as possible. The bill provided for implementation of the Hague Convention on the civil aspects of international child abduction.

The House passed H.R. 3971 on March 28, 1988, under suspension of the rules, and I now urge my colleagues to accept the Senate's single amendment. The Senate's amendment would provide for concurrent jurisdiction in State and Federal courts for actions which arise under the convention. In effect, this result is in large part the same as the House-passed version. The House-passed version provided for jurisdiction in State courts for actions seeking the return of an abducted child and jurisdiction in Federal court for consideration of Federal questions.

Enactment of H.R. 3971 offers hope to the anguished parents who lose their children abroad in violation of our laws and international law. At present, it is estimated that over 3,000 children have been abducted across international boundaries and now live in foreign countries in violation of custody orders. The 1980 Hague Convention will assist these parents. It also applies to abductions from the child's place of habitual residence prior to the issuing of a custody order.

H.R. 3971, the International Child Abduction Act, has strong bipartisan support in the Congress for obvious humanitarian reasons. Mr. Speaker, I urge my colleagues in the House to concur in the Senate amendment and pass H.R. 3971.

Mr. CARDIN, Mr. Speaker, H.R. 3971, the International Child Abduction Remedies Act provides for implementation of the Hague Convention on the civil aspects of the international child abduction. As this bill passed the House on March 28, 1988, it provided that State courts would have jurisdiction over actions for the return of a child abducted cross international borders, and that jurisdiction would be available in the Federal court for these actions under the general standards for Federal jurisdiction.

The Senate has now passed H.R. 3971 with a single amendment. This amendment provides that the State courts and the U.S. district courts will have concurrent jurisdiction

over actions which arise under the convention.

From a practical standpoint, the approaches taken by the two versions have the same result. Litigation in these cases will always arise under this Federal law and under the convention, and thus will be subject to Federal court jurisdiction because they will involve Federal questions. They will also typically involve individuals who are citizens or subjects of foreign states, and will therefore be able to be brought in Federal courts because of diversity jurisdiction.

Although the two approaches have the same practical effect, the Senate approach could avoid any delay in obtaining an expeditious hearing in these cases by preventing the possibility of any litigation over whether Federal or State court jurisdiction is most appropriate in a particular case. Therefore, I urge this House to agree to the Senate amendment.

In doing so, however, I believe it is important to emphasize the view of Congress that we have no intention of expanding Federal court jurisdiction into the realm of family law. In fact, Congress reaffirms its view that States have traditionally had, and continue to have, jurisdiction and expertise in the area of family law. Here we are not intruding into this jurisdiction. Rather, we are simply providing through simple and unambiguous language that in the special circumstance where international child abduction is alleged, both the Federal and State courts should be available to resolve the claims. As a matter of fact, the State courts will often provide the best fora for these cases because their backlogs are often substantially less than those of the Federal courts in many parts of the country.

Passage of this legislation is essential to the ratification of the Hague Convention on international child abduction, and I urge that the House concur in the Senate amendment.

Mr. YATRON. Mr. Speaker, the Hague Convention on the Civil Aspects of International Child Abduction has as its purpose the establishment of uniform rules to be applied in cases of international child abduction. The convention addresses problems created when children are wrongfully removed or retained abroad due to parental custody disputes and requires that these children be returned to the country of their habitual residence upon application of the left behind parent. It also provides for establishment of a central authority in every government that is a party to the convention to receive and facilitate processing of requests for return of children.

The convention was adopted October 24, 1980 at the 14th session of the Hague Conference on Private International Law by a unanimous vote; currently 29 states have signed it and 9 of these have ratified it: Australia, Canada, France, Hungary, Luxembourg, Portugal, Spain, Switzerland, and the United Kingdom. The Hague Conference, incidentally, was established back in 1893 at the initiative of the Dutch Government, to promote the progressive unification of the rules of private international law and has worked in such areas as family law, international judicial assistance, and recognition and enforcement of foreign judgments.

The United States signed the International Convention on Child Abduction in December 1981, and the U.S. Senate gave its advice and consent to it in October 1986. However, the administration considered that the U.S. Government had not yet ratified it because Federal legislation would be needed to give effect to various provisions of the convention. The Department of State sent Congress an executive communication on implementing legislation in March 1987; Congressman LANTOS, my colleague from California, introduced the proposed implementing legislation, H.R. 2673, in the House on June 11, 1987. He reintroduced a similar bill in February 1988, that responds to concerns raised in hearings before the Committee on the Judiciary and the Committee on Ways and Means.

Last fall, during consideration in the House-Senate conference on the Department of State Authorization Act for fiscal year 1988 and fiscal year 1989, the Senate offered amendments to that legislation that would have the effect of implementing the convention. However, the House conferees opposed adoption of the amendments because the House Judiciary and Ways and Means Committees needed to consider them. In addition, I believed it would be appropriate for the Subcommittee on Human Rights and International Organizations to discuss the convention and proposed implementing legislation.

I am very pleased that our distinguished colleagues in the House Committee on the Judiciary and on Ways and Means have been able to act quickly to consider and recommend legislation implementing the convention. And, I commend them for their expeditious work.

H.R. 3971, the International Child Abduction Remedies Act, provides necessary legislation to implement the provisions of the convention. It establishes jurisdiction in the State courts for actions that develop under the convention; it also establishes a U.S. central authority to discharge the duties imposed on the United States by the convention and to cooperate with other competent authorities of ratifying countries to secure the prompt release and return of children.

I strongly endorse passage of H.R. 3971, and applaud the careful work of the sponsors of the bill and the House committees responsible for bringing it to conclusion here today.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3971.

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

There was no objection.

Mr. FRANK. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. FRANK] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3971.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

□ 1250

A LESSON IN HYPOCRISY

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

Mr. FRANK. Mr. Speaker, I want to talk briefly today about hypocrisy.

Several months ago I joined a number of my colleagues in opposing legislation that would have banned tobacco advertising. I believe that tobacco smoking is clearly harmful, cigarette smoking in particular, where people inhale. I think the cigarette companies have done a very poor job in coping with this health issue, and I think we ought to be taking measures like strong labeling measures and increased taxes on cigarettes to discourage smoking; but my belief in untrammeled freedom of expression leads me to oppose restrictions on advertising. I think free speech means that people have got to have the right to say bad things and stupid things within a very wide range, although there are obviously limits and people ought not to be allowed to do specific advocacy of certain violent acts and criminal acts; but I think it was a mistake for people to try to ban cigarette advertising.

I found myself aligned with many of the cigarette companies in opposing restrictions on advertising, and I expressed the hope at the time that those with whom I was aligned, the cigarette companies, would not limit their support for untrammeled free expression only to their right to sell a product, because it would bother me to think that they were simply using the first amendment for their own commercial purposes and professing to believe in free speech, when they did not, and free expression, when they did not.

I thought they were right to oppose restrictive legislation. I had expressed the hope that this would be part of a general effort by them to support freedom of expression.

I was, therefore, appalled, Mr. Speaker, absolutely appalled at the hypocrisy of the R.J. Reynolds Nabisco Co. when they fired their advertising agency because that advertising agency helped Northwest Airlines publicize its antismoking policy.

Now, I recognize that there is a very real difference between Government and private entities. Free speech constitutionally is directed at Government restrictions. It does not apply to private corporations. I do not suggest that it does, and it is clearly much more damaging to have the Government shutdown speech than to have a

particular private entity move against freedom of expression, because the Government is so all-encompassing.

But the spirit is the same in both cases. When the R.J. Reynolds Nabisco Co., tells us not to restrict cigarette advertising because it would inhibit freedom of expression and they then fire their advertising agency because it expressed for Northwest Airlines a particular viewpoint, we are seeing hypocrisy at its most blatant and graphic form.

I want to tell my temporary allies in the cigarette industry that the behavior of R.J. Reynolds has sadly, in my judgment, weakening their ability to beat back that legislation. I was still opposed. I remain committed to the notion that people in this society have a right to say stupid and offensive things. That seems to me essential to a democratic society; but when a cigarette company uses the arguments of free speech and the rhetoric of free expression to oppose legislation, and then turns around, and remember, they did not fire this advertising agency for working for a competitor. That seems to me an entirely legitimate response, if someone is working for your competitor.

This advertising agency at the behest of another client prepared advertising which expressed that client's view that not smoking would be better on airlines.

In other words, R.J. Reynolds Nabisco was not saying that these people were helping my competitor. They were not saying that they were betraying confidential information from R.J. Reynolds. What they were saying was that if you indulge in the freedom of expression that we think should be untrammeled, if you engage in freedom to express through adverstising, which we have said is so important, and we do not like what you say, we are going to financially hurt you, and that attitude is wholly inconsistent with any true respect for free expression.

Mr. Speaker, I hope that other cigarette companies will not do anything remotely like that.

There will be other antismoking campaigns. There will be specific antismoking activities that I will agree with, a few I might disagree with. If the cigarette companies and the larger companies of which they are part follow the path of R.J. Reynolds and seek to use their financial clout to discipline people who express disagreeing views with them, they are going to undermine what I think is a very important fight, and it is preserving the right of untrammeled free expression in this country. It is not only hypocritical to do what R.J. Reynolds did, it is shortsighted.

DEMOCRACY IN THE PHILIPPINES

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

Mr. PENNY. Mr. Speaker, I'm taking this time today to submit into the RECORD a letter from a constituent, Dr. Jim Eddy, a professor at Winona State University in Minnesota. In his letter, he describes his observations of the emerging democracy in the Philippines. I believe you will find it as encouraging as I did. Mr. Speaker, I include the text of Dr. Eddy's letter immediately following this letter:

WINONA STATE UNIVERSITY,
Winona, MN, April 11, 1988.

Representative TIMOTHY J. PENNY,
Cannon Office Building,
Washington, DC.

DEAR TIM: My recent trip to the republic of the Philippines from March 22 to the 29th has left me totally impressed.

Under President Corazon Aquino's leadership and the support of many others, the people to the Philippines are institutionalizing a participatory democracy. In the Philippines the people are voting for constitutions and elected leaders, but much more; they are directly involved in the public policy debate on land reform and the United States base issue. This suggests the Philippines has emerged from an authoritarian issue translating process to one that is democratic in nature.

The evidence of how democratic the issue translating process is in the Philippines was made known to me in several ways:

First, the climate of dialogue is open and relaxed. Yes, there is an insurgency confronting the Philippine republic, but this doesn't inhibit the discussion on land reform or the status of United States bases.

Second, everyone is participating in the dialogue. My discussions with Secretary Philip Juico of the Department of Agrarian Reform underscored the dedication of the Aquino government to develop legitimate power via land reform. Secretary Juico repeated several times how important it is to institutionalize advocacy on the part of the people. The opposition led by such articulate leaders as Erique Zobel confirmed my belief that everyone, except the insurgents, wants to construct nation building within the framework of the Philippine Constitution.

Third, the public is being well-informed on such issues as land reform and the bases. What I learned from my interviews with Secretary Juico and Mr. Zobel is being communicated very well in the several newspapers. In my discussions with students and professors at De La Salle University as well as taxi drivers etc., the public is informed and communicating their opinions to political carriers in a very substantive way.

Fourth, the development of public policy is being constructed with an emphasis upon comprehensive planning. The political carriers and policy makers in the Philippines know where they want to go on land reform, because a great deal of research and rational thought has been applied. Yes, differences exist on how much of an initial payment should be made to the owners, but there is no disagreement on the need for land reform. This consensus is the effect of much more than the insurgency; it is the result of excellent academic input from such dedicated professionals as Dr. Luzviminda B. Cornista of the Institute of Agrarian Studies at the University of the Philippines. What I learned from Dr. Cornista in an interview at Los Banos was underscored by professors such as Daniel Guzman, George Pahl and Eduarco Salgado.

What does this experience in the Philippines suggest for United States policy?

First, the United States must discipline its involvement in Philippine's affairs to a role of supporting the realization of an emerging participatory democracy. Such support should include:

1. Confining our involvement to responding to the initiatives of the Aquico government. This seems most appropriate for our macro concern should be with the continued development of a participatory democracy and the application of a democratic issue translating process to the issues of land reform and the negotiations on the bases.

Second, apply the lessons of the Camp David negotiations to our current discussions with the Aquino government on the future of the bases. At Camp David the approach was to utilize the advice of Roger Fisher, and emphasize conflict resolution. For the United States, this means communicating to the Philippine negotiators the positive aspects of our relations. What differences may exist on such matters as sovereignty vis-a-vis the bases should be negotiated only after there is established a consensus on the specifies on mutual interest to have the bases there. If this cannot be established, then we must find another base for deploying United States forces in the region.

Third, the Congress must provide the leadership in this election year regarding the need to financially support the efforts of the Aquino government to institutionalize land reform etc. Our interests in the Philippines must be primarily in stabilization via land reforms etc., and not the bases. Congress must prevent the base negotiations from becoming a dominate political issue in 1988. We don't need another reactive political outburst such as took place in 1980 over the Panama Canal Treaty.

In conclusion, I was deeply impressed by what I saw and heard in the Philippines. After twenty years of authoritarian rule by Marcos, the Philippines is an open and relaxed participatory democracy. We should express our gratitude to the Philippine people for their remarkable efforts by publically encouraging their efforts with positive support. Such support must include respect for their sovereignty, and financial assistance for their nation building efforts.

Sincerely yours,

JIM EDDY, Ph.D.

THE SATELLITE SURVIVABILITY ACT OF 1988

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

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation to help prevent a United States-Soviet arms race in antisatellite weapons and help ensure the long-term survivability of United States military satellites.

Over the past 20 years, the United States has become enormously dependent on military satellites for communications, early warning of attack, arms control verification, and intelligence gathering. It is widely agreed that

the United States is more dependent on satellites than is the Soviet Union. According to one military trade publication, U.S. "dependence on them—satellites—is deepening with every tick of the clock."

Given our Nation's heavy reliance on military satellites, an important objective of U.S. national security policy should be the protection of our satellites from possible disruption or attack. This goal can be reached in two ways. First, by preventing the Soviet Union from developing a sophisticated and lethal antisatellite capability. And second, by incorporating into our military spacecraft various technical and design characteristics that help guard them against attack.

The first of these approaches requires an arms control agreement placing strict, verifiable limitations on weapons capable of damaging or destroying satellites. No existing arms control agreement restricts antisatellite weapons. The 1972 Anti-Ballistic Missile Treaty provides only perfunctory restrictions on Asat's by prohibiting interference with "national technical means of verification," which include reconnaissance satellites. The 1967 Outer Space Treaty prohibits the deployment of nuclear weapons in space, but does nothing to restrict nonnuclear Asat's or nuclear Asat's not based in space.

During 1978 and 1979, the United States and the Soviet Union held three rounds of Asat talks, during which the United States sought a comprehensive ban on the development, deployment, and use of weapons capable of damaging satellites. The Reagan administration, however, has refused to resume Asat negotiations, despite repeated calls from Congress to do so. Instead, the administration has relentlessly pursued the objective of deploying Asat weapons to threaten Soviet satellites.

Administration officials have claimed that United States Asat weapons are necessary to deter the use of Soviet Asat's. But at the present time, the Soviet Union possesses only an extremely crude Asat capability, based on 1960's technology. By pressing ahead with the development of a sophisticated Asat system, the United States would invite the Soviets to do the same. As a result, U.S. satellites—the vast majority of which are presently secure against attack—would become vulnerable as never before. Moreover, the existence of a sophisticated United States Asat system would do little to deter Soviet Asat use in the event of an emerging conflict.

When it comes to Asat's, the deterrence argument doesn't work. Since the United States is more dependent on military satellites than is the Soviet Union, a tit-for-tat Asat battle would be of relative benefit to the Soviet Union at each step of the conflict. Moreover, because the Soviet Union has a far more robust space launch system than does the United States, the Soviets are in a far better position than we are to quickly replace satellites destroyed during an Asat battle.

As you know, Mr. Speaker, this body has for the past 4 consecutive years voted for a moratorium on Asat tests against objects in space. That moratorium is existing law, and it has helped forestall an Asat arms race. The existing Asat test moratorium, however, represents only an incomplete and temporary measure for constraining Asat's. What is needed is a more comprehensive approach to the problem of ensuring the survivability of U.S. military satellites. The legislation I am introducing today is designed to serve that purpose. I encourage my colleagues to support the Satellite Survivability Act.

ASAT TEST MORATORIUM

This section of the bill would prohibit the United States from testing a dedicated antisatellite weapon against a target in space so long as the Soviet Union does not test an antisatellite weapon. This provision is similar to existing law, but it is broader. The Asat test ban now in effect applies to any Soviet Asat, but for the United States it restricts tests of only the so-called miniature homing vehicle Asat under development by the Air Force. The Satellite Survivability Act would prohibit the United States from testing any form of Asat against an object in space so long as the Soviet Union refrains from Asat testing. If the Soviets resumed Asat tests, the United States could do the same.

ASAT TREATY LIMITATIONS

This section calls on the President to negotiate with the Soviet Union a mutual and verifiable treaty placing strict limitations, on antisatellite weapons. In the process of such negotiations, the President is urged to pursue the Soviet offer to dismantle existing Asat's. The objective of the negotiations should be to develop an Asat Limitation Treaty that would prevent either nation from developing an Asat capability that could pose a rapid, coordinated attack on satellites at all altitudes.

SATELLITE SURVIVABILITY PLANS

This section of the bill is designed to make sure that the Department of Defense is taking the necessary precautions to ensure that United States military satellites are survivable against projected Soviet Asat threats. The Secretary of the Air Force would be required to send classified "satellite survivability plans" to Congress each year describing the technical measures incorporated into U.S. military satellites to help protect them from attack.

In the past, the Department of Defense has not spent sufficient funds on satellite survivability measures. Nor has the Pentagon paid enough attention to the use of arms control limitations as a means of constraining Soviet Asat capabilities. The plans called for by this legislation would provide Congress with information on the cost of implementing additional survivability measures beyond those already incorporated into the Nation's military satellite systems. As a result, Congress would be in a better position than it is today to invest in measures to make U.S. satellites more survivable. Such investments might be viewed by Congress as a better approach to the satellite survivability question than paying for systems designed simply to threaten Soviet satellites.

ASAT POTENTIAL OF MISSILE DEFENSE SYSTEMS

This section is designed to help bring attention to the antisatellite capabilities of technologies being developed for defense against ballistic missiles. Lasers, particle beams, and kinetic kill vehicles under development in the strategic defense initiative [SDI] Program—and its Soviet counterpart—may never lead to systems capable of intercepting a large-scale missile attack. In the pursuit of such systems, however, both superpowers could produce weapons that threaten essentially all orbiting spacecraft, including elements of a space-based defense.

The Satellite Survivability Act would require the Secretary of Defense to report annually to Congress on the Asat potential of technologies within the SDI Program. In particular, the Defense Secretary would be required to inform Congress of the Asat capabilities of each specific SDI technology to be tested which is capable of being used to damage or destroy objects in space. In addition, the Secretary would be required to assess the threat posed to United States satellites if the Soviet Union were to test, at similar levels of performance, technologies under development within the SDI.

THE CHOICES WHICH FACE THE AMERICAN PEOPLE IN 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. I want to talk this afternoon, Mr. Speaker, on the choices which face the American people in 1988 and on the fact that we are in many ways at a crossroads, a crossroads which is as great as the crossroads we faced in 1980 when at the end of 4 years of Carter's liberalism, with 13 percent inflation and 22 percent interest rates, with a decaying America, with problems overseas and a weak military, the American people chose to leave malaise and move toward hope and opportunity by electing Ronald Reagan.

I think that this year's choices are just as real and just as deep and, quite candidly, I do not believe either party has addressed them yet. I think that this year's choices relate to the future of our children and grandchildren, to the security of our parents and grandparents, and to whether America will be prosperous and safe in the next decade.

In order to understand this, let me suggest that there is a way of thinking about human problems which suggests that there are four layers of solution; that first, you have to have a vision of what you are doing. Only after you have a vision of what you are doing can you begin to develop strategies for doing it.

Once you understand your vision and strategies, you then have to develop specific projects which are definable and delegatable solutions, achievements, something you can say, "Please get that done."

Finally, you have to have everyday tactics that fit your vision and your strategies. These four levels are important because the top level drives the other levels. Your vision of what you are doing drives the rest.

For example, for days and days we watched the Kuwaiti airliner that was

being held hostage, the people on the airline, the innocent victims being killed. That was a tactical event. On the scale of terrorism in the world, that was an incident.

We read about the Japanese Red Army terrorists being picked up on the New Jersey Turnpike. That was a specific tactical incident.

At the vision level, the question we have to ask is, what would a world be like that did not have any terrorists? We have to answer that larger question.

Each night we see violent crime on our streets—tactical incidents.

Each night we read about the problems of youth gangs in Los Angeles. We see the problems of drug dealers in the District of Columbia. Those are tactical incidents.

At the vision level, the question has to be, what is our solution? What is America's vision of drug-free America?

At the vision level, frankly, Republicans are baffled right now, because when you ask the American people the question, "Are we on the right track or the wrong track?" about 55 percent of the American people say that we are on the wrong track. Only 34 percent say we are on the right track, and Republicans at the end of 8 years with Ronald Reagan say, "My goodness, this is bad news. How can we somehow convince them we are on the right track?"

I think that is exactly the wrong question. Take the list of any week's news: terrorism, AIDS, drugs, violent crime, economic competition from overseas, our trade deficit, our Federal budget deficit, go down the list of any given week's news and I would suggest to you that any reasonable person would conclude that America today is not on the right track. We do not have welfare reform to require work of able-bodied adults. We do not have an effective war on drugs that is protecting our streets, cleaning up our neighborhoods and saving our children. We do not have a cure for AIDS and we do not have a clear program for taking care of those who have AIDS. We do not have today the kind of educational reform necessary for our children and grandchildren to compete with Koreans, Brazilians, and Germans in the world market.

The fact is, to put America on the right track is going to require change; but I think it can require changes that occur without any great risk.

I think the challenge to the Republican Party is to recognize, first, that the battle cry for 1988 cannot be that we are really doing everything right, let us continue. The battle cry for 1988 has to be that we have begun to recover from Jimmy Carter and the liberal welfare state and the sickness of the seventies. Now we need to move on into the nineties with continuing changes in the right direction.

Change is essential, because frankly, we are living through the third great wave of change in human history. Look at Cable Network News, look at C-SPAN, which is on right now, look at home computers, talk about the capacity on a worldwide basis, use the telephone, look at the jet airplane, it is clear that the world is continuing to change. Just as mankind went from hunting, gathering, to agriculture, the first great transformation, and just as mankind went from agriculture to an industrial revolution, the second great transformation, in Alvin Toppler's language, we are now going through the third great wave of change.

The challenge for 1988 is, Which of the two political parties can best help America take change on America's terms? Which of the two political parties can best help America move into the 21st century in a way that is safe and secure, but that also brings us prosperity and new opportunities?

At that level, let me suggest, both parties are failing, and the failing is massive.

In fact, I would suggest if you look at all the problems and challenges facing America, that our political leaders in both parties have been giving us solutions that are about three orders of magnitude smaller than our problems. When you look at child care, at the difficulties of people living longer and therefore needing long-term health care and long-term nursing care, when you look at the problems of illegal drugs or the difficulties of dealing with terrorism, again and again as we look around, our solutions, whether they are Republican or Democrat, have been about three orders of magnitude too small.

Now, what does that mean? An order of magnitude is a factor of 10. In other words, if you go to a luncheon and you think you are ordering a $2 meal, but you are off by an order of magnitude, they charge you $20; if you are off by two orders of magnitude, they charge you $200; or to use a different example, imagine that you were going to brainstorm how to go from Washington to Los Angeles quickly. If somebody got up and said, "I know. Why don't we start walking west? We can cover 2½ miles an hour." That would be literally two or three orders of magnitude too small. Most of America would probably say, "Who else has an idea?"

But in Washington, DC, the proposal to walk west would be debated in public hearings for at least 3 years and the editorial pages would argue over whether we should be walking west in Nikes or Reeboks. If you think I exaggerate, I would say to my colleagues, read any week's clippings of what American politics and politicians talk about and compared to the challenges to our children and our grandchildren of America in the nineties, they are trivial. They are tactical answers to what are vision level problems.

Now, there are ways to reach the right order of magnitude, and I want to suggest two major steps that the Republican Party and, frankly, the Democratic Party should take. They are based on the idea that if you look at American history for 200 years, it has been clear that our citizens are smarter, know more, do more and are closer to reality than government and bureaucracy and politicians. There is 1 President, 100 Senators, 435 House Members, out of a country of approximately 250 million, so that leaves another 249,999,500 people available to help advise us on what we need to be doing to get to the right order of magnitude.

□ 1305

That means that the right solution to health care probably today is to be found in a town in Colorado, or Arizona, or Connecticut, or Georgia where somebody has worked out the right solution, that the right model of nursing-home care for people over 100 years old probably exist somewhere in America today if we knew where to go, that the right model of taking care of drugs and creating a drug-free neighborhood exists somewhere possibly in Oregon, or Florida, or in New York if we knew where to look.

That leads me then to the following four-step process for politicians in an age of change.

We have to learn first to listen, then we have to learn itself, then we have to help, and then we can lead. Let me start with learning to listen. We must go out and listen to the American people. Where are the best child-care programs, where are the best health-care programs, where are the best preventive-health programs, where are the best wellness programs, what are the kinds of things being done so our young people learn to read and write and to do mathematics, where is the best calculus program?

There is a new movie, "Stand and Deliver," which ought to be a model for all of us that people everywhere who have courage and ideas and imagination can make a difference. We need to listen to those. Then we need to learn from them. What are the lessons all of us should learn from "Stand and Deliver"? How can all of us go to our local high school, go to our local teachers, and go to our local school board and get the same quality education not in 10 years, not with a Federal program, but simply taking a video cassette of that movie and saying, "Does this work?" What can we learn in our neighborhood?

Third, we need to help. Having listened and learned, how can we help people starting with voluntary associations, the Boy Scouts, Girl Scouts, the

YMCA, the YWCA, Big Brother programs, all of the hundreds of thousands of way in which Americans voluntarily get together. How can we help with local government? How can we help local businesses? And in this process we will only gradually come up through State government and finally to the Federal Government. Finally, having listened and learned and helped, then we have earned the right to lead but all too often in the city of Washington, DC, we have people who do not listen, we have people who do not learn, we have people who do not help, and they just impose an obsolete view by the power of the bureaucracy, and they tell the American people instead of listening to the American people. I can think of no better example of what is wrong with that old-fashioned liberal welfare state centralized bureaucracy than to look at what is beginning to happen to Medicare where the bureaucrats in this city are writing the provisions for our senior citizens, provisions that have nothing to do with being a real senior citizen but make perfect sense in a high rise building off the Mall in a committee of 12 bureaucrats none of whom are on Medicare or have to suffer through their own redtape and their own regulations.

Once we have listened and learned and helped and are ready to lead, there is a five-step process to solving problems in an age of dramatic change. The first step is to determine do we really have a problem?

I would suggest, for example, that when one talks about single head-of-household mothers who are out there by themselves in a small town, say in rural Wisconsin, who do not have any local child-care program, who cannot go to work because they live too far from their parents and grandparents to be able to have their children taken care of by them, they have a real problem.

If one is 93 and needs help in a nursing home or help with home-health care, that person probably has a real problem.

I would say if one is 16 and cannot read because the school has failed that person totally, that person has a real problem.

So the first step is, do you have a problem?

The second step is, do you need help with that problem?

It is important to remember, for example, that most Americans who are overweight do not need a Federal Government program for a diet. Most Americans who are overweight need to go on a diet. They can help themselves.

Most Americans who need to exercise probably do not need a Federal bureaucracy for an exercise program. They simply need to get in the habit of going for a walk, get in the habit of going swimming, or playing tennis, or doing something which lets them exercise on their own. They might need to get together to build a local tennis court, or they might need to get together to get local government to develop a program for developing walking trails, but in fact there are many ways we can help ourselves.

If we decide that there is a problem, and we decide that they need help, the third question which is where the Democrats and the liberal welfare state fails is to ask the question, How do we ensure the highest level of quality, quantity, and choice?

Let me give a simple example. If in the mid-1950's we would have had Governor Dukakis running for President offering to universally solve everything through the Federal Government, and somebody had said that there are just not enough hamburger stands for lunch, and we decided, yes, that is true, we have a Federal crisis in hamburger stands, and we established a Federal bureaucracy of hamburgers, the average American would be told that there is no Wendy's, there is no McDonald's, there is no Burger King, but you can go to a gray building with a flag in front of it and on Thursday at 3 o'clock pick up your hamburgers, they will come in a size decided by a committee in Washington, and they will come in the form and at the cost that a committee has set.

If my colleagues think I am exaggerating, look at all the Federal programs that we have today. Let me suggest to my colleagues that even when we have problems, the worst way normally to solve those problems is by a centralized bureaucracy in Washington. We may want to use government to reshape the marketplace, we may want to have a program of tax credits, we may want to have vouchers, there are many ways we can help people have the money to solve their own problems other than by giving power to a Washington bureaucrat.

The fourth step is, who chooses? Again Medicare is a good example. The complaint I am hearing from more and more of my senior citizens is that they are losing control over their lives, for example, when they get to see the doctor, how often they get to see the doctor, who judges the doctor, how much redtape to fill out, how much he gets paid for the visit, all those things are being decided by anonymous bureaucrats who my senior citizens cannot talk to, my senior citizens cannot reason with, and who do not themselves go through that experience.

The left has a simple program. The left always believes that we Americans are too dumb to choose for ourselves so they would raise our taxes, they would hire more bureaucrats, and the bureaucrats will choose for us. This is true whether it is child care, whether it is helping displaced homemakers, whether it is retraining the unemployed, whether it is taking care of senior citizens on health care, whatever the issue is, a Washington bureaucrat is always smarter than the American citizen if you are part of the left. But I would suggest in fact that as often as possible we want the choice to remain at home.

The fifth step, having decided first that we have a problem, second that we need help, third how do we maximize quality and quantity and choice, and finally, who chooses, the fifth step is how much can we afford this year and how much will it cost all together?

Let me say candidly that ever since Herbert Hoover, the Republican Party has had a great weakness as a problem-solving party because all too many Republicans start with step five and say, "We cannot afford it so you are not allowed to have a problem." Or, "We cannot afford it, so you cannot need help." Or, "We cannot afford it so we cannot talk about how to improve your current choices over quality and quantity."

Let me suggest to all of my colleagues that that is not very smart on the part of the Republican Party. Instead, we need to say that given that we do have problems that are real, and here I would include child care, drug problems, wellness, home health care, taking care of our senior citizens who need nursing homes, education reform both for children and for adults, and a whole range of other problems, given that those problems are real and that people do need help with them, there are ways through the free market and high technology sectors to dramatically increase the range of choices that we want to increase the options of quality and quantity for every American on their own terms, that it is possible to design systems where government helps individuals and families and neighborhoods make their choices, that in that setting we Republicans have an obligation to come up with the solution and then fight over the price, not to start at the price and decide that we cannot have a problem because we cannot afford the solution.

When they start doing that, the Democrats in general and the left in particular will rapidly lose the debate because their answer to virtually every problem is to use Government to set up another bureaucracy to raise taxes, to take more power away from our citizens, to centralize more decisions in high rise buildings in Washington, and then to tell our citizens what their Government will let them do with their own money and how much paper and redtape they have to fill out to get the Government's permission to spend your own money. Given those two choices between a creative problem-

solving Republican Party that has listened, learned, helped, and is prepared to lead, and a bureaucratic welfare state leftwing Democratic Party whose only answer is more bureaucracy, more government, higher taxes, and more inflation, the country will choose, but that requires frankly a more inventive and more activist Republican Party than we have often been.

When we start listening to the American people and working with the American people and helping the American people, we discover rapidly that there is a very fundamental value difference in America between the left and the rest of us, that the left has now become a real ideology just as in the British Labor Party or the German Social Democratic Party, that the left whether it is Jesse Jackson or Mike Dukakis or a range of leftwing candidates, all share a set of values that frankly in Britain would be called the loony left. People will say to me, "That is strong language. How can you talk about loony left?"

Let me try out a couple of examples. First of all, in Massachusetts under Governor Dukakis there is a Weekend Release Program for prisoners, that is prisoners are allowed to go out on weekends, they are given some sort of a pass. Under that program 85 violent criminals have been let out including 11 first-degree murderers, and several have skipped, and one of them went to Maryland and kidnaped a man and woman, and raped the woman.

The judge in Maryland said that he would not send the violent criminal back to Massachusetts because he does not want that violent criminal let out again on the weekends.

In answer to all that, the citizens of Massachusetts rose up in a rebellion and said that this is crazy, how can you let criminals out to prey on us on weekends?

There is a citizens' initiative in Massachusetts, and I have been told Governor Dukakis' staff has been in the prisons registering prisoners to vote, because in Massachusetts prisoners can vote while in prison, so that prisoners can vote against the citizens' initiative to lock the prisoners up.

I would suggest that in most of America, in Iowa, or in Oregon, or in Georgia, that would count as "loony left" and it would make no sense to say to people, "Do you think we should let violent criminals register to vote so they can vote to let themselves loose?"

It makes me believe that Governor Dukakis' antidrug program will be to only let convicted drug peddlers out on Sundays.

Let me give my colleagues another example of the loony left. A number of us argued during the fight over the Grove City bill that we were seeing a fundamental shift, a shift from civil rights to radical rights, a shift from race to religion as the central issue in American governmental power.

People said, "Oh, there really is not an antireligious left. There really are not people out there committed to pushing religion out of the public life. There really are not people out there who strongly disapprove of religion."

Let me suggest that there is a child care bill in the Congress today, a child care bill which has a paragraph in it, and this is a liberal Democrat child care bill, it has a paragraph which says, no room which receives money under this bill can have any religious pictures or symbols in the room, and they must either be physically removed or the religious pictures and symbols must be physically covered up.

This is for child care.

I know of no paragraph in the bill that says that they cannot watch MTV with 4-year-olds. There is not a paragraph in the bill that says they should not teach deviant life styles to 4-year-olds. There is not a section in the bill that says one should not have anybody around who in any way might be potentially a drug user. None of those things apparently are great threats to 4-year-olds, but in an age where we worry about child abuse there is a paragraph in a liberal Democratic child bill which says that seeing the Star of David or seeing the Crucifix is clearly a threat to the future of 4-year-olds.

I would suggest that is madness. If that is not loony left, I do not know how anyone could describe it.

We have been told as an example of the loony left that this is the year the Democrats are going to make "the year of the family." I understand that in the New York debate Governor Dukakis, Senator GORE, and Jesse Jackson all agreed there was no objection on their part to homosexual couples adopting children. I think it is fair to ask in terms of the loony left exactly what kind of family do you have in mind? Exactly what do you think is the traditional American family?

Finally, we come to the issue of drugs, and there has been no issue on which the left has done a better job this year of fundamentally deceiving the American people about its beliefs and its values. I would say on behalf of the left that it is a far more powerful machine for the acquisition of power than are moderates and conservatives. The left understands what it wants and the combination of big labor unions, leftwing politicians, and activists and the Democratic big city machines is an extraordinary vehicle for the acquisition of power.

Let us now talk about the drug issue. I think there are some things that need to be laid out on the table. Everyone worries about the gangs and the fact that this new movie "Colors" talks about youth gangs. Where are the gangs? The gangs tend to be in New York City headed by a Democratic mayor; the gangs tend to be in Los Angeles which city is headed by a Democratic mayor; the gangs tend to be in Chicago, which is headed by a Democratic mayor. Who are all these Democratic mayors in favor of for President? A Democrat. Do we expect that the Democrats who are part of this coalition, whose major allies have been total failures, who have basically built up a bureaucracy which pays off labor union dominated local unions, a bureaucracy which is soft on crime and tough on policemen, a bureaucracy which consistently makes it easy for the criminal and consistently makes it harder for the law enforcement arm, are we to expect that in fact all of a sudden magically they are going to be effectively antidrug? I do not think so.

Let me take a second example of how systematically misleading the Democrats have been on the issue of drugs. All of us have heard Jesse Jackson say that it was terrible to have a hundred million dollars cut out of the Coast Guard.

□ 1320

All of us have heard him say that the Reagan administration should have done more to save the Coast Guard's $100 million. Let me say, standing in the U.S. House of Representatives, it is very, very disturbing to hear a Democrat attack the Reagan administration, because the Democrats in the House took $100 million out of the Coast Guard. It is fundamentally misleading to the American people and misinforms the American people about who has been soft on drugs, and this is not an accident.

Let me read a telegram which is a followup to a phone call made by the Secretary of Transportation to Jesse Jackson. This is February 19, and this is not recent, February 19:

> In our telephone conversation of January 22, 1988, I explained to you that contrary to your public assertions, the Reagan administration did not cut the Coast Guard operating budget by $100 million for the current fiscal year. It was the Democratic controlled Congress who enacted these cuts over our strong objections. During our conversation you expressed a willingness to address this issue fairly and to join with the administration in urging Congress to restore additional funding this year, yet during the nationally televised debate last night once again you blamed the Reagan administration for cuts made by Congress. Your actions do a great disservice to the heroic men and women of the United States Coast Guard, and I urge you to cease this partisan rhetoric and to assist the Reagan administration in convincing the Congress to provide additional funding for the Coast Guard during the current fiscal year and to fully fund the President's request for 1989.

Then that was signed by Jim Burnley, Secretary of the U.S. Department of Transportation. That is a telegram of February 19 about a phone conversation of January 22.

The fact is liberal Democrats know that they have been soft on crime, they know that their left wing is opposed to the death penalty. They know they are afraid to clean up the big cities, and they know that they will not tell the truth about their allies who run the big cities. They are unwilling to change the liberal judges they have appointed who let criminals go loose.

In that setting, they also know that given a choice of paying off their pork barrel allies the extra money versus helping the Coast Guard, they gutted the Coast Guard in favor of taking care of their allies, and they know if they told the American people the truth, they would be defeated and, therefore, given a choice, liberal Democrats systematically disinform, and, in my judgment, deceive the American people.

Let me carry it a stage further. Every liberal in America has found a solution to the drug problem, "Let us beat up on Mexico, and let us beat up on Colombia. By George, we are going to get tough and cut off your foreign aid and punish you."

What could be more pathetic than the richest, most powerful nation in the world beating up its weak, helpless neighbors because American citizens are so willing to pay money for drugs and we are so gutless in dealing with the drug issue we are not willing to clean up our own mess? So we blame the people down the street. If we want to teach the Colombians how to have a drug-free country, there is a place to start. There is an easy place to start. It is called the District of Columbia.

Before we look at Colombia, maybe we had better look at the District of Columbia. What do we find in the District of Columbia? We find, according to newspaper reports, over 100 people killed in the national capital so far this year. We find, according to newspaper reports, that illegal Jamaican people who have no right to be in this country are now so systematically in our own national capital that they are a threat to the lives of innocent Americans. We have put up with it. We pretend we can do nothing, and then the liberal Democrats, whose allies after all run the District of Columbia, the liberal Democrats who are afraid to get tough about drug users and drug pushers in America, the liberal Democrats eagerly go beat up on Mexico and Colombia, because they do not have the courage to organize a demonstration project to have a drug-free U.S. Capital, a first step to show other countries it is possible to defeat the drug users and to defeat the drug dealers.

Let me go a step further. Not only is there a loony left, the country knows there is a loony left. Let me give you the past history. The last leftwing candidate for President won in 1964, Lyndon Johnson. In 1968, Hubert Humphrey got 43 percent, and in 1972, George McGovern got 38 percent. In 1976, no liberal was nominated. Jimmy Carter, in 1976, was an antiliberal, anti-Washington, Southern Baptist populist who was going to clean up this city. He defeated the liberals in the primary. In 1980, Jimmy Carter beat EDWARD KENNEDY in the primaries and then got 41 percent. In 1984, Walter Mondale stood up proudly in San Francisco and said, "I really am a liberal," and the country said, "Yes, you are." He got 41 percent and only carried his home State by 7,000 votes losing 49 other States.

If it is true that the base vote for the left in America today is 41 percent, how can they be in charge of Capitol Hill? How can they own the House and Senate? Let me suggest that there are some very real challenges to every American as they look at Capitol Hill, because starting in 1975, Capitol Hill has changed radically from the world we remember from our history books and our civics lessons in high school.

In the first place, the liberal Democrats who won in 1974 because of Watergate knew they could not survive unless they cheated, and so they simply changed the rules of the game. They established very expensive, very powerful machines for incumbents.

An incumbent today gets about a $1 million advantage from taxpayers in direct mail, in newsletters, in computers, in offices, in staff, in travel, about a $1 million advantage in order to make sure they win.

Now, Republicans get it as well as the Democrats, because the House Democrats figured out that as long as the incumbents in both parties win, the Democrats would always be in charge, because there are 250 of them and only about 180 Republicans.

The result is the House of Representatives which used to be closest to the American people got elected every 2 years, and the Founding Fathers wanted it to represent the people. The House of Representatives is now the least representative institution in Federal Government.

In 1986, only 1.5 percent of all the incumbents in the House running for reelection were defeated. About one-third of the Senators get defeated regularly, but 1.5 percent of the House Members.

So start with the fact that there is now a leftwing machine which controls the U.S. House of Representatives and which has tremendous influence in the U.S. Senate. Second, that leftwing machine changed the rules of elections to make sure that labor union bosses have enormous power and are able to gather up tremendous amounts of money and that the rules of the Federal Election Commission apply to working Americans, they apply to professional Americans, they apply to businessmen and women, but they do not apply to big labor, and so big labor has a huge advantage in helping dominate which is why last year the political director of big labor said and was quoted in Time magazine as saying that, "We own the House. We own the committees. We own the schedule." Because big labor and the left own the House of Representatives today. The American people do not.

Third, when that was not good enough, when all of the incumbent advantages were not good enough, when all the labor union boss advantages were not good enough, it looked like after 1980 the Democrats were going to lose, and they did lose 33 percent in the landslide after Carter's disaster, they gerrymandered. They went to California and drew district lines so cleverly that 50 percent of the vote in California for Republicans is only worth 40 percent of the seats. In other words, the Democrats systematically went out and cheated the American people, and the estimate nationally is they cheated the center right coalition that does not approve of the leftwing of about 23 seats, and so there would be about 201 seats instead of the 178, and given all of those steps, they found that those steps, despite the huge incumbent advantage and despite all the changes in FEC rulings, to make sure the big labor union bosses have an advantage, and despite gerrymandering, they still were not satisfied.

You will find consistently that because they know they are so out of touch with the American people, because they cannot defend their loony left, that the chameleon has become the symbol of the Democratic Party. The Democrats go home routinely and deny what they do in Washington. The Democrats routinely say, "Oh, I am really pro" whatever group they are standing in front of.

You see this today in this interesting conversation about who the Vice President will be when the San Francisco Democrats visit at Atlanta this summer and have their convention, and there is talk about, for example, SAM NUNN being on the ticket.

Now, the Democratic Party is increasingly schizophrenic. It has a Jesse Jackson wing which is about 35 or 40 percent of the party, and it has a liberal leftwing of which can accept Dukakis, and about 20 percent of the party is in the center, the Chuck Robb-Sam Nunn sort of wing.

What the Democrats would like to do this summer is make sure the Jesse Jackson loony leftwing and all the people who are activists on the left are

satisfied with promises but not too obviously. Then they would like to nominate someone from the centerist wing for Vice President who would run around for 3 months and say, "We are really not who we are. Really, we are who you need us to be."

Let me ask this question: On the strategic defense initiative, no tax increase on a whole range issues, the fact is there are fundamental differences between a SAM NUNN and a Jesse Jackson. The fact is that they do not believe in the same vision for America. They do not believe in the same future. They do not believe in the same dangers of communism. They do not believe in the same military structure. They do not believe in a whole range of issues. They are fundamentally different, and while just like Jimmy Carter ran in 1976 saying, "Trust me," the new unknown technocratic Governor Dukakis, would like to run saying, "Trust me." So he has to be asked the question: "When you decide to name a Supreme Court Justice, who do you call left? The SAM NUNN wing of the party or the Jesse Jackson wing of the party? When you decide to appoint cabinet members, who do you call the centerist wing of the party? The slipping 20 percent of the party or the rising, stronger 40 percent?"

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Is an essentially liberal, to the far left party with an activist loony left faction now really going to think it can get by with chameleon behavior, going to the American people and saying ignore what we do in the Congress, ignore that we have owned the U.S. House of Representatives for 34 years and been the majority, ignore all of our promises to Jesse Jackson and to the socialist mayor of Vermont who has now rejoined the Democratic Party because it is again far enough to the left, to the various activist lifestyle work groups that represent all of the various people in the ACLU who do not believe in locking up criminals, forget all of our promises to the various leftwing groups, we are really all right, at least until the day after the election.

The last time we elected a Governor, a nontechnocrat, we got Jimmy Carter, and that was a disaster. And that is what we will get this time.

But what happens in the U.S. Congress, forget the Presidency for a minute. You have a labor union boss leftwing machine which basically owns the House of Representatives in terms of majority leadership, yet from the country's standpoint this is an enormous threat after 34 years of a Democratic domination. Take just a couple of examples.

The Philadelphia Inquirer has done a brilliant series over the last 2 weeks on who gets big breaks in the tax bill and points out how dangerous it is to have bills written in secret, late at night, and how special interests get bought off.

Look at the congressional continuing resolution in December, which has three specifics which I think are very, very shocking examples.

The sum of $8 million is written in for a religious school in France on behalf of a Member who happens to have a contributor who is on the board of directors of the religious school. Let us remember that this is a leftwing Congress that does not believe in America. According to their latest child care bill, you cannot show the Star of David or the crucifix, but it is all right to send $8 million to a religious school in France.

Late at night two airplanes are cut out of the Defense Intelligence Agency. Why? Because a very powerful Member of Congress was not allowed to take his girlfriend on an airplane ride. They got away with it. The planes are killed and the bureaucracy has learned a lesson. If that Congressman shows up with his next girlfriend, you had better put her on the plane or you will get punished by the leftwing machine that runs this Congress.

And late at night, at 3 in the morning, EDWARD KENNEDY put in an amendment which would have taken two newspapers away from Rupert Murdock and said basically if you criticize KENNEDY in Boston you will be punished by the U.S. Congress.

People might say that was a rare example. But let me give my colleagues another example of how Lord Acton was right when he said that power tends to corrupt and absolute power corrupts absolutely. There is an article in the April 16 Congressional Quarterly that every Member of Congress should look at. It is entitled, "CBO's unwelcome cost estimate vanishes."

As House members brace for battle over a Democratic-sponsored minimum-wage bill (H.R. 1834), a controversy is bubbling in the background over cost estimates for the measure.

The Congressional Budget Office (CBO), which has always prided itself on its nonpartisan, professional assessments of economic issues, prepared not one but two "official" cost estimates for H.R. 1834. While both cited the same probable costs to the states and the federal government, only the first discussed the measure's likely impact on the economy at large.

It concluded that the projected increase in the minimum wage, from $3.35 to $5.05 over four years, could lead to higher prices on consumer goods and the loss of nearly 500,000 jobs.

That report, dated March 25, barely saw the light of day before it was superseded March 29 by a second version, which omitted any reference to the bill's effect on the economy.

According to Michael Pogue, who prepared both CBO estimates, staffers on the Education and Labor Committee had specifically requested a discussion of the bill's impact on the economy. In fact, in the cover letter accompanying the original estimate, acting CBO Director James L. Blum wrote, "At the request of several committee members, the estimate also includes a discussion of the possible impact of HR 1834 on the economy."

The majority staff, Pogue said, then "decided they didn't want it," and a second report—minus the impact assessment—was sent to the committee.

Consider what has gone on here. The liberal Democrats, the leftwing machine, wants to pass a bill that big labor wants. They asked the economists, who are supposed to be nonpartisan and technical, to analyze that bill. The economists said would you like to kill 500,000 jobs? Nobody has said yet how many people want to vote in favor of killing 500,000 jobs, which is what the nonpartisan Congressional Budget Office came up with.

Instead, what the leftwing decided to do, what the liberal Democrats decided to do, was kill the report which would tell the American people things that the liberal Democrats do not want the American people to hear.

I find it fascinating that this is the third example in the last few months of leftwing Democrats trying to censor information they did not like. If my colleagues will remember, not only did Senator KENNEDY and others put in an amendment which would have killed two newspapers because they were critical of the left, but recently the Speaker of the House, JIM WRIGHT, sent his chief of staff, and Bob Strauss, the very wealthy and famous Democratic lobbyist, to New York City to threaten Bankers' Monthly with a libel suit if they printed an article which was unfavorable to the Speaker. So now we have another example.

First the American people are told they should not know these things, and then the news media is told if they write these things they will be punished, and then we wonder why later on when we are not informed accurately and we vote for dumb things that they turn out not to work. And when the American people then get angry and go to their local Congressman, they are told in effect, "I don't need you because the liberal Democratic Congress, having written the rules so the labor union bosses have all of the advantages, having designed districts so Democrats have all of the advantages, having given themselves a tax paid $1 million campaign account for their office, can now look at the average American and say, 'You can't beat me. I don't care what you think.'"

In this setting it seems to me the challenge to the Republican Party and to George Bush is very simple. It is first to recognize and be honest and straightforward with the American people that we face enormous challenges and problems. If we are going to give our children and grandchildren

an effective, prosperous, free, and safe America, we have to reform education, we have to have a real war on drugs which is going to stop the drug dealers and going to stop drug use and clean up America. We have to have an effective effort to stop terrorism. We have to have an effective effort to reform welfare so able-bodied adults work for a living. There is a long shopping list, and while Ronald Reagan has been brilliant in helping us to recover from Jimmy Carter and the last leftwing Democratic administration, America still has a long way to go and we must listen, learn, help, and then lead the American people in walking through the five steps I outlined earlier to find real solutions for child care, real solutions for health care, real solutions for the problems of aging and real solutions for the child legislation, legislation helping big cities that are now overrun by drug addicts and terrified by teenage gangs and drug dealers.

Second, we have to be honest and direct and straightforward about the reality of the looney left. The fact is that every time the American people see behind the chameleon-like masquerade and see how far to the left the modern Democratic Party has gone, how far to the left big labor bosses in Washington have gone, how far to the left Jesse Jackson and that wing of the Democratic Party has gone, how many looney left activists are going to visit Atlanta—and I am quite serious, I am proud and delighted that the Democrats are coming to Atlanta, but that is not going to be a Southern convention. That is going to be a San Francisco convention moved south, and if anything there are going to be even more looney left activists this time than there were in San Francisco.

Third is the major issue in American politics which I think is at the center of power in America. Given all of the ways in which the modern left cheats in order to keep control of Capitol Hill, given all of the ways in which the modern left blocks the American people from taking back their own House of Representatives and their own Congress, how are we going to have an opportunity to break up what has now been a 34-year monopoly on power by an increasingly labor union, leftwing dominated Democratic Party? How are we going to take charge once again of our own Capitol Hill on behalf of the American people?

Let me close by saying we can complain about the news media, we can complain about the leftwing Democrats, we can complain about labor union bosses, but the fact is we have a successful, aggressive, hard-hitting Republican Party that insisted it was wrong for a Member of Congress to kill two airplanes just to punish a defense agency for not flying his girlfriend around and made a public fight on this floor, and put those two airplanes back in the appropriations bill; a Republican Party that insisted on this floor and forced a recorded vote on whether or not Democrats should be allowed to kill two newspapers; a Republican Party that fought on this floor and insisted that the Speaker could not send the wealthiest Democratic lobbyist in Washington and the chief of staff of the Speaker of the House to New York to blackmail and bludgeon a magazine out of printing an article; a Republican Party that insisted on this floor and in a recorded vote on whether or not we were going to tolerate partisan tampering with the Congressional Budget Office; a Republican Party that understood that the time to take away a chameleon masquerade and insist that Dukakis submit how liberal he is, the time to focus on how far to the left the Democratic Party has gone, the time to indicate how many looney left activists will be in Atlanta is not in September, but now.

We, the Republicans, have an obligation to that center right 61 percent or 60 percent that has consistently in 1968, 1972, 1976, 1980, and 1984 voted against the left. They deserve people willing to stand and slug it out.

Candidly let met close with an example. When a leading leftwing Democrat consistently misinforms the American people about who cut out the $100 million from the Coast Guard, when the Reagan administration is blamed for what liberal Democrats in the House did, and when that Democratic presidential candidate knows that it is wrong to say it, it is misinforming the American people, it is fundamentally incorrect, then we Republicans have to have the courage to stand up and say, "You owe the American people an apology. We need your help in the U.S. House making your allies pass good legislation." It is baloney for us to let the Democrats browbeat us into keeping quiet while they systematically misinform the American people, while they blame us for what they are doing so they can get even more pork while blaming the Reagan administration for their actions.

Mr. Speaker, I think we are at a crossroads. I think if we choose wrong in 1988 we are going to sink back into the decay, the inflation, the disaster of the Carter years. I think that Governor Dukakis is in fact the Jimmy Carter of the left, that he provides all of the weaknesses of Carter except an even more leftwing ideology. I think that it is vital for the Republican Party to have the courage to stand up every day, to systematically listen to the American people, help the American people solve problems and then have the courage to represent those 60 percent of the American people in standing face to face with the leftwing of the Democratic Party and in insisting that the rules be changed in the House so that the American people have an even break and it is not just big labor and the left that gets heard from, but the American people have a chance in their own House of Representatives.

APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE HONORABLE MELVIN PRICE

The SPEAKER pro tempore. Pursuant to House Resolution 434, the Chair, without objection, announces the Speaker's appointment of the funeral committee of the late MELVIN PRICE, the following Members on the part of the House:

Messrs. MICHEL of Illinois, WRIGHT of Texas, ROSTENKOWSKI of Illinois, YATES of Illinois, ANNUNZIO of Illinois, CRANE of Illinois, MADIGAN of Illinois, and Mrs. COLLINS of Illinois, and Messrs. HYDE of Illinois, RUSSO of Illinois, PORTER of Illinois, and Mrs. MARTIN of Illinois, and Messrs. SAVAGE of Illinois, DURBIN of Illinois, EVANS of Illinois, LIPINSKI of Illinois, HAYES of Illinois, GRAY of Illinois, BRUCE of Illinois, FAWELL of Illinois, DAVIS of Illinois, HASTERT of Illinois, BENNETT of Florida, BROOKS of Texas, SMITH of Iowa, STRATTON of New York, DICKINSON of Alabama, MONTGOMERY of Mississippi, NICHOLS of Alabama, ASPIN of Wisconsin, DELLUMS of California, GILMAN of New York, MOAKLEY of Massachusetts, BONIOR of Michigan, KILDEE of Michigan, and Mrs. BYRON of Maryland, and Messrs. CARR of Michigan, and BILBRAY of Nevada.

Without objection, the Chair will reserve the right to add other Members to this delegation and will announce any additional names later in the day.

There was no objection.

SPECIAL ORDERS GRANTED

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

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

Mr. GINGRICH, for 60 minutes, today.

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

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PENNY, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, each day on April 26 and 27.

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

Mr. GAYDOS, for 60 minutes, on April 28.

Mr. GRAY of Illinois, for 60 minutes, on April 28.

EXTENSION OF REMARKS

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

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

Mr. GREEN.

Mr. HOPKINS.

Mr. CRANE.

Mr. SPENCE.

Mr. BROOMFIELD.

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

Mr. MAVROULES.

Mr. MONTGOMERY.

Mr. TORRES.

Mr. PEPPER.

Mr. ANDERSON in 10 instances.

Mr. GONZALES in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. SOLARZ.

Mr. RODINO.

Mr. ROE.

Mr. BRENNAN.

SENATE BILLS, JOINT RESOLUTION, AND CONCURRENT RESOLUTION REFERRED

Bills, a joint resolution, and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated; to the Committee on Post Office and Civil Service.

S. 1827. An act to designate the Federal Building located at 330 Booth Street in Reno, NV, as the "C. Clifton Young Federal Building"; to the Committee on Public Works and Transportation.

S. 2248. An act to designate the U.S. Courthouse located at 156 Federal Street in Portland, ME, as the "Edward Thaxter Gignoux United States Courthouse"; to the Committee on Public Works and Transportation.

S. 2304. An act to amend the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1986, to extend the life of the Commission on the Ukraine Famine; to the Committee on Foreign Affairs.

S.J. Res. 287. Joint resolution designating May 1988 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 114. Concurrent resolution authorizing the Law Enforcement Torch Run for the Special Olympics through the Capitol Grounds; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. GRAY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), pursuant to House Resolution 434, and under its previous order, the House adjourned until tomorrow, Tuesday, April 26, 1988, at 4:30 p.m., in memory of the late Honorable MELVIN PRICE.

EXECUTIVE COMMUNICATIONS, ETC.

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

3478. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a final rule which revises a number of existing regulations in the area of registration and classification procedures, pesticide policies, and data requirements for registration, pursuant to 7 U.S.C. 136w(a)(4); to the Committee on Agriculture.

3479. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of Receipts and Disbursements of the Office of the People's Counsel Agency Fund," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3480. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of Space Leased at 450 5th Street, N.W. for the Public Service Commission," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3481. A letter from the Acting General Counsel, Department of Energy, transmitting notification of meetings related to the International Energy Program to be held on April 12, 1988, Rome Italy; to the Committee on Energy and Commerce.

3482. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3483. A letter from the Secretary of Transportation, transmitting the third annual report of the actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3484. A letter from the Secretary, Department of Transportation, transmitting the annual report of the activities of the Maritime Administration for the fiscal year ending September 30, 1987, pursuant to 46 U.S.C. app. 1118; to the Committee on Merchant Marine and Fisheries.

3485. A letter from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting notification of the decision to convert the vehicle operations and maintenance function at Peterson Air Force Base, CO, to contractor performance as the most cost-effective method of accomplishment, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Appropriations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 435. Resolution providing for the consideration of H.R. 4264, a bill to authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1989, to amend the National Defense Authorization Act for fiscal years 1988 and 1989, and for other purposes (Rept. 100-579). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BROWN of California:

H.R. 4451. A bill to promote measures to help prevent an arms race in antisatellite weapons and help ensure the survivability of U.S. military satellites; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. LEWIS of Florida (for himself and Mr. MACK):

H.R. 4452. A bill to amend title 28, United States Code, with respect to the configuration of the middle and southern districts of Florida; to the Committee on the Judiciary.

By Mr. MORRISON of Washington:

H.R. 4453. A bill to authorize certain elements of the Yakima River basin water enhancement project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY (for himself, Mrs. MORELLA, Mr. MCMILLEN of Maryland, Mr. HOYER, Mr. WOLF, and Mr. PARRIS):

H.J. Res. 550. Joint resolution designating July 4, 1988, as "July Fourth Family Celebration Day"; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H.J. Res. 551. Joint resolution to designate the period commencing September 25, 1988, and ending on October 1, 1988, as "National Historically Black Colleges Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 434. Resolution expressing the condolences of the House on the death of Representative Price of Illinois; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

322. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Medicaid

reimbursement; to the Committee on Energy and Commerce.

323. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the Vietnam Women's Memorial; to the Committee on House Administration.

324. Also, memorial of the House of Delegates of the Legislature of the State of West Virginia, relative to the salaries for Members of Congress; to the Committee on the Judiciary.

325. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to farmers payment of tax on diesel fuel; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1270: Mr. TRAXLER, Mr. FLIPPO, Mr. VANDER JAGT, Mr. DE LUGO, Mr. ANNUNZIO, Mr. SMITH of Florida, Mr. APPLEGATE, Ms. PELOSI, Mr. MOORHEAD, Mr. BUSTAMANTE, Mr. DORGAN of North Dakota, Mr. MILLER of California, Mr. CHAPPELL, Mr. COELHO, Mr. DELLUMS, Mr. DYSON, Mr. DIOGUARDI, Mr. HAYES of Louisiana, Mr. LANTOS, Mr. MADIGAN, Mr. CONYERS, Mr. HUGHES, Mr. MRAZEK, Mr. MCEWEN, Mr. CHAPMAN, Mr. SCHUETTE, and Mr. REGULA.

H.R. 1917: Mr. HUBBARD.

H.R. 1924: Mr. CRAIG and Mr. BOEHLERT.

H.R. 2148: Ms. SNOWE, Mr. SLATTERY, Mr. FRANK, Mr. SHARP, and Mr. BRENNAN.

H.R. 2228: Mr. JOHNSON of South Dakota.

H.R. 2603: Mr. JOHNSON of South Dakota, Mr. LAGOMARSINO, and Mr. MCEWEN.

H.R. 3075: Mr. MILLER of Washington and Mr. SWIFT.

H.R. 3651: Mr. WEBER, Mr. OWENS of New York, Mr. MRAZEK, Mr. OWENS of Utah, Mr. KOSTMAYER, Mr. WAXMAN, Mr. KOLBE, Mr. BEREUTER, Mr. HOUGHTON, Mr. BILBRAY, and Ms. SNOWE.

H.R. 3778: Mr. CHANDLER.

H.R. 3791: Ms. OAKAR and Mr. GRAY of Illinois.

H.R. 3844: Mr. KANJORSKI, Mr. HASTERT, and Mrs. VUCANOVICH.

H.R. 3892: Mr. FISH and Mr. SAXTON.

H.R. 3900: Mrs. SAIKI.

H.R. 4071: Mr. GONZALEZ and Mr. ECKART.

H.R. 4088: Mr. LEWIS of Florida.

H.R. 4224: Mr. NEAL.

H.R. 4247: Mr. PENNY, Ms. PELOSI, Mrs. BOXER, Mr. BIAGGI, Mr. CROCKETT, Mr. FRANK, Mr. NEAL, Mr. LEVIN of Michigan, Mr. DWYER of New Jersey, Mr. ROWLAND of Connecticut, Mr. RINALDO, and Mr. SISISKY.

H.R. 4315: Ms. PELOSI.

H.R. 4325: Mr. SCHUMER, Mr. MURPHY, Mr. TORRES, Mr. BIAGGI, Mr. HORTON, Mrs. BOXER, Mr. FOGLIETTA, Mr. GRAY of Illinois, Mr. LEWIS of California, Mr. EVANS, Mr. DWYER of New Jersey, Mr. BATES, and Mr. RINALDO.

H.R. 4438: Mrs. LLOYD.

H.J. Res. 138: Mr. WOLF, Mr. LIGHTFOOT, Mr. STAGGERS, and Mr. BALLENGER.

H.J. Res. 374: Mr. SMITH of New Hampshire.

H.J. Res. 438: Mr. COURTER, Mr. DICKS, Mr. FUSTER, and Mr. LEVIN of Michigan.

H.J. Res. 464: Mr. FOGLIETTA, Mr. COOPER, Mr. RUSSO, Mr. GUNDERSON, and Mr. GALLO.

H.J. Res. 489: Mr. DARDEN, Mr. DOWNEY of New York, Mr. MAVROULES, Mr. SMITH of Florida, Mr. WALGREN, Mr. HOYER, Mr. WOLF, Ms. OAKAR, and Mr. FUSTER.

H.J. Res. 504: Mr. JONES of North Carolina, Mr. FISH, Mr. DE LA GARZA, Mr. PETRI, Mr. PEPPER, Mr. LANTOS, Mr. BRYANT, Mr. HOLLOWAY, Mr. LEVIN of Michigan, Mr. NICHOLS, Mr. PURSELL, Mr. GILMAN, Mr. ROE, Mr. DWYER of New Jersey, Mr. WORTLEY, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, and Mr. KILDEE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

158. The SPEAKER presented a petition of the State Bar of California, San Francisco, CA, relative to extending the amnesty program of the Immigration and Nationality Act; which was referred to the Committee on the Judiciary.

SENATE—*Monday, April 25, 1988*

The Senate met at 9:30 a.m. and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

Delight thyself also in the Lord; and He shall give thee the desires of thine heart. Commit thy way unto the Lord; trust also in Him; and He shall bring it to pass.—Psalm 37:4-5.

We thank Thee, Father in heaven, for the assurance of satisfaction and direction which You promise through the psalmist. Give us grace to meet the simple conditions of delighting in Thee, trusting in Thee, and committing our way unto Thee—that we may experience the desires of our hearts; and the fulfillment of our plans. Teach us the wisdom of taking You seriously in all our ways. Thank You, Lord. 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, April 25, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

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

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

URGENT NEED FOR BETTER TRADE STRATEGY AND NEGOTIATING CAPABILITIES

Mr. BYRD. Mr. President, the trade bill now pending before the Senate addresses the need to develop a more coherent framework for identifying the problems which need corrective action in our trade situation, and for a new system to approach those problems in a vigorous and credible way.

It does this in a number of ways. First, it gives more authority to the Trade Representative so that there is not, as is presently the case, an invitation to those nations with whom we are negotiating trade matters to work our bureaucracies against each other, to play a game of divide and conquer and thereby cripple the development of any decisive trade strategies by the executive branch.

Second, it attempts to lay out a realistic, predictable timetable for action by the administration to attack trade imbalances caused by unfair foreign barriers, and to require retaliatory action if those negotiations fail. This process, which has been called the "super 301" process, and is based on the amendment which I offered together with the distinguished minority leader, Mr. DOLE, along with the Senator from Michigan [Mr. RIEGLE], and the Senator from Missouri [Mr. DANFORTH], the "world markets opening initiative" amendment. Some have attempted to label this amendment "protectionist," which is the exact opposite of its intent and its effect. It attempts to remove protectionism from the world trading system by setting out a process which puts pressure on those unfair barriers which are the essence of mercantilist practices, or protectionism today.

I call the attention of my colleagues to a cogent piece on this point, debunking the charge of protectionism in association with the "super 301" amendment, which appeared in the April 17 edition of the New York Times, by Robert T. Green, who is the Timothy Harkins Professor of Business at the University of Texas, at Austin. As Professor Green points out, to call an initiative aimed at knocking barriers down as "protectionist" stands logic on its head.

Why is such legislation needed? According to Mr. Clyde Prestowitz, who was a trade negotiator during the present administration, it is absolutely essential if we are going to begin to become a more effective negotiator and if we are going to manage our trade strategy in a more sensible way. He indicates that it is far from certain that the administration even is capable of clearly identifying the problems needing correction. He argues we have a crying need for more adept, knowledgeable, and effective negotiators. Mr. Prestowitz is the author of a recently well-received work on the United States-Japan relationship entitled "Trading Places: How We Allowed Japan to Take the Lead." He contributed a thought-provoking piece in yesterday's edition of the New York Times which argues that the administration has no overall strategy for trade with Japan, no clearly developed set of goals which are to be accomplished in negotiations with the Japanese. He argues, even more fundamentally, that the "U.S. Government does not have the ability to produce the studies" required to determine what our trade agenda should actually be. In other words, we are just not prepared to effectively negotiate with the Japanese, nor, presumably, with anyone else because we have not thought the problem through, much less followed through with tough, knowledgeable negotiators with a solid agenda and premeditated negotiating goals.

Mr. President, this kind of indictment from a recent administration trade negotiator is a discouraging and devastating critique of our current level of expertise in putting our trade house in order. It certainly argues strongly for the kind of revamping that is embodied in the trade measure now before the Senate.

I ask unanimous consent that the article by Mr. Prestowitz, which appeared in the New York Times of Sunday, April 24, entitled "The Negotiations Gap—Japan Talks Trade While America Sleeps," and the article to which I have alluded titled "Legislating the Trade Gap—Why the New Bill Is Not Protectionist," by Robert T. Green, which appeared in the New York Times of April 17, be printed in the RECORD.

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

[From the New York Times, Apr. 24, 1988]

THE NEGOTIATIONS GAP—JAPAN TALKS TRADE WHILE AMERICA SLEEPS

(By Clyde V. Prestowitz)

Recently the United States Government triumphantly announced that it had solved a major trade dispute with Japan. After years of negotiations, an accord was reached under which American construction companies will be allowed to bid on designated public works projects in Japan.

The agreement comes, not coincidentally, just as Congress is debating trade legislation

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

and during a period when Japanese companies are doing $3 billion worth of construction work here, while American companies are doing almost none in Japan.

I hope that this deal, and others, will prove a bonanza for American industry. But history, and my own experience as a United States trade negotiator, suggest otherwise.

Since the Strauss-Ushiba agreement of 1978, there have been annual announcements of new accords on everything from baseball bats to semiconductors. In each case, it was said that Japan was doing exactly what we wanted it to do. But the question remains why, in every case, the results have not materialized.

A large part of the answer is to be found in Americn negotiating practices. In the first place, the United States has never worked out a clear strategy for trade with Japan. Decisions about what issues to put on the agenda are not made on the basis of careful analysis of the relative strengths and weaknesses of the American or Japanese industries. Nor do they go on the agenda after an evaluation of where the United States can get the best economic results. In fact, the United States Government does not have the ability to produce the studies required to make those determinations.

Instead issues are put on the negotiating agenda in an ad hoc manner by a series of interagency committees loosely coordinated by the Office of the Trade Representative. Each agency has a favorite problem left over from past negotiations. New issues come to the office's attention either as the result of complaints from industry or from the chance discoveries of its own staff. But they do not come from any trade strategy.

The Japanese are continually amazed by our lack of planning. During one series of negotiations in Tokyo in 1982, an official of Japan's Economic Planning Agency told me that he could not even understand the American agenda. His agency, he said, had carefully analyzed American and Japanese industry and believed there were more important issues for the Americans to negotiate than the ones we had proposed.

In Washington, Japanese diplomats are part of the power elite. All speak flawless English and most have studied at American universities. They attend Congressional hearings, speak at our universities and appear on "Nightline" and other television shows.

By contrast, only about 10 percent of the American Embassy staff in Tokyo speaks any Japanese and only two or three have enough fluency to give a speech in Japanese or appear on a Japanese talk show. While the Japanese are full players in Washington, Americans in Tokyo have difficulty even understanding what is said.

In keeping with their dislike of bureaucracy, American trade negotiators believe in being "lean and mean." Usually, during negotiations, they are outnumbered at least 2 to 1. The American team often smiles condescendingly at the legions of staff members that always accompany the Japanese negotiators and feed them a constant stream of high-quality information. But as one Japanese official said, if you are too lean, you starve. And if you starve, how can you really be mean?

In addition, the American representatives are not usually as knowledgeable as the Japanese about the issues selected by the United States team. American negotiators are often political appointees who change jobs frequently and who have had little previous experience with the issues they are discussing. During the construction talks, for example, the head of the American team changed four times. In fact, at a critical stage in the bargaining, the talks had to be delayed because the leader of the American team resigned. In addition, none of the chief American negotiators had any experience in the construction industry. By contrast, the Japanese team was led by officials with long experience in construction and who kept their continuity during the talks.

The American system of political appointees also leads to poor coordination. Officials who come and go simply do not have the time to develop the relationships they need for a true esprit de corps. Moreover, there is pressure to go for quick agreements, rather than to plan for the long term. And there is always competition for the limelight by people who need to build credentials before returning to private life.

High-powered lobbying also complicates the negotiator's life. The Japanese retain a large number of political operatives and former American trade officials in Washington to represent their interests. Indeed, one of the largest contracts to come out of the construction negotiations so far was the $225,000 annual retainer charged by a major Washington lobbying firm to provide information and advice to the Japanese construction industry during the talks. In my experience, it is not unusual for such lobbyists to know the details of Cabinet-level trade discussions minutes after the meetings.

Looming over all of this is the fact that Japanese officials understand they do not have to concede much because the United States is more interested in harmonious political and security relations between the two countries than it is in trade. During the construction talks, the Japanese were informed by some of their lobbyists that despite recommendations for retaliation by sub-Cabinet American officials, there was nothing to fear. The real United States objective was to reach an agreement that would discourage Congress from passing a tough trade bill.

Finally, American negotiators suffer from the "movement is progress" syndrome and are ready to travel at the drop of a hat. Consequently, most of the talks are held in Tokyo, where the Japanese can play on their home court. American negotiators are entitled to a rest day after trips as far away as Tokyo. But to take that day would be to admit weakness to their peers. Quite simply, one reason our negotiators do so poorly is that they are always half asleep.

[From the New York Times, Apr. 17, 1988]

LEGISLATING THE TRADE GAP—WHY THE NEW BILL IS NOT PROTECTIONIST

(By Robert T. Green)

The trade legislation before Congress is being assailed by its critics as protectionist. It has been compared with the Smoot-Hawley Tariff in the 1930's. A Presidential veto is being threatened when the bill gets out of Congress.

The irony behind all of the cries of protectionism is that the main thrust of the trade bill is to reduce protectionism worldwide. While there are some limited protectionist aspects of the bill, it is mainly concerned with foreign actions that limit the ability of American companies to compete abroad.

Most trade-related provisions of the bill are a direct reaction to the huge trade deficits and the ineffective way the Administration has been handling them. Current policy has relied on dollar devaluations and bilateral negotiations on a product-by-product basis to bring down the deficit. The ineffectiveness of these policies is evident from the lack of progress being made in correcting the trade imbalance. The trade bill addresses other conditions associated with the trade deficits—the protectionism of other countries.

One of the bill's principal focuses is to hasten the process by which American companies can have their complaints about a foreign nation's discriminatory policies heard and redressed. Under the current system, companies whose products are unfairly excluded from foreign markets must go through a long, complex procedure. Often, this process can take years and by the time the case is adjudicated, the product is obsolete, the specific discriminatory activity has been altered, or other factors have intervened to make the complaint irrelevant.

These long time lags make a mockery of attempts to halt discriminatory trade practices. It is now common for companies not to report such practices because of the small likelihood that such reporting will have any timely impact.

The bill also mandates an expansion of the National Trade Estimate, an annual inventory of foreign trade barriers and distortions that affect American commerce. The bill requires that an estimate be made of the cost these barriers have for the United States, in terms of lost exports, jobs or other negative economic consequences. This expanded reporting will facilitate the United States trade representative's ability to identify countries that engage in consistent patterns of trade barriers and market-distorting activities against American exports.

The bill also focuses on international abuse of intellectual property rights, a problem that is having an increasing impact on the ability of companies to compete abroad. Many nations do not recognize or enforce laws that protect intellectual property rights. Abuse of these rights is particularly debilitating to the American competitive position because so many of this nation's most competitive industries rely on patents, trademarks and copyrights to keep their international competitive lead. It is the bill's intention to identify nations that abuse intellectual property rights, attempt to get them to respect these rights, and, if they do not respond, impose sanctions.

The most controversial aspect of the trade bill concerns the actions to be taken against nations identified as chronic offenders. The bill stipulates that action must be taken within specified time frames, if recommended by the trade representative. The particular action is left to the discretion of the President, but the critical point is that retaliatory action is mandated. Even here, though, the President is not required to retaliate if there are mitigating circumstances. The President must report to Congress on the retaliatory actions taken, and must justify a lack of retaliation in the cases where he has decided that mitigating circumstances exist.

It is the preceding requirement for either retaliation or a justification for the lack of retaliation that appears to be drawing the cries of protectionism. Yet it is not protectionist. The President is given wide latitude in determining the action to be taken, and he is not required to take any action if in his judgement the situation warrants none. Under the current laws, the President can act at his discretion; the proposed legisla-

tion makes it mandatory that the President either act or explicitly justify his reasons for not acting.

This legislation would not be necessary if the Administration had done a better job of managing the trade deficit. The current policy is not working, and one reason is that it does not address one of the fundamental causes of the trade deficit: that some nations engage in trade practices that systematically exclude American goods from their markets.

To view the actions prescribed in the new trade bill as protectionist is erroneous. These actions are simply measures intended to counter those instances of protectionism abroad that have had a negative impact on American trade.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. Under the order, the distinguished Republican leader is recognized.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. DOLE. Mr. President, I ask unanimous consent to reserve my time.

The PRESIDING OFFICER. Without objection, the Republican leader's time will be reserved.

MORNING BUSINESS

The PRESIDING OFFICER. At this time, under the order, there will be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. Mr. PROXMIRE is recognized.

CAN AMERICA STOP LIVING BEYOND ITS MEANS?

Mr. PROXMIRE. Mr. President, an increasing number of thoughtful observers are warning the American people and especially those of us in the Congress who make policy for this country that we are living beyond our means. We are borrowing from Europe and Japan as well as from ourselves so we can consume today what our children and grandchildren will have to pay for in the future. We see the most conspicuous mark of this irresponsible spendthrift policy in our huge Federal Government deficits. It is also reflected in even larger measure in our much bigger household debt and business debt.

As a nation we have pushed indebtedness to the highest level ever, by far in the history of this or any country. Sure our Nation is still strong. Yes, it is still productive. But our massive overall Federal, household, and business debt already exceeds $9 trillion. As we move on toward a 10 trillion mountain of Government and private debt, we are coming ever closer to a national interest burden public and private that will exceed $1 trillion every year. We will not only pay that burden in taxes to our National Government, we will also pay it in interest on our home mortgages, interest on the autos we are buying, interest on our credit card purchases. At the same time we are accumulating this mountain of household debt we are saving less and less of our income.

Our monumental borrowing does not come from the savings of thrifty Americans. American savings in relation to borrowing has sharply declined. Business borrowing in our country today is even more conspicuously mortgaging America's economic future. The ratio of business borrowing in this country which typically averaged about three times earnings or less has soared to more then $9 of borrowing for every dollar of earnings! Businesses have to pay every dollar of the interest on that debt, in full, on time. Not a penny of it can be cut without the danger of foreclosure. That means earnings that should go into research and investment in more productive facilities and upgrading the skill of employees must go into interest payments. It means American competitiveness is diminishing.

Worst of all we are running up this largest debt in the history of any country ever in the longest peacetime economic recovery period in our 200-year history. Big wartime deficits are understandable. A nation fighting for its life can justify borrowing from the future to preserve its freedom.

Deficits generally increase in recessions and soar in depressions. Think of it. For 5 years this country has been blessed with peace and economic recovery. If ever America should have had balanced budgets this was the time for it. But what has happened? Deficits and the national debt have zoomed. Today economists close their eyes and grit their teeth when they contemplate what will happen to our national debt come the inevitable next recession. And if you want to see a competent economist, a grown adult, who loves this country actually break down in tears, ask him what happens to the economy of our country if we finally get around to cutting spending and raising taxes only after that next recession hits. Talk about counterproductive. Tax hikes and spending cuts in a recession in a country head over heels in private as well a public debt would deepen and lengthen a recession into full fledged depression. This country is rushing toward a tragic economic quandary.

There is another dimension to this quandary that makes it even more agonizing. Our country's economy today is more closely bound to the economy of the rest of the free world than it has even been in history. We suffer from an unfavorable balance of trade. Other country's economy today is more closely bound to the economy of the rest of the free world than it has ever been in history. We suffer from an unfavorable balance of trade. Other countries are not only lending unprecedented amounts of money. They are producing increasing amounts of what we consume. Can this world-class economy overcome this painful and embarrassing adverse balance of trade? Can we count on expanding American employment and production as we recapture more of our own domestic market and well more abroad? This is going to be far more difficult than most Americans realize. Like it or not America is the leader of the free world. Our economy is the mighty engine that is pulling our trading partners along. Our explosive fiscal policy and our rapidly increasing private debt will plague us in the future.

But meanwhile these improvident irresponsible, American policies have been a lifesaver for many of our trading partners. What irony, European countries have been enjoying a huge trade surplus with America. That means more jobs for our trading partners, but it is not enough. Their unemployment is raging along at a depression level 11 percent. In Ireland and Spain unemployment hovers around 20 percent. Even in Germany—the strongest economy in Europe, unemployment has hit 9½ percent.

What does this huge European unemployment mean for America's economic future? It means that in this zero sum world of international trade we cannot significantly improve our balance of trade with European countries without aggravating their already depression level unemployment. It means that the balance of trade "solution" as the stimulus that will allow America to shift gears and pursue a sound fiscal policy just isn't available. Any major improvement in our balance of trade with European countries would drive our friends and military allies into even deeper economic depression.

So what solution is there for the free world economies? The administration has proposed that our trading partners loosen up, relax and enjoy life. The administration invites our European friends to join our Texas style—big debt, big spending party

with irresponsible deficits. It tells the Europeans to turn on even more pizzaz with a stimulative monetary policy. In other words we ask these countries that have been sticking to the economic straight and narrow to join us, do what we do, live beyond your means. They're like a prudent couple standing by the highway with a broken down car. A brand new Cadillac wheels up and stops. The driver shouts "get in ole buddy," but he has a beer in one hand and he is obviously drunk. Like any other invitation for a quick joy ride, it is seductive. But is it right?

Mr. President, this joy ride, live-beyond-your means pitch makes no sense to me in logic and in just plain gut reaction. Certainly in the long run, the path of reducing debt, increasing savings at every level makes good sound sense for our country. Oh sure, it means a period of reduced American living standards. It means sacrifice. But that has always been the price of progress.

FINANCIAL HOLDINGS AND 1987 FEDERAL INCOME TAX RETURNS OF SENATOR WILLIAM PROXMIRE

Mr. PROXMIRE. Mr. President, in 1963, 1965, 1967, and 1970, and yearly since 1974, I have submitted for the RECORD a history of my financial holdings from the time I was first elected to the Senate in 1957 until April of 1987. In order to bring the full record up-to-date, I submit herewith the history of my financial holdings since April of 1987.

My assets include ownership of a home in Madison, MI, on which I owe a mortgage to the former owners; ownership of my home and furnishings in Washington, DC, on which I owe a mortgage to Perpetual Saving Bank; ownership of a 1980 automobile; ownership of one checking account in a Washington, DC bank; one checking account in a Madison, WI, bank and one savings account in a Madison, WI, bank. I hold State and municipal bonds totaling $65,000 in face value; two Shearson Lehman Managed Municipal Fund accounts totaling $114,974, and a Federal Service Retirement cash deposit of $84,574. My principle assets are my homes in Washington and Madison, WI, which all together are assessed at about $485,000 including furnishings net of mortgages.

I estimate my net worth to be about $766,000.

To the best of my knowledge, this is an accurate record of my financial holdings and obligations.

I herewith submit a balance sheet showing my net worth and how it was arrived at and a copy of my 1987 Federal incomce tax return.

I paid $48,523 in Federal taxes on my 1987 income. In addition, I paid $6,584 to the State of Wisconsin on my 1987 income and $5,388 to the D.C. government for a total of $11,972 in "State" income taxes.

I ask unanimous consent that the balance sheet and copy of my 1987 Federal tax return be printed in the RECORD.

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

Net worth of Senator William Proxmire as of April 1988

Municipal and State bonds (face value)	$65,000
Two checking and one savings account:	
National Bank of Washington	743
Madison, WI—checking	2,503
Madison, WI, savings	9,379
Shearson Lehman Managed Municipal fund No. 1	57,529
Shearson Lehman Managed Municipal fund No. 2	57,445
1980 Buick Regal (blue book retail value)	2,500
3097 Ordway Street, NW:	
Assessed value	477,000
Mortgage value	(47,868)
Furnishings	40,000
118 Bradford Lane, Madison, WI:	
Assessed value	48,500
Mortgage value	(32,921)
Cash deposit in Federal Retirement	84,574
Thrift savings plan	1,653
Total	766,037

WAGE AND TAX STATEMENT, 1987

Hon. William Proxmire, United States Senate, Washington DC.

Employee's social security number: [redacted]

1. Federal income tax withheld: $29,235.32.
2. Wages, tips, and other compensation: $85,245.85.
3. Social Security employee tax withheld: $3,131.70
4. Total Social Security wages: $43,800.00
6. Thrift Savings Plan deferred compensation not included in block 2: $2,237.45.
7. State or local tax withheld. $6,419.45
8. State or local wages: $85,245.85.
9. State or locality: WI.

Ellen H. Proxmire, 3097 Ordway St., Washington, DC.

8. Employee's social security number: [redacted]
9. Federal income tax withheld: $14,921.57.
10. Wages, tips, other compensation: $76,433.30.
11. Social security tax withheld: $3,131.70.
13. Social security wages: $43,800.
18. State wages, tips. etc: $76,433.30.

U.S. INDIVIDUAL INCOME TAX RETURN, 1987

William and Ellen H. Proxmire, 118 Bradford Lane, Madison, WI.

Presidential Election Campaign: Do you want $1 to go to this fund? Yes; If joint return, does your spouse want $1 to go to this fund? Yes.

Filing status

Married filling joint return (even if only one had income).

Exemptions

6a. Yourself.
6b. Spouse.
e. Total number of exemptions claimed (also complete line 35), 2.

Income

7. Wages, salaries, tips, etc. (attach Form(s) W-2) (see statement 1) $161,679.
8. Taxable interest income (also attach Schedule B if over $400), $728.
9. Tax-exempt interest income (see pg. 10 DON'T include on line 8, $3,279.
10. Dividend income (also attach Schedule B if over $400), $1,497.
11. Taxable refunds of state and local income taxes, if any, from worksheet on page 11 of Instructions, $149.
13. Business income or (loss) (attach Schedule C), $14,717.
14. Capital gain or (loss) (attach Schedule D), $3,269.
16a. Pensions, IRA distributions, annuities, and rollovers, Total received, $3,785.
b. Taxable amount (see page 11) (stmt. 3), $3,785.
17. Rents, royalties, partnerships, estates, trusts, etc. (attach Schedule E), −$2,361.
20a. Social security benefits (see page 12), $14,097
b. Taxable amount, if any, from the worksheet on page 12, $7,049.
22. Add the amounts shown in the far right column for lines 7, 8, and 10-21. This is your total income, $190,512.

Adjustments to income

25. Self-employed health insurance deduction, from worksheet on page 14, $391.
29. Add lines 23 through 28, $391.

AGI

30. Subtract line 29 from line 22. This is your adjusted gross income, $190,121.

Tax computation

31. Amount from Line 30 (adjusted gross income) $190,121.
32a. You were 65 or over.
33a. Itemized deductions. See page 15 to see if you should itemize. If you don't itemize, enter zero. If you do itemize, attach Schedule A, enter the amount from Schedule A, line 26, and skip line 33b, $33,266.
34. Subtract line 33a or 33b, whichever applies, from line 31. Enter the result here, $156,855.
35. Multiply $1,900 by the total number of exemptions claimed on line 6e or see chart on page 16, $3,800.
36. Taxable income. Line 34 less line 35. Enter the result (but not less than zero), $153,055.
37. Enter tax. Schedule D, $48,523.
39. Add lines 37 and 38. Enter the total, $48,523.

Credits

43. Subtract line 42 from line 39. Enter the result (but not less than zero), $48,523.
47. Subtract line 46 from line 43. Enter the result (but not less than zero), $48,523.

Other taxes

49. Alternative minimum tax (attach form 6251), 0.
53. Add lines 47 through 52, $48,523.

Payments

54. Federal income tax withheld, $44,346.
61. Add lines 54 through 60. These are your total payments, $44,346.

Refund or amount you owe

65. If line 53 is larger than line 61, enter amount you owe, $4,177.

SCHEDULE A—ITEMIZED DEDUCTIONS

Name(s) as shown on Form 1040: William and Ellen H. Proxmire.

Medical and dental expenses

1a. Prescription medicines and drugs, insulin, doctors, dentists, nurses, hospitals, insurance premiums you paid for medical and dental care, etc., $2,286.

c. Other (list-include hearing aids, dentures, eyeglasses, etc.): Insurance reimbursement, −$59.

2. Add lines 1a through 1c, and enter the total here, $2,227.

3. Multiply the amount on Form 1040, line 31, by 7.5% (.075), $14,259.

4. Subtract line 3 from line 2. If zero or less, enter -0-. Total medical and dental, 0.

Taxes you paid

5. State and local income taxes, $11,185.

6. Real estate taxes, $5,380.

8. Add the amounts on lines 5 through 7. Enter the total here. Total taxes, $16,565.

Interest you paid

9a. Deductible home mortgage interest you paid to financial institutions (report deductible points on line 10), $4,044.

12a. Personal interest you paid (see page 22) (see statement 9), $3,956.

b. Multiply the amount on line 12a by 65% (.65). Enter the result, $2,571.

13. Add the amounts on lines 9a through 11, and 12b. Enter the total here. Total interest, $6,615.

Contributions you made

14a. Cash contributions. (If you gave $3,000 or more to any one organization, report these contributions on line 14b.), $5,705.

17. Add the amounts on lines 14a through 16. Enter the total here. Total contributions, $5,705.

Miscellaneous deductions subject to 2 percent AGI limit

20. Unreimbursed employee business expenses (attach Form 2106), $3,993.

21. Other expenses (list type and amount) (See statement 10), $4,190.

22. Add the amounts on lines 20 and 21. Enter the total, $8,183.

23. Multiply the amount on Form 1040, line 31, by 2% (.02). Enter the result here, $3,802.

24. Subtract line 23 from line 22. Enter the result (but not less than zero), $4,381.

Total itemized deductions

26. Add the amounts on lines 4, 8, 13, 17, 18, 19, 24, and 25. Enter the total here and on Form 1040, line 23a, $33,266.

SCHEDULE B—INTEREST AND DIVIDEND INCOME

Part I—Interest income

2. Other interest income (list name of payer):

Interest from municipal bonds, $3,279.

(J) DC Natl Bk, $224.

(H) United Bk 271-601, $238.

(H) United Bk 176-014, $266.

Subtotal, $4,007.

Tax-exempt interest, $3,279.

3. Add the amounts on lines 1 and 2. Enter the total here and on Form 1040, line 8, $728.

Part II—Dividend income

4. Dividend income (list name of payer—include on this line capital gain distributions, nontaxable distributions, etc.):

(H) Shearson—81054, $116.

(H) Shearson—81713, $1,330.

(H) Shearson—MNGD Munic, $4,158.

(H) Folger Nolan Feming Douglas, $83.

5. Add the amounts on line 4. Enter the total here, $5,687.

6. Capital gain distributions. Enter here and on line 13. Schedule D, $32.

7. Nontaxable distributions. (See Schedule D Instructions for adjustment to basis), $4,158.

8. Add the amounts on lines 6 and 7. Enter the total here, $4,190.

9. Subtract line 8 from line 5. Enter the result here and on Form 1040, line 10, $1,497.

Part III—Foreign Accounts and Foreign Trusts

10. At any time during the tax year, did you have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? (See page 25 of the instructions for exceptions and filing requirements for Form TD F 90-22.1.) No.

11. Were you the grantor of, or transferor to, a foreign trust which existed during the current tax year, whether or not you have any beneficial interest in it? If "Yes," you may have to file Forms 3520, 3520-A, or 926. No.

SCHEDULE C—PROFIT OR (LOSS) FROM BUSINESS OR PROFESSION (FORM 1040)

A. Principal business or profession, including product or service: Speaker services.

C. Business name and address: Sen. William Proxmire, SD 530 Dirksen Blg, Washington, DC.

F. Accounting method: Cash.

G. Was there any change in determining quantities, costs, or valuations between opening and closing inventory? (If "Yes," attach explanation.). No.

H. Are you deducting expenses for an office in your home? No.

I. Did you file Form 941 for this business for any quarter in 1987? No.

J. Did you "materially participate" in the operation of this business during 1987? Yes.

K. Was this business in operation at the end of 1987? Yes.

L. How many months was this business in operation during 1987? 12.

Part I—Income

1 a. Gross receipts or sales, $16,920.

c. Subtract line 1b from line 1a and enter the balance here, $16,920.

3. Subtract line 2 from line 1c and enter the gross profit here, $16,920.

5. Add lines 3 and 4. This is the gross income, $16,920.

Part II—Deductions

19. Legal and professional services, $100.

25. Taxes, $100.

26. Travel, meals, and entertainment: a Travel, $2,003.

30. Add amounts in columns for lines 6 through 29. These are the total deductions, $2,203.

31. Net profit or (loss). Subtract line 30 from line 5. If a profit, enter here and on Form 1040, line 13, and on Schedule SE, line 2 (or line 5 of Form 1041 or Form 1041S). If a loss, you MUST go on to line 32, $14,717.

SCHEDULE D—CAPITAL GAINS AND LOSSES AND RECONCILIATION OF FORMS 1099-B

1. Report here, the total sales of stocks, bonds, etc., reported for 1987 by your broker to you on Form(s) 1099-B or an equivalent substitute statement(s). If this amount differs from the total of lines 2b and 9b, column (d), attach a statement explaining the difference. See the instructions for line 1 for examples. Do not include real estate transactions reported to you on a Form 1099-B on line 1, 2a, or 9a, $33,700.

Part II—Long-term capital gains and losses—Assets held more than six months

9a. Form 1099-B Transactions (Sales of Stocks, Bonds, etc.):

(a) Description of property (Example, 100 shares 7% preferred of "Z" Co.), Shearson MNGD Munics.

(b) Date acquired (Mo., day, yr.), 7/10/85.

(c) Date sold (Mo., day, yr.), 1/19/87.

(d) Sales price, $700.

(e) Cost or other basis, $626.

(g) Gain if (d) is more than (e), subtract (e) from (d), $74.

(a) Description of property (Example, 100 shares 7% preferred of "Z" Co.), Shearson Mngd Munics.

(b) Date acquired (Mo., day, yr.), 7/10/85.

(c) Date sold (Mo., day, yr.), 5/20/87.

(d) Sales price, $8,000.

(e) Cost or other basis, $7,806.

(g) Gain if (d) is more than (e), subtract (e) from (d), $194.

(a) Description of property (Example, 100 shares 7% preferred of "Z" Co.), Milwaukee Cnty Wis.

(b) Date acquired (Mo., day, yr.), 5/25/83.

(c) Date sold (Mo., day, yr.), 10/01/87.

(d) Sales price, $25,000.

(e) Cost or other basis, $22,031.

(g) Gain if (d) is more than (e), subtract (e) from (d), $2,969.

9b. Total (add column (d)), $33,700.

12. Net long-term gain or (loss) from partnerships, S corporations, and fiduciaries, $32.

16. Add all of the transactions on lines 9a and 9c and lines 10 through 15 in column 9(f) and (g), $3,269.

17. Net long-term gain or (loss), combine columns (f) and (g) of line 16, $3,269.

Part II—Summary of parts I and II

18. Combine lines 8 and 17, and enter the net gain or (lose) here. If results is a gain, also enter the gain on Form 1040, line 14, $3,269.

Part IV—Alternative tax computation

20. Enter amount from Form 1040, line 36, $153,055.

21. Enter the smaller of the gain on line 17 or the gain on line 18, $3,269.

22. Subtract line 21 from 20 and enter the result, $149,786.

23. Enter: a $16,800 if you checked filing status box 1; b $28,000 if you checked filing status box 2 or 5; c $14,000 if you checked filing status box 3; or d $23,000 if you checked filing status box 4, $28,000.

24. Enter the greater of line 22 or line 23, $149,786.

25. Subtract line 24 from line 20, $3,269.

26. Figure the amount of tax on line 24. Use the Tax Table or Tax Rate Schedules, whichever applies, $47,608.

27. Multiply line 25 by 28% (.28) and enter the result, $915.

28. Add lines 26 and 27 Enter the result here and on Form 1040, line 37 and check the box for Schedule D, $48,523.

SCHEDULE E—SUPPLEMENTAL INCOME SCHEDULE

1. In the space provided below, show the kind and location of each rental property: Rental property, 118 Bradford Lane, Madison, WI.

2. For each property listed, did you or a member of your family use for personal purposes any of the properties for more than the greater of 14 days or 10% of the total days rented at fair rental value during the tax year? No.

3. For each rental real estate property listed, did you actively participate in the op-

eration of the activity during the tax year? Yes.

Rental and royalty income

4. Rents received (See stmt 6), $4,680.

Rental and royalty expenses

19. Other (list) (see stmt 6), $6,722.

20. Total expenses other than depreciation and depletion. Add lines 6 through 19 (form 4562 and stmt 6), $6,722.

21. Depreciation expense, or depletion, $1,590.

22. Total. Add lines 20 and 21, $8,312.

23. Income or (loss) from rental or royalty properties. Subtract line 22 from line 4 (rents) or 5 (royalty), −$3,632.

24. Deductible rental loss, $2,361.

26. Losses. Add royalty losses from line 23 and rental losses from line 24, and enter the total (losses) here, −$2,361.

27. Combine amounts on lines 25 and 26, and enter the net profit or (loss) here, −$2,361.

29. Total rental or royalty income or (loss). Combine amounts on lines 27 and 28, and enter the total here. If Parts, II, III, IV and V on page 2 do not apply to you, enter the amount from line 29 on Form 1040, line 17. Otherwise, include the amount from line 29 in line 42 on page 2 of Schedule E, −$2,361.

FORM 6251—ALTERNATIVE MINIMUM TAX—INDIVIDUALS

1. Taxable income from Form 1040, line 36 (can be less than zero), $153.055.

3. Add lines 1 and 2, $153.055.

4. Adjustments:

c. Miscellaneous itemized deductions from Schedule A, line 24, $4,381.

d. Taxes from Schedule A. line 8, $16,565.

e. Interest from Schedule A, line 12b $2,571.

p. Passive activity loss, $2,361.

s. Total adjustments (combine lines 4a through 4r), $25,878.

5. Tax preference items:

f. Tax-exempt interest from private activity bonds issued after August 7, 1986, $175.

j. Total tax preference items (add lines 5a through 5i), $175.

6. Combine lines 3, 4s, and 5j, $179,108.

8. Alternative minimum taxable income (subtract line 7 from line 6), $179,108.

9. Enter: $40,000 ($20,000 if married filing separately; $30,000 if single or head of household), $40,000.

10. Enter: $150,000 ($75,000 if married filing separately; $112,500 if single or head of household), $150,000.

11. Subtract line 10 from 8. If zero or less, enter zero, $29,108.

12. Multiply line 11 by 25% (.25), $7,277.

13. Subtract line 12 from line 9. If zero or less, enter zero, $32,723.

14. Subtract line 13 from line 8. If zero or less, enter zero, $146,385.

15. Multiply line 14 by 21% (.21), $30,741.

17. Tentative minimum tax (subtract line 16 from line 15), $30,741.

18. Regular tax before credits (Form 1040, line 37) minus foreign tax credit (Form 1040, line 44), $48,532.

19. Alternative minimum tax (subtract line 18 from line 17). Enter on Form 1040, line 49, 0.

FORM 2106—EMPLOYEE BUSINESS EXPENSES

Your name: Ellen H. Proxmire.

Part I. Employee Business Expenses

Step 1 enter your expenses (other than meals and entertainment)

1. Vehicle expense from Part II, line 15 or line 22, $3,500.

4. Business expenses not included in lines 1 through 3. Do not include meals and entertainment (see statement 4), $493.

6. Add lines 1 through 5 and enter the total expenses here, $3,993.

Step 4 figure expenses to deduct as an itemized deduction on schedule A (form 1040)

14. Subtract line 12 from line 10, $3,993.

16. Subtract line 15 from line 14, $3,993.

17. Add the amounts on line 16 of both columns and enter the total here. Also enter the total on Schedule A (Form 1040), line 20. (Qualified Performing Artists and handicapped employees, see instructions), $3,993.

Part II—Vehicle expenses (use either your actual expenses (section C) or the standard mileage rate (section B).)

Section A.—General Information (Vehicle 1)

1. Enter the date vehicle was placed in service, 1/1/86.

2. Total mileage vehicle was used during 1987, 8,000.

3. Miles included on line 2 that vehicle was used for business, 5,600.

4. Percent of business use (divide line 3 by line 2), 70.

5. Average daily round trip commuting distance, 5.

6. Miles included on line 2 that vehicle was used for commuting, 1,250.

7. Other personal mileage (subtract line 6 plus line 3 from line 2), 1,150.

8. Do you (or your spouse) have another vehicle available for personal purposes? Yes.

9. If your employer provided you with a vehicle, is personal use during off duty hours permitted? Not applicable.

10. Do you have evidence to support your deduction? Yes. If yes, is the evidence written? Yes.

Section C.—Actual Expenses (Vehicle 1)

16. Gasoline, oil, repairs, vehicle insurance, etc. (stmt 5), $1,034.

17. Vehicle rentals, $3,966.

19. Add lines 16 through 18, $5,000.

20. Multiply line 19 by the percentage on Part II, line 4, $3,500.

22. Add lines 20 and 21. Enter total here and on Part I, line 1, $3,500.

FORM 4562—DEPRECIATION AND AMORTIZATION

Name(s) as shown on return: William and Ellen H. Proxmire.

Part I—Depreciation

Section C.—Other Depreciation

10. Other depreciation (see statement 6), $1,590.

Section D.—Summary

11. Total (add deductions on lines 5 through 10). Enter here and on the Depreciation line of your return (Partnerships and S corporations—Do NOT include any amounts entered on line 5), $1,590.

FORM 8582-PASSIVE ACTIVITY LOSS LIMITATIONS

Name(s) as shown on return: William and Ellen H. Proxmire.

Part I—Computation of 1987 passive activity loss

Rental Real Estate Activities With Active Participation

Activities acquired before 10-23-86:

1a. Activities with net income, 0.

1b. Activities with net loss, $3,632.

1c. Combine lines 1a and 1b, $3,632.

Activities acquired after 10-22-86:

1g. Net income or (loss). Combine lines 1c and 1f, $3,632.

3. Combine lines 1g and 2g. If the result is net income, see the instructions for line 3. If this line and line 1g are both losses, go to line 4; otherwise, enter -0- on line 9 and go to line 10, $3,632.

Part II—Computation of the special allowance for rental real estate with active participation

4. Enter the smaller of the loss on line 1g or the loss on line 3, $3,632.

5. Enter $150,000 ($75,000 if married filing separately and you lived apart for the entire year), $150,000.

6. Enter modified adjusted gross income, but not less than -0-. If line 6 is equal to or greater than line 5, skip lines 7 and 8, enter -0- on line, 9, and then go to line 10. Otherwise go to line 7, $185,433.

9. Enter the smaller of line 4 or line 8, 0.

Part III—Computation of passive activity loss allowed

10. Combine lines 1c and 2c and enter the result, if the result is -0- or net income, skip to line 16, $3,632.

11a. If line 9 is -0- enter -0- on line and go to line 12.

11b. If line 1c shows income, has no entry, or shows, -0-, enter -0- on line 11. Otherwise enter the smaller of line 1c or line 8, 0.

12. Subtract line 11 from line 10. If line 11 is equal to or greater than line 10, enter -0-, $3,632.

13. Subtract line 9 from line 3, $3,632.

14. Enter the smaller of line 12 or line 13, $3,632.

15. Multiply line 14 by 65% (.65) and enter the result, $2,361.

16. Enter the amount from line 9, 0.

17. Passive Activity Loss Allowed for 1987. Add lines 15 and 16, $2,361.

18. Add the income, if any, on lines 1a, 1d, 2a, and 2d and enter the result, 0.

19. Total losses allowed from all passive activities for 1987. Add lines 17 and 18. See page 5 of the instructions to see how to report the losses on your tax return, $2,361.

FORM 8582—PASSIVE ACTIVITY LOSS LIMITATIONS "ALT MIN TAX"

Name(s) as shown on return: William and Ellen H. Proxmire.

Part I—Computation of 1987 passive activity loss

Rental Real Estate Activities With Active Participation

Activities acquired before 10-23-86:

1a. Activities with net income, 0.

1b. Activities with net loss, $3,632.

1c. Combine lines 1a and 1b, $3,632.

Activities acquired after 10-22-86:

1g. Net income or (loss). Combine lines 1c and 1f, $3,632.

3. Combine lines 1g and 2g. If the result is net income, see the instructions for line 3. If this line and line 1g are both losses, go to line 4; otherwise, enter -0- on line 9 and go to line 10, $3,632.

Part II—Computation of the special allowance for rental real estate with active participation

4. Enter the smaller of the loss on line 1g or the loss on line 3, $3,632.

5. Enter $150,000 ($75,000 if married filing separately and you lived apart for the entire year), $150,000.

6. Enter modified adjusted gross income, but not less than -0-. If line 6 is equal to or greater than line 5, skip lines 7 and 8, enter -0- on line 9, and then go to line 10. Otherwise, go to line 7, $185,433.

9. Enter the smaller of line 4 or line 8, 0.

Part III—Computation of passive activity loss allowed

16. Enter the amount from line 9, 0.

17. Passive Activity Loss Allowed for 1987. Add lines 15 and 16, 0.

18. Add to income, if any, on lines 1a, and 2d and enter the result, 0.

19. Total losses allowed from all passive activities for 1987. Add lines 17 and 18. See page 5 of the instructions to see how to report the losses on your tax return, 0.

STATEMENT 1.—WAGES, SALARIES, TIPS, ETC.

Employers name and address	Income tax withheld	Wages salaries tips, etc.	FICA	FICA wages for sch se
(H) U.S. Senate	$29,235	$85,246	$3,132	$43,800
(W) Washington, Inc	14,922	76,433	3,132	43,800
Total withheld, wages, and FICA	44,157	161,679	6,264	87,600

STATEMENT 2.—PENSION AND ANNUITY WITHHOLDING

Pension/annuity description	Federal income tax withheld
Civil service retirement (total Federal taxes withheld)	$189

STATEMENT 3.—PENSION AND ANNUITY INCOME

General rule, description	Taxable portion
(H) Civil service retirement (taxable income under general rule)	$3,785

STATEMENT 4.—OTHER EMPLOYEE BUSINESS EXPENSES, FORM 2106

Other expenses	Amount
Dues and publications (total other business expenses)	$493

STATEMENT 5.—EMPLOYEE BUSINESS AUTO EXPENSE

Automobile expenses—Other	Amount
Gas, oil, and lube (total automobile expense—Other)	$1,034

STATEMENT 6.—RENT AND ROYALTY INCOME

(H) Property 1 (Rental property, 118 Bradford Lane Madison, WI)	Amount
Rental income	$4,680
Expenses:	
Insurance	229
MTG interest pd to fin inst	4,948
Legal and professional fees	100
Taxes—Property	1,445
Depreciation	1,590
Total deductible expenses	8,312
Net loss	−3,632
Disallowed passive loss	−1,271
Allowed passive loss	−2,361

STATEMENT 6.—RENT AND ROYALTY INCOME

Date acquired	Depreciation calculation: Cost or basis	Prior years depreciation	Method	Yrs	Pct	Current depreciation
118 land 11/22/80	$11,500					0
118 Bradford 11/22/80	31,800	$9,805	SL	20		$1,590
Total	43,300	9,805				1,590

STATEMENT 7.—PASSIVE ACTIVITY LOSS LIMITATIONS

Form or schedule reported on—	Activities acquired before 10/23/86: (A) Income	(B) Loss	Activities acquired after 10/22/86: (C) Income	(D) Loss
Rental real estate activities with active participation: rental property schedule E (total)		$3,632		

ALLOCATION OF UNALLOWED LOSSES

	(A) Loss	(B) Ratio	(C) Unallowed loss	Amount
Passive losses in excess of income				3,632
Special allowance and pre 10/23/86 losses allowed				2,361
Unallowed losses to be allocated				$1,271
Rental property schedule E (total)	$3,632	1.000000	$1,271	

ALLOWED LOSSES

	Form or schedule reported on—	(A) Loss	(B) Unallowed loss	(C) Allowed loss
Rentral property schedule E (total)	3,632	1,271	2,361	

STATEMENT 8.—PASSIVE ACTIVITY LOSS LIMITATIONS ALTERNATIVE MINIMUM TAX

Form or schedule reported on—	Activities acquired before 10/23/86: (A) Income	(B) Loss	Activities acquired after 10/22/86: (C) Income	(D) Loss
Rental real estate activities with active participation: Rental property form 6251 (total)		$3,632		

ALLOCATION OF UNALLOWED LOSSES

Form or schedule reported on—	(A) Loss	(B) Ratio	(C) Unallowed loss	Amount
Passive losses in excess of income				$3,632
Special allowance and pre 10/23/86 losses allowed				0
Unallowed losses to be allocated				3,632
Rental property form 6251 (total)	3,632	1.000000	3,632	

ALLOWED LOSSES

Form or schedule reported on—	(A) Loss	(B) Unallowed loss	(C) Allowed loss
Rental property form 6251 (total)	$3,632	$3,632	0

STATEMENT 9.—PERSONAL INTEREST

	Amount
Bk of Wilmington	$1,855
NBW	27
Credit cards	733
Marine Bank	256
Thomson McKinnon	1,085
Total personal interest	3,956

STATEMENT 10.—MISCELLANEOUS DEDUCTIONS SUBJECT TO 2-PERCENT AGI LIMIT

	Amount
Tax preparation fees	$1,100
Senate office exp	90
Total miscellaneous deductions	1,190
Other business expenses (H) Member of Congress travel (total)	3,000
Total business expenses—Miscellaneous itemized deductions	3,000
Total miscellaneous itemized deductions to schedule A	4,190

STATEMENT 11.—DOCTORS, HOSPITALS, DRUGS, AND INSURANCE PREMIUMS

	Amount
Doctor, dentist, etc. expenses other doctors, dentists, nurses, etc. (total)	791
Medical insurance premiums	1,495
Total doctors, hospitals, drugs, and ins. premiums	2,286

STATEMENT 12.—CASH CONTRIBUTIONS UNDER $3,000

	Amount
Charities qualifying for 50 percent limitations:	
Misc. organized charities	1,325
Multiple sclerosis	3,600
Misc. organized charities	780
Total cash contributions to charities qualifying for 50 percent limitation	5,705
Total cash contributions under $3,000	5,705

Name: Senator William and Ellen Proxmire. SSN: (H) [redacted] and SSN: (W) [redacted]

Address: 118 Bradford Lane.

City, State, ZIP: Madison, Wisconsin 53714.

CERTIFICATE

I hereby certify that I was in travel status in the Washington, D.C., area, away from my home in my home state of Wisconsin, in the performance of my official duties as a Member of Congress for 270 days during the year 1987 and that my deductible living expenses while in such travel status amounted to $3,000.

WILLIAM PROXMIRE.

NOTE.—If such living expenses exceeded $3,000, the deduction is limited under section 162(2) of the Internal Revenue Code of 1954 to $3,000.

Mr. PROXMIRE. Mr. President, I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. Under standing order, the Republican leader is recognized for 10 minutes.

INF

Mr. DOLE. Mr. President, 3 months ago today, President Reagan submitted a landmark arms control treaty to the Senate for its advice and consent to ratification. The INF Treaty is the first agreement to reduce existing nuclear weapons. It also establishes the principle of asymmetrical reductions, and incorporates unprecedented verification procedures.

Since January 25, the INF Treaty has undergone a thorough examina-

tion. I certainly want to commend Members of the various committees who have participated in this examination. I think it is fair to say that at no time in the past 200 years has the Senate scrutinized a treaty so carefully. Hundreds of person-hours have been spent examining the history of negotiations—and I think this has been a healthy development. Three committees have considered extensive testimony, and issued reports.

Three months of scrutiny has, by and large, upheld the judgment most of us formed upon first reading: the INF Treaty is a good one, and it is effectively verifiable. Naturally, some tough questions have arisen. The Constitution gives the Senate a "second look" at treaties precisely to insure that those tough questions are asked and answered before ratification.

Most issues raised have been resolved; only a few await further judgment on the Senate floor. No issue which has yet arisen warrants delay of the treaty consideration process which we are already deeply into.

In fact, I believe we can—and should—press on so that we can give President Reagan our advice and consent to ratification before he goes to Moscow at the end of May.

Two weeks from today we will begin the final phase of our work. We will have to translate our excellent preparatory work into excellent policy. To do that, we must draw together in a truly bipartisan search for reasonable solutions to outstanding problems.

Unfortunately, so far we have seen a genuine attempt at bipartisan compromise on the treaty interpretation issue swept aside in favor of a provision which will surely cause rancor and delay on the floor.

Then there is the very important so-called futures issue. I said at the outset of this process that the Senate would play a constructive role, and the armed services committee's work on this subject is a perfect example. Senators NUNN, WARNER, QUAYLE, and others are to be commended for bringing the futures issue to the fore. It is an important question which must be resolved.

But I suggest that we should not start out brandishing category three conditions—those that require further agreement from the Soviets—and leaping into positions adversarial to our President.

We may find that a category 3 condition is the only solution, but we should leave no stone unturned to find an alternative.

I would just suggest that I think on this side of the aisle, I am certain not all will finally agree to ratification, but we are prepared to roll up our sleeves and get down to work. I believe the compromise we nearly reached on treaty interpretation is still within reach. We need to explore, as I have heard the distinguished majority leader say, all the possibilities on the so-called futures issue—perhaps a category 1 or 2 condition, or some other arrangement can be found.

I will be meeting later today with the President's Chief of Staff, Howard Baker, and National Security Adviser, Gen. Colin Powell, to discuss these issues as they too are prepared to work with us to solve the problems that have arisen. They feel very strongly about having a treaty completed by the time the President goes to Moscow.

So I would just say to the majority leader and my colleagues on this side of the aisle, and on both sides of the aisle, that we will be working together to find reasonable solutions to real issues which have arisen. The committees have spent, as I have said, hundreds and hundreds and hundreds of hours, and I do not know how many witnesses totally. But as we examine the INF Treaty, I think we will find some solution. And such an effort would be the finest hour of a process of which we are justifiably proud.

If we rededicate ourselves to this effort today, we can begin effective and expeditious consideration of the treaty on May 9—as the majority leader plans. We should be able to complete our work in 2 weeks, thus combining our full constitutional duty and the President's desire to ratify the treaty at the upcoming summit. I believe the two are entirely consistent.

I think most everyone would share that view, and I am certain that we will be doing all possible on this side of the aisle to make certain that there is timely ratification.

Mr. BYRD. Mr. President, as I have indicated before, I have no interest in delay on the treaty for the sake of delay. But I feel that the Senate has the responsibility under the Constitution to very carefully study this treaty, and as the minority leader has said, hundreds of hours have been spent by three committees under whose jurisdiction certain aspects of this treaty fall. That is not to say that we should not take additional time if it is necessary. I have not said that we would take up the treaty on May 9. I have said that we would not take up the treaty before May 9.

I have also said that, insofar as trying to meet the summit deadline is concerned, that is no guide to me at all. It is the Senate's responsibility to carefully study this treaty to give its advice and consent to the treaty if it finds the treaty to be a good one. To me that is the sole benchmark that this Senator and that this Senate should attempt to be guided by. I have reason to believe that, in due time, we will be satisfied with this treaty. I said upon my first reading of it several months ago that I thought it was a good treaty, that on the surface it seemed to be a good treaty, but that the committees would obviously probe and delve into the information and the facts, and that if there is a weakness, it would be found through the committee process.

Some problems have arisen. I have said, and I believe Senator NUNN has said, that we do not think those are insurmountable.

I just want to repeat that I think that, in the interests of our country and of all the people, we must be guided by the facts on which the treaty is based. We must carefully study the record, and, as problems have been found, we must do the best we can to surmount those problems. If they cannot be surmounted, that is another question.

I appreciate the advice that the distinguished Republican leader is giving us. I am sure that we will work together in this matter as we go along. But the Senate will not be rushed or hurried, waiting on the report of the Intelligence Committee. As I understand it, that committee will be going forward this week in its study. Mr. BOREN, of course, will be prepared, in due time, to inform the Senate as to what the findings of that committee are.

I will continue to talk with Mr. NUNN and Mr. DOLE and others. But the White House is just going to have to wait, so far as I am concerned, until we are satisfied that these problems can be surmounted. I hope they will be, and I believe they will be, and there is yet time.

I thank the distinguished Senator for yielding.

Mr. DOLE. I thank the distinguished majority leader.

Mr. President, I do not have any disagreement with the statement by the majority leader. But, all things being equal, if they are satisfied, I hope we can accommodate the President, because this is an important meeting with the Soviets.

Mr. BYRD. Mr. President, I want to accommodate the President, and will accommodate the President where I can. But that is not my first responsibility under the oath which I took upon entering this office and which I have taken five times. That is not my first objective—whether it is a Republican President or a Democratic President.

When I had my own Democratic President, Mr. Carter, in the White House, and I was majority leader at the time, I was not always looking out for accommodations with the President.

I certainly want to accommodate the President, more so than any other single public official in this country, where I can do so. But I am going to accommodate the Senate and our responsibility under the Constitution first, before the accommodation of

anybody else or any other office. The people down at the White House just might as well understand that, and Senators in this Chamber might as well understand that. That comes first.

I hope we will be able to deal with those problems in time to take up the treaty on May 9, and that will probably be the case. There is no willful delay here. I have justifiable reasons for waiting, and I will do my duty.

I thank the distinguished Republican leader.

Mr. DOLE. I thank the majority leader.

As he may recall, this Senator was criticized sharply for indicating pretty much the same line, that we do have a responsibility. It is separate and apart from the executive.

We will do what we need to do to make certain that we have taken the proper second look.

There were some even suggesting, before the treaty was up here, that we ought to jump on board. I did not subscribe to that. I strongly support the majority leader's view that we have a serious obligation in the U.S. Senate, a constitutional obligation, and we are going to carry it out.

Mr. BYRD. Mr. President, if the distinguished Senator will yield, the distinguished Senator from Kansas, the Republican leader, did precisely that—he insisted upon at least reading the treaty before he threw his support behind it. I complimented him then and saluted him then, and I do so today.

Mr. DOLE. I thank the Senator.

BICENTENNIAL MINUTE

APRIL 25, 1854: SENATE APPROVES THE GADSDEN PURCHASE

Mr. DOLE. Mr. President, throughout the Nation's history there have been notable occasions when a major shift in the American priorities has become dramatically apparent in the deliberations of the U.S. Senate. One of these instances occurred 134 years ago today, on April 25, 1854, as the Senate reluctantly consented to the ratification of a treaty with Mexico.

During the previous decade, the Nation had concentrated on the expansion on its empire. Between 1845 and 1848, the United States, by acquiring Texas, Oregon, California, and the Southwest, had virtually doubled its territory. There was talk in the early 1850's of annexing Canada, seizing Cuba, and planting an American colony in slaveholding Brazil.

Under the influence of this spirit of manifest destiny, President Franklin Pierce in 1853 authorized the U.S. Minister to Mexico, James Gadsden, to buy as much Mexican territory as possible for $50 million. A former president of a South Carolina Railroad, Gadsden hoped to create a southern rail system that would run to the Pacific and securely tie the West to the South, ensuring the latter section's economic survival. Essential to this plan was the acquisition of a triangular section of land amounting to 54,000 acres adjacent to the U.S. border in northwestern Mexico.

The Senate heatedly debated the Gadsden Purchase Treaty early in 1854. Free-State Senators strongly opposed the pact, fearing it would provide more territory that might be opened to slavery. Initially, the Senate rejected the treaty. Approval came only after its supporters agreed to trim the land area to the minimum necessary for the railroad and to reduce the purchase price to $10 million. For the first time in history, the Senate had refused to accept land ceded to the United States—A major turning point, as the divisive issue of slavery curbed Senators' appetites for further expansionist adventures.

USDA NATIONAL NEEDS FELLOWSHIP PROGRAM 1988

Mr. BOND. Mr. President, the next century will reveal technological advances unmatched since the beginning of time. As Members of what has been called the greatest deliberative body in the world, we must encourage this change, not fear it. Technology is something which evolves, it is not bestowed upon a population or country. Failure to recognize this will only impede our Nation's progression from the Green Revolution to the Gene Revolution. As Winston Churchill once said, "unless the intellect of the nation keeps abreast of all material improvements, the society in which that occurs is no longer progressing."

The advent of the biotechnological era is somewhat similar to Thomas Edison's discovery of the proper filament for the electric light bulb in 1879. What may seem outlandish and impossible today, might be taken for granted 109 years from now.

Although biotechnology will play a major role in the future of our Nation and the world, the vast majority of people don't understand what it is. Simply stated, technology has advanced to the point that we can remove a gene from an organism and recombine it with the genetic material of another organism. Recombinant DNA, as this is called, has given researchers the ability to transfer the genetic characteristics of two organisms which can not be mated naturally.

The benefits from this evolving field could affect each and every person on Earth. In the field of human health, scientists are pursuing immunology based therapies for cancer, anticholesterol agents, interferones, blood products, growth factors, hormones, and various new vaccines. In agriculture, advances could lead to the development of new plant varieties with greater resistance to disease, improved adaptability to climatic factors, and enhanced photosynthetic efficency. Agricultural producers may be able to produce genetically engineered livestock, and have access to vaccines for such things as foot and mouth disease, scours, and shipping fever.

Mr. President, last week I had the opportunity to address a class of graduate students who exemplify the pioneer spirit of our Nation. Pursuing careers related to the agricultural sciences, these dedicated individuals will help chart a course which will undoubtedly provide infinite challenges and opportunities.

The students comprised the first graduating class of the U.S. Department of Agriculture's National Needs Graduate Fellowship Program. This extremely important program, funded by Congress since 1984, provides competitive grants to universities to support outstanding graduate students in areas characterized by shortage of expertise—biotechnology, agricultural engineering, food and agricultural marketing, food science and human nutrition. To invest in human capital is to invest in the future.

Because the President's fiscal year 1989 budget eliminated funding for this program, efforts are under way to restore and expand funding through the appropriations process. I would hope that other Senators recognize the program's importance and support our efforts. Can we really afford not to continue programs which will have such a profound effect on our future?

Mr. President, I ask unanimous consent that a copy of my remarks to the National Needs Fellows be printed in the RECORD.

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

ADDRESS BY SENATOR CHRISTOPHER S. BOND—FROM GREEN TO GENE: ANOTHER REVOLUTION?

It is fitting that you have assembled at one of the most prestigious institutions in the world: the National Academy of Sciences. As members of the first graduating class of National Needs fellows, you have exhibited an intellect of remarkable proportion. Your training and research have enabled you to become part of a scientific community which will no doubt provide infinite challenges and opportunities.

The next century will reveal technological advances unmatched since the beginning of time. We must encourage this change, not fear it. Good friends, technology is something which evolves, it is not bestowed upon a population or country. Failure to recognize this will only impede our nation's progression from the Green Revolution to the Gene Revolution. As Winston Churchill once said, "Unless the intellect of a nation keeps abreast of all material improvements, the society in which that occurs is no longer progressing."

As professionals with educational backgrounds in agriculture, you must look beyond current surpluses and excessive production. What will the structure of agriculture be in twenty-five years? Fifty years? One hundred years? Recent projections state that there will be 9 billion people on Earth in the year 2025. World demand for food production is expected to double in the next 30 years. Without a doubt, biotechnology will play a major role in whether the United States changes the path of modern history or simply hitchhikes its way through the twenty-first century. The course which we chart will be determined by many: Academia, the scientific community, governmental agencies, Congress, farmers, ranchers and ultimately consumers.

As many of you already know, technological evolution is not given and there are those who will fight it every step of the way. One outspoken opponent has stated that "biotechnology stands to increase surpluses, soil loss, pollution and to wipe out what's left of small farms; not to mention the bigger picture of the potential disaster inherent in releasing mutant life forms."

I'm more of an optimist than that. Human health benefits aside, biotechnology will lead to the development of new plant varieties with greater resistance to disease, improved adaptability to climatic factors, increased herbicide tolerance and enhanced plant growth and photosynthetic efficiency.

According to a paper published in Technology Review in 1987, Dr. David Pimentel of Cornell University indicates that significant benefits will result "when organisms such as bacteria, viruses, fungi, nematodes, and insects are engineered to control insect pests, weeds, and plant diseases." He indicates that the gains could be enormous given the fact that one-third of all U.S. crops—about $50 billion worth—are annually lost to pests. Additional savings, up to $500 million, could be generated by reduced pesticide costs.

In livestock, Bovine Somatotropin (BST) has increased dairy cattle milk yields by 10 percent to 25 percent per cow per day within several days of use. Porcine Somatotropin (PST) may lead the way to adapting pork to meet today's demand for leaner meat products. Other possibilities include the development of vaccines for foot and mouth disease, scours and shipping fever. Genetic engineering of chickens, swines and cattle may also become a reality.

As a child growing up in a small town in Missouri, I vividly remember the excitement and anticipation of county fair time. Everyone was raising their livestock, growing their produce or building their 4-H projects. Of course, the culmination of everyone's efforts was the judging at the annual county fair. Even though Mexico, Missouri is a small town, we all thought the competition was the toughest anywhere.

Imagine now, the 4-H projects of the early twenty-first century. Your children and grandchildren will be the first 4-H'ers in history to raise genetically engineered sheep and cattle. Another project could use biotechnology kits which genetically engineer tomatoes which actually glow in the dark. I'd be willing to bet each kid would still think their tomatoes glow better than anyone elses.

However, efforts to improve agricultural inputs and outputs must be supported by the entire production, processing and distribution chains. The development of new crops will be of little use without the proper equipment for planting and harvesting. Agricultural marketing will undoubtedly become much more sophisticated by dealing with products specifically tailored to meet consumer demand.

Current issues illustrate the increasing role which food scientists will play in the future. Consumer confidence in our nation's food supply may have been jeopardized by recent examples of salmonella in eggs and sulfamethazine residues in pork. I would hope that Congress acts soon to pass legislation to supplement organaleptic inspection with microbiological and chemical sampling. Again, such a thing can be done, thanks to advances in genetic engineering.

With all of the talk about the possibilities of biotechnology, it is very easy to overlook an essential component—education. Future advances in agriculture will not be made solely as a result of research funding, but because of a national commitment to producing highly skilled researchers and educators. Our job is to make others realize that educational programs such as this are investments in human capital.

Some months ago, some startling figures were brought to my attention. Undergraduate enrollments in U.S. colleges of agriculture have declined by nearly 50 percent during the past decade. In 1986, USDA projected a 10 percent annual shortfall of college graduates in food, agriculture and natural resource disciplines through 1990. A 17 percent shortfall is projected for agricultural scientists, engineers and related specialists.

In my opinion, this could not come at a worse time. We must enact steps to reverse this trend and enlighten others of the opportunities existing within the agricultural sciences. For starters, increased efforts must be undertaken to increase funding for the National Needs Fellowship Program. Congress seems willing to appropriate research funds without questioning the quality of the researchers. I am of the opinion that the two are not mutually exclusive. Quality researchers lead to quality research. The United States currently spends more than $4 billion annually on public and private agricultural research—yet we can't find $10 million a year for programs such as this. At the very minimum, this program should be guaranteed funding of $10 million per year, for 5 years.

In addition, a competitive challenge grant program should be implemented at $10 million annually, for a 5-year period. Dependent upon matching state and private funding, this program would address specific priority areas of investment. It would increase educational awareness of the agricultural sciences by improved student recruitment activities, curriculum revitalization initiatives, expanded undergraduate research projects and greater opportunities for faculty development.

Next Wednesday, I will testify before the Senate Agriculture Appropriations Subcommittee. We have to make people aware of the virtues of the programs and seek additional funding. Also, efforts are underway to inform other Senators on the programs thus expanding our base of support. It should be noted that the Senate Appropriations Committee has supported increased funding in the past, only to have the gains erased in the Conference Committee by members of the House of Representatives.

The support of our National Needs Fellows, who are the most knowledgeable about the merits of the program, will be crucial in efforts to expand future programs. I urge you to contact the members of your Congressional delegation and request their support.

We are all aware of the current federal budget constraints. The buzzword in Washington now seems to be "offset." In other words, if you want to spend additional funds, find an offset. In this case, however, we are truly investing in our future. Continuation of this program should not be dependent upon finding an offset. Aren't we in agreement that education is a top national priority?

As a seasoned veteran, having survived one whole year as a Senator, I can say that it is different to predict what Congress will do this afternoon, much less through the next century. Congress will undoubtedly play a role which extends beyond simply appropriating funds. While the federal government establishes scientifically acceptable testing guidelines, Congress must also ensure they do not become unnecessary deterrents. Public safety will remain the utmost concern and must always be considered. We must all keep in mind that it takes years to regain the public's confidence once the assurance of safe products has been compromises.

Congress must be in a position to ensure safety, thus an oversight role of the regulatory system will most likely continue.

Along these lines, one concern which continues to surface in Congress relates to the deliberate release of genetically engineered organisms into the environment. Although guidelines have been established by the National Institutes of Health, an increasing number of localities are passing ordinances implementing more stringent regulations. A way to minimize this trend is to ensure that the federal government, including Congress, does not lag behind the advances made by the scientific community.

An area which may require additional resources is the Office of Trademarks and Patents (OTP). Recent rulings have affirmed that patents can be awarded for genetically engineered seeds, plants, plant tissue cultures and animals.

However, it is my understanding that companies must wait about two and a half years before their application is reviewed. It then takes another 2 years on average before a final decision is rendered. As of the beginning of 1988, OTP's backlog of applications, appeals and amendments was 6,907.

It is evident that technology has progressed at a faster rate than our ability to evaluate it. While basic research holds the key to advanced technologies, applied research assumes the responsibility for proving the benefits to society.

If current legislation is any indication of the future, Congress will deal with a full spectrum of technologies issues related to agriculture. Bills now pending range from prohibiting the patenting of animals altered through genetic engineering to the authorization of a plant modification research program.

One such bill that seems to have some momentum was approved last week by the Senate Labor and Human Resources Committee. The legislation would establish a new executive branch advisory board on biotechnology and genetic research issues. The proposed National Biotechnology Policy Board would include representatives from industry, government and universities and will provide advice on regulatory policies and ways to encourage additional participation in the field of biotechnology.

Good will or good intentions are not a substitute for action. Neither the federal gov-

ernment in general nor Congress in particular should impede the evolution of technology. Let me again assert that progress results from sound research not a resounding fear of the future.

In 1966, a seminar at the Delhi School of Economics in India focused on the impacts from the wide-spread introduction of high-yielding green revolution seeds of dwarf wheat and rice varieties. The seminar participants were similar to those assembled here this morning—government officials, scholars from agricultural and general universities, a sprinkling of foreign advisors and expatriate technical assistants and a few political leaders.

Within the first few hours of that three-day meeting, the discussion focused on a call by many participants for the government to prohibit further testing or use of high-yielding seeds. Specifically, participants sought to ban the distribution to farmers of the genetic stocks then available to the research stations of the nation. Despite the protests of a few, the meeting concluded with a clear consensus to prohibit the entry and use of the new varieties. In this case, India's hungry masses were fortunate that government leaders ignored the group's contagious fear.

As George Bernard Shaw said, "all progress is initiated by challenging current conceptions."

We have at hand the opportunity to challenge the current conception—or misconception—that biotechnology stands to increase surpluses, soil loss, pollution and to lead to disasterous mutations.

Only by doing so can we achieve progress.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 10 minutes under the prior terms and conditions.

The PRESIDING OFFICER (Mr. DASCHLE). 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.

TRIBUTE TO THE AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. MURKOWSKI. Mr. President, I rise today to pay tribute to the 35th anniversary of the American Political Science Association Congressional Fellowship Program.

Since 1953, this program has provided an immeasurable degree of service to the Congress, and to the Republic.

By providing to the Congress the service of midcareer Government executives, journalists, medical professionals, and political scientists for 9-month fellowships in congressional offices, the program has created a resource of ideas unmatched in the history of our country. The fellows have brought their expertise to the solution of major public policy questions and provided excellent advice and counsel to this Senator and to many other Members of both Houses of the Congress.

Not only have the congressional fellows contributed to the Congress' understanding of complex issues but they have also made a major contribution to the academic and public understanding of the functioning of the Congress. The hundreds of men and women who have served as congressional fellows have gone on to serve in key positions of influence in the Government and private sectors.

They have become Members of Congress; university presidents; key members of the congressional staff; American ambassadors; academic experts on the Congress and, in the case of the foreign fellows, key officials of their home governments.

During my own service in the Senate, Mr. President, congressional fellows have served as legislative assistant for foreign affairs in my office. I have found these members of the Foreign Service, and my current fellow, a senior intelligence officer of the Defense Intelligence Agency to be seasoned experts on foreign affairs and ready students of the legislative ethos.

These fellows have provided me with quality of counsel which it would be difficult to get through normal staffing procedures. I have and continue to value their advice.

Mr. President, at the moment we have 49 members of the Congressional Fellowship Program serving here on Capitol Hill, 24 of these are Government executives; 8 are foreign fellows, 5 of them, sponsored by the Asia Foundation, come from our key Asian trading partners. The remaining fellows are journalists, members of the medical professions and university students and professors of political science and anthropology. The American Political Science Association has assembled in this year's fellows a group of distinguished individuals whose accomplishments have been crowned by their selection as congressional fellows. They are serving among us, some in quiet ways and some in more visable ways. The impact of their presence is felt everyday in this place and the Congress is better for it.

Mr. President, not only has the American Political Science Association Congressional Fellowship Program made enormous contributions on its own, but it has served as the model for several other congressional fellowship programs which have made enormous contributions on their own. The ASPA Program has set the standard however, and it has held that standard high for 35 years to the great benefit of the Congress and the American people.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

BENEFITS FOR VETERANS AND SURVIVORS OF NUCLEAR TESTS OR OCCUPATION OF HIROSHIMA AND NAGASAKI

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 1811, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1811) to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Time for this debate and the substitute to be offered by the Senator from California shall be limited to 1 hour to be equally divided and controlled.

The Senator from California.

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am pleased to announce that Senate and House conferees have reached an agreement regarding legislation to provide compensation for certain veterans exposed to ionizing radiation and to being before the Senate for adoption that compromise agreement and urge its adoption.

AMENDMENT NO. 1977

(Purpose: To provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric nuclear tests as part of the United States nuclear weapons testing program of in the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation. and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON] proposes an amendment numbered 1977.

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

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation-Exposed Veterans Compensation Act of 1988".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN RADIATION-EXPOSED VETERANS.

(a) PRESUMPTION.—Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection) shall be considered to have been incurred in or aggravated during the veteran's service on active duty, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

"(A) Leukemia (other than chronic lymphocytic leukemia).

"(B) Cancer of the thyroid.

"(C) Cancer of the breast.

"(D) Cancer of the pharynx.

"(E) Cancer of the esophagus.

"(F) Cancer of the stomach.

"(G) Cancer of the small intestine.

"(H) Cancer of the pancreas.

"(I) Multiple myeloma.

"(J) Lymphomas (except Hodgkin's disease).

"(K) Cancer of the bile ducts.

"(L) Cancer of the gall bladder.

"(M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).

"(3) The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity, except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia).

"(4) For the purposes of this subsection:

"(A) The term 'radiation-exposed veteran' means a veteran who, while serving on active duty, participated in a radiation-risk activity.

"(B) The term 'radiation-risk activity' means any of the following:

"(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device.

"(ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

"(iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Administrator) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.".

"(b) EFFECTIVE DATE.—Subsection (c) of section 312 of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988.

"(c) REQUIREMENTS REGARDING VETERANS' ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE SCIENTIFIC COUNCIL REPORTS.—Section 6(d)(3) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended by striking out "the Committee and the Administrator" and inserting in lieu thereof "the Committee, the Administrator, and the Committees on Veterans' Affairs of the Senate and House of Representatives".

Mr. CRANSTON. Mr. President, at the outset, I want to recognize the contribution of the ranking minority member, the Senator from Alaska [Mr. MURKOWSKI], who introduced a radiation compensation bill last year—S. 453—which played a major role in focusing the debate on and bringing about increased attention to this area. I also want to extend similar recognition to the activity in the House Committee on Veterans' Affairs, where five members—including the chairman [Mr. MONTGOMERY], and the ranking minority member [Mr. SOLOMON], the former ranking minority member [Mr. HAMMERSCHMIDT], who has always had such concern and compassion for radiation-exposed veterans and their survivors, and the chairman of that committee's Subcommittee on Compensation, Pension, and Insurance [Mr. APPLEGATE]—joined as sponsors of a radiation compensation measure, H.R. 1811, introduced by Representative ROWLAND of Georgia, who has demonstrated such commitment and dedication to those veterans and survivors and has been a leader in the House's passage of that legislation this year. Finally, and foremost, I wish to note the leadership of the principal cosponsor of S. 1002, my good friend, the Senator from Illinois [Mr. SIMON], who, dating back to his years in the House, has been at the forefront of efforts to secure compensation for these veterans.

Regarding the legislation before us today—a substitute amendment to H.R. 1811—in the April 13 conference on H.R. 2616/S. 9, the conferees on both sides, at the urging of Senators MURKOWSKI and SIMPSON, agreed to recede from their respective provisions—title II of S. 9 and section 314 of the House amendment to the Senate amendment to H.R. 2616—relating to providing compensation for certain veterans exposed to ionizing radiation. The conferees took this position on the condition that as soon as possible following Senate passage of the conference agreement on H.R. 2616, the proposed Veterans' Benefits and Services Act of 1988, or before action on that legislation, the Senate conferees would make every effort to have the Senate take up H.R. 1811 and that I would propose as a substitute amendment for the House-passed text of that bill the text of section 314 of the House amendment—beginning on page H1204 of the RECORD for March 29, 1988—with cancer of the colon deleted from the list of cancers which would be presumed to be service-connected, and that, if the Senate passed H.R. 1811 as so amended, the House conferees would then seek to have the House take up H.R. 1811 as soon as possible thereafter and concur in the Senate amendment. I am today fulfilling my commitment to that agreement and am delighted to do so very swiftly.

I have had a longstanding concern for the approximately 225,000 veterans who participated in the detonation of 235 nuclear devices in connection with our Government's Nuclear Weapons Testing Program and the American occupation of Hiroshima and Nagasaki, Japan, following the detonation of atomic bombs over those two cities on August 6 and August 9, 1945. Along with others of my colleagues in the Senate, I have long sought to find solutions and answers to the questions raised by those veterans' exposure to ionizing radiation during their military service.

Science has clearly proven that ionizing radiation can produce serious adverse human health effects. While we do not have all the answers as to how much radiation exposure is necessary before the various adverse effects appear, there is a long list of cancers for which radiation has been established as a risk factor. Unfortunately, we are not likely to have many more answers regarding the effects of the radiation exposure which these veterans received during their lifetime, since the scientists have determined that a general morbidity study of them is not feasible.

Mr. President, these veterans were not exposed to radiation because of the exigencies of war; rather, they were part of peacetime experiments. And they were exposed despite the growing knowledge on the part of many Government officials of the risks of serious long-term health effects from ionizing radiation exposure.

Yet, these military personnel were not informed of the risks associated with their participation in the nuclear weapons testing program, nor was their health status systematically monitored thereafter.

Accordingly, I strongly believe that we have the reponsibility to ensure that these veterans finally are treated in an evenhanded and compassionate way with respect to their claims for VA benefits.

Yet, the VA has awarded compensation in less than 40 of the over 6,000 radiation claims filed.

The compromise agreement we are proposing is a reasonable, politically acceptable compromise generally in line with the congressional budget. This agreement marks the end of a long and arduous journey to enact legislation providing compensation in connection with veterans' exposure to ionizing radiation from nuclear detonations.

BACKGROUND

Mr. President, I would like to set forth some of the background leading up to the development of this legisla-

tion. As the chairman of the Committee on Veterans' Affairs, I introduced S. 1002, the proposed Veterans' Radiation Exposure Disability and Death Benefits Act of 1987, in the 1st session of the 100th Congress. My introductory statement on S. 1002 begins on page S. 5040 of the April 9, 1987, RECORD. Joining with me as original cosponsors of this measure were Senators SIMON, MATSUNAGA, DECONCINI, MITCHELL, ROCKEFELLER, and PELL. That bill provided for disability and death benefits to veterans and their survivors in connection with veterans' exposure to ionizing radiation through participation in the U.S. Government's nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan. Title II of S. 9, as reported by the committee on July 31, 1989, which became title II of the Senate-passed amendment to H.R. 2616, was basically derived from S. 1002.

Prior to that, on February 4, 1987, the ranking minority member of our committee [Mr. MURKOWSKI] introduced S. 453, and on March 25, 1987, Representative ROWLAND introduced H.R. 1811. Mr. President, the introduction of these three bills last year— S. 453, H.R. 1811, and S. 1002—clearly represented a major step forward for radiation-exposed veterans.

The measure we are considering today—my amendment to H.R. 1811—is the result of many months of negotiations and represents the conclusion of our continuing efforts to address the concerns and resolve the problems facing veterans who were exposed to ionizing radiation while in the service of our country. I see those concerns as falling into three general categories: compensation for disabilities possibly related to exposure; answers to questions about the factual effects of exposure to low-level ionizing radiation; and, finally, access to health care for current problems that might be related to exposure. Although Congress has addressed the latter two issues in what I believe are significant and appropriate ways, prior to the onset of the 100th Congress the compensation issue had not gone forward, pending the continuing search for scientific understanding of the precise effects of low-level radiation exposure on human health.

Generally, Mr. President, I had considered it premature to provide presumptive compensation—that is, for the Congress to make decisions regarding the relationship between relatively low levels of ionizing radiation exposure and the diseases of the various body organs and tissues when the scientists could not. That is one of the reasons why I introduced the legislation, ultimately enacted as Public Law 98-160, which mandated epidemiological study of the long-term health effects of exposure to ionizing radiation on those veterans who participated in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, and why I also joined with Senator SIMPSON in 1984 in authorizing the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, enacted as Public Law 98-452. However, after more than 3 years of evaluation, the scientists now have indicated that it is not scientifically feasible to design a morbidity study of those radiation-exposed veterans and that the only mortality study that can proceed at this point and that could be powerful enough to detect any excess disabilities would be one involving only one series of detonations—Operation Crossroads, the 1946 two-detonation series in the Pacific, in which the largest number of military personnel participated—and which is just getting started.

Additionally, I was greatly impressed by the findings and conclusions of the General Accounting Office [GAO], in a 1985 study I requested on Operation Crossroads, about the lack of adequate safety precautions during that operation and about how many uniformed personnel may have been exposed to ionizing radiation there.

Approximately 20 percent of all nuclear test participants, 42,000, were present at Operation Crossroads, and hence the GAO findings and conclusions about that operation are particularly meaningful.

I was equally impressed with the GAO's findings and conclusions in a September 1987 report I requested about certain operations during which Air Force veterans flew through the mushroom cloud caused by nuclear detonations. The GAO's report on Operation Tumbler-Snapper in 1952, Operation Redwing in 1956, and Operation Dominic I in 1962 basically confirmed the GAO's findings and conclusions reached in the Operation Crossroads report regarding significant overall understatement by the Defense Nuclear Agency [DNA] of the Department of Defense [DOD] of radiation exposure levels. The GAO also found major errors in the DNA's estimates of certain individual radiation exposure levels, particularly with respect to Operations Redwing and Tumbler-Snapper, and concluded that safety precautions were not adequate, especially with respect to those two operations.

These two GAO reports have raised very serious questions for me about the degree to which credit could or should be given to the repeated assurances from the DOD that the DNA's exposure estimates are accurate and that there was generally no significant exposure to radiation among the veterans who participated in the nuclear weapons test program.

Mr. President, the Senate bill contained significant findings and conclusions about the GAO reports and the DNA dose reconstructions, and the two committees have reconfirmed those findings and conclusions in their explanatory statement on H.R. 1811/S. 9, which I will insert in the RECORD at the conclusion of my remarks.

The truth is, Mr. President, that we will never know the extent of the exposure to ionizing radiation that these troops received. Some clearly received significant doses. Many are given no film badges or badges that could not be read or their badges were not read properly. Guessing at dosages and then attempting to surround those guesses with scientific jargon to make them sound precise just will not do.

SENATE BILL

Mr. President, after extensive considerations of all of the alternatives regarding the issue of compensation for these veterans and their survivors and possible resolutions of that issue, I developed legislation, S. 1002, that I believed and still believe provided a compassionate and fair approach. In view of the status of scientific inquiry and the GAO findings and conclusions, I thought it unjust and unfair to continue to withhold all compensation for lack of scientific confirmation.

S. 1002 addressed the two key problems which resulted in the denial of over 99 percent of all claims for VA benefits filed by radiation-exposed veterans or their survivors: First, the impossibility of determining, with respect to a given veteran, whether his disability was caused by radiation exposure rather than by something else, and, second, the likely underestimates by the DNA of radiation-exposure levels, on which the VA relies in adjudicating such claims.

Mr. President, in order to demonstrate the basis for its proposed benefit proposals, S. 1002 incorporated a number of congressional findings and purposes on the state of sciences pertaining to ionizing radiation exposure, including the calculation of and the carcinogenic effects of such exposure; the VA's history of adjudicating radiation claims; and the difficulties involved in resolving veterans' claims for VA benefits when based on exposure to ionizing radiation (described in detail beginning on page S5040 of the RECORD for April 9, 1987).

S. 1002 would have, first, provided a monthly disability or death benefit for a veteran—or eligible survivor of a veteran—who was exposed to ionizing radiation during participation in the nuclear weapons testing program or in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, who developed any of certain radio-genic diseases specified in the bill. The benefit would be equal to that provided in chapter 11 or 13 of title 38, United States Code, for a veteran with a disease shown to be strongly associ-

ated with radiation and which has not been shown to be strongly associated with any other risk factors; 50 percent of such compensation would have been paid for a disease which has been shown to be moderately associated with radiation and which has not been shown to be associated with other significant risk factors. S. 1002 also would have provided for special consideration of claims for VA benefits for a veteran with a disease shown to be somewhat associated with radiation, but much less so than the diseases within the first two categories, or to be equally as associated with other risk factors as with radiation or more strongly associated with them.

Second, S. 1002 would have mandated that the DNA radiation-exposure estimates, or which the VA relies in evaluating claims for benefits, be upwardly adjusted according to a formula based on the ranges of exposure estimates for substantial segments of the participants in each nuclear test operation, as determined by the DNA estimates. Under this methodology, radiation exposure estimates would have been increased for approximately two-thirds of all radiation-exposed veterans from both the nuclear weapons testing program and the American occupation.

Mr. President, on June 30, 1987, the Senate Committee on Veterans' Affairs held a hearing on S. 1002 and S. 453 to consider VA compensation and other service-connected benefits. On July 31, 1987, the committee approved a slightly modified version of S. 1002 and ordered it favorably reported as title II of S. 9, the proposed Omnibus Veterans' Benefits and Services Act of 1987.

Title II of S. 9 provided for disability and death benefits to veterans and their survivors in connection with veterans' exposure to ionizing radiation through participation in the United States Government's nuclear weapons testing program, the American occupation of Hiroshima or Nagasaki, Japan, or, as the bill was modified during the executive session of the committee, internment as a prisoner of war in Japan during World War II if the veteran thereby had an opportunity for radiation exposure comparable to that of a veteran who participated in the occupation. According to the Congressional Budget Office, title II of S. 9 would have provided benefits to as many as 5,000 veterans and survivors at a cost of $40 million in its first full year of implementation.

In title II of S. 9, we sought to provide both a fair and compassionate approach and one based on the existing state of scientific knowledge. As I discussed in detail in my floor statement upon Senate passage of S. 9—beginning on page S 17093 of the RECORD for December 4, 1987, certain cancers—leukemia, except for chronic lymphocytic leukemia, and thyroid cancer—have been shown to be highly susceptible to radiation induction, and these were included in the bill for presumptive compensation purposes without reference to the level of the veterans' exposure to radiation.

Eight other forms of cancer—cancer of the small intestine, stomach, liver, except where cirrhosis or hepatitis B is indicated, bile ducts, gallbladder, and pancreas, lymphomas, excluding Hodgkin's disease, and multiple myeloma—which have been shown to have a moderate susceptibility to radiation and have not been strongly associated with any other significant risk factors, were included in S. 9 for presumptive benefits purposes if the veteran was exposed to more than one rem of radiation.

Other cancers—cancer of the colon, lung, esophagus, rectum, pharynx, liver—when cirrhosis or hepatitis B is indicated—kidney, urinary tract, bladder, brain and nervous system, salivary glands, and bones and joints, and cutaneous melanoma—although susceptible to radiation, are as, or more, likely to be caused by other risk factors, such as tobacco smoking, alcohol abuse, or poor diet. These cancers were to be given special consideration in claims based on radiation exposure for benefits, including the Administrator's giving conclusive weight to the congressional findings relating to the relationship between the particular disease, its susceptibility to radiation exposure, and its link to other significant risk factors.

Mr. President, we spent many hours evaluating different alternatives and researching these issues with a variety of scientific consultants, including epidemiologists and radiological oncologists at the National Cancer Institute, members of the BEIR III Committee, members of the VA's Veterans' Advisory Committee on Environmental Hazards, and scientists at private institutions, including UCLA, Johns Hopkins, and Harvard. We tried very hard to develop a rational, scientifically consistent basis for drawing lines between and among various radiogenic cancers, and I was satisfied that we had succeeded.

For all cancers except leukemia, S. 9 would have, based on the long latency period for such cancers, required a 5-year latency period between a veteran's first exposure to nuclear-detonation radiation in the service and the manifestation of the cancer before a cancer would be considered for presumptive compensation.

As to leukemia, rather than requiring a latency period, presumptive benefits would have been available under S. 9 if it developed at any time after a veteran's exposure. However, the bill had a cutoff date—30 years after a veteran's exposure to radiation—after which compensation would not be presumptively provided in the case of a veteran with leukemia. This approach was based on the finds of BEIR III and statements in the report of the National Institutes of Health Ad Hoc Working Group to Develop Radioepidemiological Tables, that the risk of leukemia becomes negligible 25 to 30 years after the radiation exposure. No similar cutoff date was applied to the other cancers specified in the committee bill because as BEIR III Notes with reference to those cancers, "there is as yet no indication that the increased risk of cancer eventually declines." With further reference to the issue of a cutoff date, the NIH radioepidemiological tables report notes that "[t]he BEIR committee rejected a plateau model of finite length for cancer, other than leukemia and bone cancer—which was not included in S. 9 for presumptive compensation—because after approximately 30 years of followup in the major exposed populations, excess risk has shown no sign of declining."

Title II of S. 9 as reported and passed by the Senate also contained the dose-reconstruction provision from S. 1002.

The provisions of S. 9 relating to ionizing radiation exposure would have terminated as to new claims submitted after September 30, 1991. This date was expected to be approximately 1 year after the VA is scheduled to submit the report from the Public Law 98-160 radiation mortality study. In addition, an update of BEIR III—BEIR V—is expected to be completed and published in 1989.

Also, section 208 of the bill would have required—as would have S. 1002—that the reports of the Advisory Committee, required under Public Law 98-542 to be submitted to the Administrator, be submitted concurrently to the Senate and House Veterans' Affairs Committees.

Finally, S. 9—like S. 1002—provisions would have extended VA health care eligibility for radiation-exposed veterans by 2 years, from September 30, 1989 to September 30, 1991.

HOUSE BILL

Mr. President, the House of Representatives originally passed its radiation-exposure legislation on July 28, 1987, in H.R. 1811. After extensive negotiations between the two Committees on Veterans' Affairs, following Senate passage of its radiation-exposure legislation in H.R. 2616/S. 9 on December 4, 1987, the House on March 29, 1988, passed new legislation, as part of amendments to the Senate amendment to H.R. 2616, which, in section 314, incorporated a partial compromise agreement that had been reached between the two committees on H.R. 2616/S. 9.

As originally passed by the House, H.R. 1811 would have provided pre-

sumptions of service connection for 10 diseases—any form of leukemia other than chronic lymphatic leukemia; thyroid cancer; bronchogenic carcinoma; breast cancer; cancer of the pharynx; cancer of the esophagus; cancer of the stomach; cancer of the small intestine; cancer of the colon; and pancreatic cancer. However, such presumptions would have applied only where the disease manifested itself within 30 years after the last date on which the veteran was exposed to ionizing radiation.

HOUSE AMENDMENT TO H.R. 2616

The March 29, 1988, House amendment to the Senate amendment to H.R. 2616 would have provided presumptions of service connection for 14 diseases, four of which were from the original House-passed bill (cancer of the breast; cancer of the pharynx; cancer of the esophagus; and cancer of the colon); five of which were from the Senate bill (cancer of the liver, where cirrhosis or hepatitis B was not indicated; cancer of the bile ducts, cancer of the gallbladder; lymphomas, except for Hodgkin's disease; and multiple myeloma); and five of which were common to both bills (any form of leukemia, except for chronic lymphocytic leukemia; thyroid cancer; cancer of the stomach; cancer of the small intestine; and pancreatic cancer). The 30-year manifestation period would have been expanded to 40 years for all diseases except for leukemia (excluding chronic lymphocytic leukemia), in which case the 30-year manifestation period would have been retained.

The House amendment also included the S. 9 provisions relating to U.S. military personnel interned as prisoners of war in Japan at the end of World War II and to the reports of the VA Environmental Hazards Advisory Committee.

CONFERENCE DELIBERATIONS

Although the House action on March 29 made substantial progress toward an acceptable compromise, the major issue blocking agreement on this legislation was the inclusion of colon cancer with a 30-year manifestation limit in the House amendment, for which I felt there clearly was no scientific basis. This was in contrast to leukemia, which also was included with a 30-year cap—as it had been in S. 9—and for which such a limit is scientifically justified. The obvious purpose of the 30-year cap for colon cancer was to limit the cost of the bill. As it was, the cost of the House provisions—$44 million in fiscal year 1989—exceeded the fiscal year 1989 cost of the Senate-passed measure by 10 percent and was far greater than the $15 million cost of the original House-passed bill, H.R. 1811. The inclusion of colon cancer ignored its strong association with dietary factors as well as its very high prevalence—the second highest in the United States—among the general, non-radiation-exposed population. That other parts of the gastro-intestinal tract were included in the House amendment did not seem relevant to me, since, according to BEIR III, these organs have differing susceptibilities to radiation, as well as to other risk factors.

At the conference and during the preceding negotiations, I stated that I believed that it was inconsistent for the House to insist upon including colon cancer when lung cancer—which was in the original House bill and which is more strongly associated with radiation exposure than is colon cancer—had been excluded from the House amendment. Just as colon cancer is associated with dietary factors, lung cancer is associated with another significant risk factor—tobacco smoking.

Equally important, lung cancer, like colon cancer, is very common; in fact, it is the most common cancer in the United States today.

Given that in the Senate legislation we had tried to provide compensation for radiation-exposed veterans, and their survivors for disabilities which have been associated with radiation exposure and which are not strongly linked to other significant risk factors, the Senate conferees believed that it was inappropriate to include colon cancer in legislation intended to compensate presumptively because of exposure to ionizing radiation.

At the conference and during the preceding negotiations, the Senate was willing to deal with H.R. 1811 and the House amendment to H.R. 2616 rather than insist on the Senate bill provisions because that turned out to be, I greatly regret, the only way to reach some agreement on this legislation. In so doing, the Senate in essence accepted the thrust of the House bill with only one modification.

The House's sole significant concession prior to the April 13 conference was to expand its general 30-year manifestation cap for all cancers to 40 years, except for leukemia, which had a 30-year cap in both bills.

In conference, the House finally agreed to a second concession and dropped colon cancer.

CONFERENCE AGREEMENT

Mr. President, the outcome of our conference agreement is a generally rational, politically-acceptable compromise. That was not my preference; in both S. 1002 and later in title II of S. 9 we had tried to develop a bill based on the scientific knowledge available in this area. I fought hard for the adoption of that approach, but it was not acceptable to the House. I believe that each of the Senate positions I have enumerated should have been incorporated into the final version, but the House was adamant in its resistance.

Hence, as so often happens in Congress, we have now reached an agreement based on other factors. What we are presenting to the Senate now as an amendment to H.R. 1811 is the text of the House amendment to the Senate amendment to H.R. 2616 with colon cancer dropped from the list of presumptively-compensated conditions. The compromise agreement would thus provide a presumption of service connection for 13 conditions: leukemia (other than chronic lymphocytic leukemia), cancer of the thyroid, cancer of the breast, cancer of the pharynx, cancer of the esophagus, cancer of the stomach, cancer of the small intestine, cancer of the pancreas, multiple myeloma, lymphomas (except Hodgkin's disease), cancer of the bile ducts, cancer of the gall bladder, and cancer of the liver (except where cirrhosis or hepatitis B is indicated).

The presumption period for the specified diseases would be the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity, except in the case of any form of leukemia other than chronic lymphocytic leukemia, in which case such period would be 30 years beginning on that date.

I also want to indicate, Mr. President, that the term "atmospheric" nuclear tests is intended to include underwater as well as above-ground nuclear detonations—the same scope of coverage for test participants as was proposed in title II of S. 9.

CONCLUSION

Mr. President, as I stated at the outset, I believe that this measure is the best compromise available to us at this point. It is both a compassionate and fiscally-responsible response to the serious and continuing needs and concerns of radiation-exposed veterans and their families. For them, it is simple justice. For us, it is a fulfillment of our responsibility to veterans injured and injured wrongly through service to our country.

The Congressional Budget Office has estimated the fiscal year 1989 cost of this measure to be $36 million, $4 million less than the fiscal year 1989 estimate for the Senate provision. Our committee last year was allocated $29 million for fiscal year 1988 for spending for radiation compensation legislation. With an effective date of May 1, the cost of the measure we are proposing would be $15 million this fiscal year. Hence, the cost of this measure is well within the fiscal year 1988 budget crosswalk allocation to our committee under section 302(a) of the Budget Act and the allocation by the committee under section 302(b) of that act.

So we are not proposing to the Senate anything new in the way of funding. This was all before the Senate last December when it passed the Senate bill 88-0.

I want to stress that we had the votes on both sides of the conference table to incorporate this substantive agreement in the conference report on the omnibus veterans' bill, H.R. 2616, filed last week and scheduled to come before both bodies this week. Our Republican colleagues strongly preferred that we proceed separately on this radiation legislation and we accommodated their request.

In closing, I want to thank for their excellent efforts on this legislation all of the staff members of the Senate Committee whom I recognized upon Senate passage of S. 9—S 17079, December 4, 1987—and the staff of the House Committee on Veterans' Affairs who worked on the bill, Mack Fleming, Pat Ryan, John Brizzi, Arnold Moon, Charlie Peckarsky, and Jean Richardson.

It is my hope that my colleagues will join me in sending this measure to the House for prompt concurrence in order to demonstrate their commitment to and compassion for these veterans and survivors who have waited so long for justice.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an April 25, 1988, letter to me from the Disabled American Veterans expressing strong support for the pending amendment; the Congressional Budget Office cost estimate on H.R. 1811; and the Explanatory Statement which was prepared by the two Committees on Veterans' Affairs in lieu of the joint explanatory statement which would accompany a conference report as the definitive legislative history of the measure and which the chairman of our counterpart committee in the House will also insert in the RECORD during the debate in the other body.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 1988.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate of your draft amendment to H.R. 1811, a bill to provide compensation for certain disabilities of veterans who were exposed to ionizing radiation during military service.

If you wish further details on this estimate, please call me or have your staff contact Kathleen Shepherd (226-2820).

Sincerely,

JAMES L. BLUM,
Acting Director.

Attachment.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Draft amendment to H.R. 1811.

2. Bill title: The Atomic Veterans Compensation Act of 1988.

3. Bill status: Amendment to H.R. 1811 to be offered on the Senate floor.

4. Bill purpose: To establish a presumption of service-connection for certain diseases of veterans who were exposed to ionizing radiation while participating in the military occupation of Hiroshima and Nagasaki or in military tests involving the atmospheric detonation of nuclear devices. The diseases covered by the bill are as follows: any form of leukemia other than chronic lymphocytic leukemia, cancer of the thyroid, cancer of the breast, cancer of the pharynx, cancer of the esophagus, cancer of the stomach, cancer of the small intestine, cancer of the pancreas, multiple myeloma, any form of lymphoma other than Hodgkin's disease, cancer of the bile ducts, cancer of the gall bladder, and primary liver cancer (except if cirrhosis or hepatitis B is indicated). To qualify for benefits, the disease must become manifest to a degree of 10 percent or more within 40 years of the last date of such exposure, except for leukemia where the manifestation period is 30 years.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992	1993
Budget authority	15	36	37	38	38	39
Estimated outlays	12	36	37	38	38	39

The cost of this bill would fall in budget function 700.

Basis of Estimate: The cost of benefits provided by this bill was estimated using a model that operates on data from a variety of sources. The number of veterans participating in the occupation and nuclear testing, distributed by date of exposure, was supplied by the House Veterans' Affairs Committee staff. The normal incidence of, and one- through five-year relative survival rates of the specified cancers in the general population of males aged 55 and older was supplied by the Demographic Analysis Section of the National Cancer Institute (NCI). Remarriage and death rates for the surviving spouses of affected veterans were taken from census data involving widows, by age group, in the general population.

The estimate is also dependent upon a number of assumptions, the most critical of which is that veterans in the exposed population contract these diseases at the same rate as their non-veteran counterparts in the general population. This assumption was necessary because there is no data on the cancer experience of these particular veterans. Should the diseases specified in the bill be more prevalent among radiation-exposed veterans, the cost of this bill could be higher than shown above. It was also assumed that virtually all deaths among these cancer-stricken veterans would be considered service-connected, thus qualifying the veteran's survivors for dependency and indemnity benefits (DIC).

It was estimated that this bill would generate appropriately 700 new compensation cases that were assumed to receive benefits at the rate payable for 100 percent disability. About 3,200 new DIC cases were estimated, which were assumed to receive the average benefit payable to all DIC cases under current law.

6. Estimated cost to state and local governments: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: H.R. 1811, as ordered reported by the House Veterans' Affairs Committee on July 22, 1987, and S. 9, as ordered reported by the Senate Veterans' Affairs Committee on July 31, 1987, both contained provisions to compensate veterans for disabilities resulting from exposure to ionizing radiation during military service. CBO transmitted an estimate of the House bill on July 22, 1987, and of the Senate bill on November 9, 1987. The differences among these two cost estimates and that shown above are the result of differences in legislative provisions.

9. Estimate prepared by: K.W. Shepherd (226-2820).

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

EXPLANATORY STATEMENT ON H.R. 1811/TITLE II OF S. 9, THE "RADIATION-EXPOSED VETERANS COMPENSATION ACT OF 1988"

This document explains the provisions of H.R. 1811 as passed by the House of Representatives on July 21, 1987 (hereinafter referred to as the "House bill"); title II of H.R. 2616 as passed by the Senate on December 4, 1987, with a substitute amendment derived from title II of S. 9 as reported (hereinafter referred to as the "Senate bill"); and section 314 of H.R. 2616 as passed by the House on March 29, 1988, with a substitute amendment to the Senate amendment (hereinafter referred to as the "House amendment"); and the provisions of a compromise agreement between the House and the Senate Committees on Veterans' Affairs on those measures. The compromise agreement on H.R. 1811 was reached in the context of a conference committee agreement on H.R. 2616/S. 9; the conferees there decided to proceed separately with radiation-exposure legislation, and both sides receded from their radiation provisions in H.R. 2616/S. 9 in favor of immediate and separate action on H.R. 1811 incorporating the agreement reached by the conference.

The differences between the three measures and the provisions of the compromise agreement are noted below, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

INTRODUCTION

Each of the three measures—the House bill and the House amendment, through an amendment to section 312 of title 38, relating to presumptions of service connection for certain diseases, and the Senate bill, through an amendment to title 38 to add a new chapter 14—would establish a presumption of service connection for purposes of disability and death benefits for certain diseases arising in veterans who were exposed to ionizing radiation during the atmospheric or underwater nuclear weapons test program or the American occupation of Hiroshima or Nagasaki, Japan.

FINDINGS, CONCLUSIONS, AND STATEMENT OF PURPOSE

Senate bill: The Senate bill (section 202) would set forth Congressional findings and conclusions regarding the nuclear test program; the state of science pertaining to ionizing radiation exposure, including the calculation (especially in light of two General Accounting Office reports) and carcinogenic effects of such exposure; the VA's history of adjudicating radiation claims; and the diffi-

culties involved in resolving radiation-exposed veterans' claims for VA benefits. The Senate bill also would state that the purpose of the bill is to establish a process within the VA to carry out the findings and conclusions in order to provide benefits in specified circumstances.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

The Committees reconfirm the findings and conclusions set forth in paragraphs (1) and (2) and (3)(B) and (E) of section 202(a) of the Senate bill.

CATEGORIES OF POTENTIALLY ELIGIBLE VETERANS

House bill: The House bill (section 2) would establish a presumption of service connection for specified disabilities suffered by veterans who, while on active duty, were exposed to ionizing radiation as a result of onsite participation in the atmospheric detonation of a nuclear device or the American occupation of Hiroshima and Nagasaki Japan, between August 6, 1945, and July 1, 1946.

Senate bill: The Senate bill (section 203) would make potentially eligible for certain disability and death benefits those veterans (including persons who died in the active military, naval, or air service) who, during service (i) participated onsite in the United States Government's test of a nuclear device or the American occupation of Hiroshima or Nagasaki prior to July 1, 1946, or (ii) in connection with internment as a POW in Japan had an opportunity for exposure which the Administrator finds comparable to that of a veteran in the American occupation.

House amendment: The House amendment contains the Senate provision with an amendment to add a beginning date of August 6, 1945, to define the period of the American occupation.

Compromise agreement: The compromise agreement contains the provisions of the House amendment.

The Committees note their intention that the VA interpret the term "onsite participation" broadly rather than restrictively and to include, for example, airborne personnel who flew cloud-sampling planes during nuclear weapons tests and the ground crews who decontaminated or otherwise came in contact with contaminated planes or other equipment. Although such personnel were not present at the actual test site, many of these personnel clearly had an opportunity for exposure to ionizing radiation from such a test. The Committees' intention in including the word "onsite" is to exclude military personnel who were distant from the test site or any radiation-contaminated instrumentalities, such as personnel involved in procurement for a weapons test who did not travel to the test site.

SPECIFIED DISEASES AND DEGREE OF DISABILITY

House bill: The House bill (section 2) would establish a presumption of service connection for the following diseases (if manifested to a degree of 10 percent or more): Leukemia (except chronic lymphatic leukemia); thyroid cancer; bronchogenic carcinoma; breast cancer; cancer of the pharynx; cancer of the esophagus; cancer of the stomach; cancer of the small intestine; cancer of the colon; and pancreatic cancer.

Senate bill: The Senate bill (section 203) would establish a presumption of service connection for the following diseases: (1) leukemia (except chronic lymphocytic leukemia) and cancer of the thyroid; and (2) if the veteran was exposed to more than one rem of radiation, cancer of the small intestine; cancer of the stomach; cancer of the liver (except where cirrhosis or hepatitis B is indicated); cancer of the bile ducts; cancer of the gallbladder; cancer of the pancreas; lymphomas (excluding Hodgkin's disease); and multiple myeloma. The Senate bill would also require that, in the case of claims based on certain other cancers—cancer of the lung; cancer of the colon; cancer of the esophagus; cancer of the rectum; cancer of the pharynx; cancer of the liver (where cirrhosis or hepatitis B is indicated); cancer of the kidney; cancer of the urinary tract; cancer of the bladder; cancer of the brain and nervous system; cancer of the salivary glands; cancer of the bones and joints; and cutaneous melanoma—if the veteran was exposed to more than 1 rem of radiation, the claims receive special consideration. Such consideration would include the VA giving conclusive weight to the Congressional findings in the bill relating to the relationship between the particular disease, its susceptibility to radiation exposure, and its link to other significant risk factors.

House amendment: The House amendment would establish a presumption of service connection for the following diseases (if manifested to a degree of 10 percent or more): leukemia (except chronic lymphocytic leukemia); cancer of the thyroid; cancer of the breast; cancer of the pharynx; cancer of the esophagus; cancer of the stomach; cancer of the small intestine; cancer of the colon; cancer of the pancreas; multiple myeloma; lymphomas (except Hodgkin's disease); cancer of the bile ducts; cancer of the gall bladder; and primary liver cancer (except if cirrhosis or hepatitis B is indicated).

Compromise agreement: The compromise agreement contains the provisions of the House amendment with cancer of the colon deleted.

MANIFESTATION PERIODS

House bill: The House bill would require that all the specified diseases be manifested within 30 years after the veteran's last in-service exposure to radiation.

Senate bill: The Senate bill (section 203) would require that leukemia be manifested within 30 years after the veteran's last in-service exposure to ionizing radiation and would also require that all other specified diseases be manifested 5 or more years after the veteran's first such exposure.

House amendment: The House amendment would provide for a 30-year manifestation period for leukemia and cancer of the colon and a 40-year manifestation period for the other conditions described in the proceding item relating to the House amendment.

Compromise agreement: The compromise agreement contains the provisions in the House amendment with reference to cancer of the colon deleted.

SPECIAL PROVISIONS RELATING TO BENEFITS

Senate bill: The Senate bill (section 203) would provide benefits at the same rates as under chapters 11 and 13 of title 38 and would treat the diseases as service connected for all title 38 purposes except for purposes of chapters 11 and 13. The Senate bill also would provide that benefits would not be payable with respect to a disease for which compensation or DIC otherwise is payable.

House bill: No specific provisions.

House amendment: No specific provisions.

Compromise agreement: No provision.

ADJUSTMENT OF EXPOSURE ESTIMATES

Senate bill: The Senate bill (section 204) would amend section 354 of title 38, relating to consideration to be accorded in the processing of VA claims to time, place, and circumstance of service, so as to establish a process for the upward adjustment of veterans' radiation exposure estimates to equal the total of (a) the highest Defense Nuclear Agency (DNA) or other exposure estimate for the veteran, based on film badge, reconstruction, or a combination of film badge and reconstruction, plus (b) for test participants, (1) 5 rems, if the DNA estimates that at least 25 percent of the members of the veteran's service branch or of the total participants in the particular test were exposed to more than 3 rems; (2) 3 rems, of the DNA estimates that at least 25 percent of the members of the veteran's service branch or of the total participants in the particular test were exposed to more than 1 rem; or (3) 1 rem, if the DNA estimates that at least 20 percent of the members of the veteran's service branch or of the total participants in the particular test were exposed to more than 0.5 rem; or (c) for occupation troops or former POWs in Japan found to have a comparable opportunity for exposure, 1 rem; or (d) for a veteran exposed in more than one nuclear test or in one or more tests and in the occupation of Japan, the combined total from all such exposures, adjusted as described above.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

PRESERVATION OF EXISTING RIGHTS

Senate Bill: The Senate bill (section 206) would provide that nothing in that measure would operate or be construed to prevent the granting of service connection under chapter 11 or 13 of title 38 in the case of any disease or disability from which a veteran suffers or has died that is determined on a non-presumptive basis to have been incurred in or aggravated by active-duty service.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

The Committees do not consider this provision to be necessary because the provision of the compromise agreement would not on their face preclude or restrict, and are not intended to preclude or restrict, the right of claimants to apply for and receive benefits under current law—that is, on a nonpresumptive basis—including any right to have benefits paid retroactively. The Committees intend that the VA (a) make awards under this measure to all veterans and survivors with pending claims who satisfy this measure's requirements and (b) notify those claimants of their rights with respect to continuing to pursue their claims on a nonpresumptive basis in order to receive retroactive benefits.

HEALTH-CARE ELIGIBILITY

Senate bill: The Senate bill (section 207) would provide for an extension, from September 30, 1989, to September 30, 1991, in the expiration of health-care eligibility for radiation-exposed veterans set forth in section 610(a)(1)(G) of title 38.

House bill: No provision.

House amendment: No provision.

Compromise agreement: No provision.

ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE REPORTS

Senate bill: The Senate bill (section 208) would amend section 6(d)(3) of Public Law

98-542, relating to reports from the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards, to require the Council to submit its reports to the House and Senate Veterans' Affairs Committees, as well as to the full Advisory Committee and the Administrator.

House bill: No provision.

House amendment: The House amendment contains this provision.

Compromise agreement: The compromise amendment contains this provision.

EFFECTIVE DATES AND SUNSET PROVISION

House bill: The House bill (section 3) would provide that its provisions would be effective on October 1, 1987.

Senate bill: The Senate bill (sections 210 and 211) would provide that (a) the radiation-benefits provisions would take effect on January 1, 1988, (b) such provisions would not apply with respect to claims filed after September 30, 1991, and (c) that benefits would not be payable for any period prior to enactment.

House amendment: The House amendment would provide for a May 1, 1988, effective date with no sunset provision.

Compromise agreement: The compromise agreement contains the provision in the House amendment.

DISABLED AMERICAN VETERANS,
Washington, DC, April 25, 1988.

Hon. ALAN CRANSTON,
Chairman, Senate Veterans' Affairs Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN CRANSTON: I am writing to you concerning the compromise agreement recently worked out between the Senate Veterans' Affairs Committee and your counterpart in the House to provide disability compensation benefits to veterans exposed to radiation during their active military service.

This legislation—H.R. 1811, the Radiation Exposed Veterans' Compensation Act of 1988—represents a culmination of many years of research and investigation by the scientific community, as well as extensive hearings conducted by the Veterans' Affairs Committees of both Houses seeking a solution to the very real concerns of those veterans exposed to radiation.

Quite frankly, Mr. Chairman, while this legislation does not fully address all of those concerns, we truly believe it represents a sincere effort on the part of the Congress to relieve nearly four decades of suffering for these veterans and their families.

The more than 1.1 million members of the Disabled American Veterans and its Ladies Auxiliary support, in the strongest possible terms, the compromise agreement of the House and Senate Veterans' Affairs Committees on H.R. 1811. Mr. Chairman, I urge you, and all members of the United States Senate to totally support Congressional passage and enactment of this long-overdue legislation.

Sincerely,

GENE A. MURPHY,
Commander.

Mr. CRANSTON. Mr. President, before yielding the floor to the Senator from Alaska, I wish to again recognize his contribution, because he has played a major role in focusing the debate on and bringing about increased attention to this area.

I wish also to recognize the efforts and contributions of the present Presiding Officer of the Senate, Senator DASCHLE, who has long been concerned about this and many other veterans issues and has worked hard on them.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I thank the chairman and my gracious colleague, the Senator from California, for his comments.

Mr. President, we have a rather unusual set of circumstances before us. We have, as a consequence of the conference with the House on the veterans' radiation bill, reached a point where, the pending amendment seeks to extend coverage to some 13 types of cancers.

Before I go further into my remarks, Mr. President, I want to thank the distinguished chairman of the committee, Senator CRANSTON, for the many courtesies and cooperation he and his staff have extended to me and my staff and to those who wished to be heard on this very important, controversial, and emotional issue.

As I indicated, this is not a particularly easy debate for me because of the deep concern which we have on our side of the aisle for atomic veterans and their families. As the ranking Republican member of the Committee on Veterans Affairs, I personally believe very strongly that Congress has a responsibility to address the valid concerns of those veterans who, in direct performance of their duty, were exposed to ionizing radiation at an atmospheric nuclear weapons test or those who were involved in the occupation of Hiroshima and Nagasaki, Japan.

I know they will, perhaps, be disappointed on the action being taken on this side of the aisle this morning. However, I believe the legislation before us today does not really represent the sound public policy that we sought when we began the effort with regard to the responsibility of our Government to those exposed to ionizing radiation.

I fully appreciate the difficulties of proving a causal relationship between ionizing radiation and the latent manifestation of certain forms of cancer. The relationship between the exposure of radiation and the types of cancers, appropriate manifestation periods, intervening causes and exposure levels are issues for which there are no easy answers. A good deal of funding has been spent by our scientific community, which is still searching for these answers. The difficulty in finding thoughtful answers is compounded by the lack of clear and consistent scientific and medical evidence as well as a degree of uncertainty regarding the exact radiation levels our military personnel were exposed to at the tests and occupation.

We readily understand the dilemma of trying to go back and measure levels of radiation during the Bikini tests or even further, measuring the radiation levels of those who occupied the Nagasaki and Hiroshima areas after the A-bomb.

Notwithstanding a commendable effort by the Defense Nuclear Agency to reconstruct radiation doses, it is really impossible to know the actual levels received by servicemen who participated in the testing program and occupation of Hiroshima and Nagasaki over 30 to 40 years ago. Our knowledge of the hazards of ionizing radiation was slowly evolving at the time and the technology to monitor exposure was in the embryonic stages of development. But today, Mr. President, we know that at certain exposure levels, ionizing radiation causes or is a contributing factor in the onset of cancerous tumors.

Mr. President, in view of the uncertainty surrounding dose levels and the state of the science regarding causation, I believe that it is important to take bold steps to establish a presumption of service connection—for veterans with certain forms of cancer. We may never know for sure, but the benefit of the doubt should be given to those who, in the direct performance of their duty, risked their lives for our national security.

At the same time I believe equally as strongly that we have a duty to legislate responsibility in this area. I believe that we diminish the integrity of the legislation when we create a presumption of service connection for cancers which have a higher association with the individual's lifestyle than radiation. Unfortunately, that is the case with the proposed amendment to H.R. 1811. This does not serve the American people, including our Nation's veterans, very well.

As my colleagues may recall, I was the first Member to introduce radiation compensation legislation in the 100th Congress. My bill, S. 453, was limited in scope. It focused primarily on rare and blood related diseases which were the most strongly associated with exposure to radiation. The cost of my bill was $13 million in the first year.

We have heard from the chairman of the Veterans' Committee that the legislation before us today would cost approximately $36 million the first year. Well, it is obvious, Mr. President, that we are dealing here with an all encompassing piece of legislation. The costs could very well exceed $36 million. The legislation that I introduced, S. 453, as I have indicated, was a step forward. It was the first effort to get into the area of ionizing radiation.

Although it was a small step, I believe it was a responsible first step and, most importantly, stood a reasonable chance of being enacted into law.

Senator CRANSTON also introduced legislation—S. 1002—to compensate veterans exposed to radiation. Al-

though I did not completely agree with his approach, I believed that Senator CRANSTON made a commendable effort to address the difficult scientific and medical issues associated with this complex issue. Senator CRANSTON's bill—which was ultimately passed by the Senate as part of an omnibus veterans bill—established three distinct categories of cancers which had varying susceptibility to induction by radiation.

The first category acknowledged that only leukemia and thyroid cancer were highly susceptible to induction by ionizing radiation.

The second category acknowledged that eight other types of cancers were moderately susceptible to induction by radiation and, thus, required that a minimum exposure level was necessary for the presumption to apply.

Of course, the VA would have the authority to challenge or rebut the presumptions in categories 1 and 2 if it was recognized that intervening causes could have contributed to the manifestation of the disease.

The third category—also known as the special consideration category—would have provided for no presumptive compensation for 13 specified diseases which were somewhat susceptible to induction by radiation but equally or more associated with other factors.

During the Veterans' Affairs Committee's consideration of radiation compensation legislation, I proposed to make the legislation more limited. Those efforts were unsuccessful. Again during Senate consideration of this legislation, I stated on the Senate floor my concerns that some diseases specified in the bill may be subject to medical and scientific dispute. I hoped that a more sound approach would be agreed to in a House/Senate conference on this issue.

Mr. President, I regret that this proposal—which is the proposed compromise agreement on this issue—does not track my approach, nor does it take into account the principles encompassed in the original Senate-passed bill. It simply provides a presumption for 13 diseases—some of which are known to be very strongly associated with intervening factors.

Mr. President, the list of these diseases is rather lengthy, but I think it is appropriate that they be included in the RECORD.

In my original proposal, the diseases included leukemia—except chronic lymphocytic leukemia, liver and multiple myeloma. We have added to that list, as a consequence of the House conference, cancer of the thyroid, stomach, small intestines, breast, pancreas, bile ducts, gall bladder, pharynx, esophagus, and lymphomas.

As was noted already by Senator CRANSTON, these cancers would have to be diagnosed within 40 years after exposure, except leukemia, which is 30 years.

I think the situation here in expanding this list is the reality that this legislation would in effect, create a new entitlement.

Let me reflect briefly on the implications associated with the costs. As we reflect on this legislation, one has to relate at whose expense will this extended liability to the Federal Government fall.

We know that the budget for the Veterans' Administration is roughly $28 billion. There is no secret that this extended coverage will come out of the veterans' budget. One has to ask the question: Will the additional costs come out of the VA medical care account, an account that is already stretched to substantial limits as a consequence of the changing needs of our American veterans as they grow older and their care changes?

Mr. President, I think it is clear there are many questions that we do not know. But we do know that this list is so expansive and, as a consequence of the expansion, the bill proposes a manifestation period. I think this is very interesting, as we delve into this a little more, the amendment proposing a manifestation period of 40 years for all diseases, except leukemia, which is, as I stated previously, 30 years.

Make no mistake about it, this is the flip side, this is the effort to address the expansive costs associated with what we are about to create here. This means that veterans must have been diagnosed with the disease within 40 years after exposure. There is no scientific or medical basis for such a 40-year limitation. It was done simply as a tool to keep outyear costs under control. I ask my colleagues: What kind of sense does this make?

If the people who were exposed during the occupation at Nagasaki and Hiroshima in 1945, 40 years ago, have not had a previous diagnosis, they are excluded. They were excluded in 1985. The testing in Bikini in the 1950's or thereabouts: Those people will be excluded in 1990 if there has not been some type of a diagnosis prior to that time.

So what we have done here by adding an additional nine types of cancers is we have opened the door, on the one hand, and closed it on many who may come down with these various types of cancer. If they were involved in the occupation of Nagasaki and Hiroshima and have not been diagnosed, they are not going to be covered.

So I think we have a bit of a flimflam here as we address the merits of the legislation before us. We are trying to be all-encompassing to those veterans with an expanded list of presumptive diseases; 13 in all. Yet, at the same time, we are closing the door on many of them who may come down with various diseases included on this list, but since they were not diagnosed within the 40-year period, they are not going to be covered.

Mr. President, I think it is much more responsible to reflect on the merits of those three diseases that had been identified as the most associated with exposure to radiation.

I urge my colleagues on the House and Senate Veterans' Affairs Committees during the conference on the issue, to support my efforts to eliminate from the legislation the following cancers: colon, pharynx, esophagus, and stomach. I am pleased that the Senate was successful in its efforts to exclude colon cancer. I certainly believe it was appropriate. I regret that additional cancers were not excluded. I remain opposed to including in the bill pharynx, esophagus, and stomach cancers. These are points I have already enunciated.

I am not saying these diseases do not have some association to exposure to ionizing radiation. In fact, radiation may cause any of the aforementioned diseases. However, it is important to note that we have not proposed to include in this bill cancers which are associated with radiation. For example, we do not include skin and lung cancer. We exclude these diseases because they are known to be strongly associated with other factors, specifically exposure to sunlight and smoking.

For the same reasons, I oppose the inclusion of certain cancers. These cancers—pharynx, esophagus, and stomach—are very common. They are also strongly linked to other factors, such as alcohol use, chewing tobacco, smoking, and diet. Family history for the disease is also a factor which increases the risk for developing these diseases. All of these factors are known to contribute to these types of cancers.

Senator CRANSTON also believe that cancer of the pharynx and esophagus were only "somewhat susceptible" to induction by radiation and were equally or even more associated with other risk factors.

It is for these reasons that the American Cancer Society states that lifestyle changes—such as healthy diets—eating low-fat foods and foods containing certain vitamins, reduced alcohol intake, quitting smoking—are important ways to reduce the risk of such cancers.

It is unfortunate the bill currently being considered by the Senate, as I have stated, goes too far. Because of this, the VA has stated in a letter to all Senators, its opposition to the enactment of this legislation if time permits, Mr. President, I would intend to read the highlights of that letter, but I will defer because I see some of my

colleagues who want to speak on this legislation.

The President's advisers have indicated to me that this legislation will almost be assuredly vetoed. I remind my colleagues of the significance of that statement. That is based on the President's evaluation, and that of the White House that, indeed, we are establishing a new entitlement and going far beyond the intent of responsible legislation.

I do know that our chances for a Presidential signature would have been greatly increased if we had taken a small step, a responsible step which represented a milestone in this area. Unfortunately, we have not.

Therefore, it is with deep regret that I will have to oppose the legislation. However, I want my colleagues to know that I am committed to continuing my efforts to work toward and pass a responsible radiation compensation bill. I will work with my colleagues in the months ahead to send such a responsible bill to the President.

Again, I deeply regret that I must take this action. But those of us who are attempting to recognize the realities of the budget process and the medical evidence associated with certain types of cancer dictates that this must be the action we take today.

I thank the Chair. I ask unanimous consent that the letter from the Veterans' Administration with regard to its opposition to this legislation be printed in the RECORD.

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

VETERANS' ADMINISTRATION,
Washington, DC, April 21, 1988.

Hon. HARRY M. REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: On behalf of the Administration, I strongly urge you to vote against the passage of H.R. 1811.

This bill would amend title 38, U.S.C., to establish a presumption of service connection for the payment of disability compensation for certain diseases manifested by veterans within specific periods after their participation in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki, without regard to the amount of radiation exposure received.

If this legislation, which would seriously compromise the established service connection determination process, is passed, the President's senior advisors will recommend a veto.

We believe that this bill ignores the body of scientific evidence regarding the effects of radiation exposure and compromises the integrity of a system of claims adjudication that is based on accepted medical and scientific knowledge.

The Veterans Advisory Committee on Environmental Hazards, a thoroughly qualified body of independent experts, has reviewed H.R. 1811 and concluded that its provisions do not have a scientific basis, do not allow for scientific analyses, and in fact may be contrary to accepted scientific knowledge regarding radiation exposure.

I have enclosed for your information, a copy of my letter to the Honorable G.V. (Sonny) Montgomery, Chairman of the Committee on Veterans' Affairs, which communicates the Veterans Administration's strong objection to the passage of this unsound and unwarranted measure. I have also included a brief fact sheet which further explains our position.

Our position on this legislation is based on our concern that it would seriously undermine the legitimacy of our veterans' compensation system. In accordance with existing law, compensation claims of atomic veterans are already being properly addressed through fair and equitable adjudication of their individual merits.

The Office of Management and Budget advises that there is no objection to the submission of this report to the Congress, and that enactment would not be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

The PRESIDING OFFICER (Mr. LEVIN). Who yields time?

Mr. CRANSTON. How much time does the Senator wish?

Mr. DASCHLE. Five minutes.

Mr. CRANSTON. I will be glad to yield 5 minutes.

THE PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I have listened carefully to the remarks of the Senator from Alaska, and I feel compelled to respond to them. Several people have made two suggestions that I find very troubling. First, they have suggested that this bill is too costly, and second, they have suggested that there is not enough scientific evidence to support a presumption of service connection for diseases associated with service-connected exposure to ionizing radiation.

Let me address the cost issue first. Mr. President, in the overall scheme of things, the cost of this legislation is infinitesimal. The fiscal year 1988 veterans budget is $28.2 billion. This legislation to compensate veterans suffering from diseases related to service-connected exposure to ionizing radiation will cost $14 million for fiscal year 1988, meaning that this compensation will represent less than one-thousandth of the VA budget. The budgetary cost of passing this legislation is minimal. The human cost of not passing it is great.

Second, let me address the premise that there is not enough scientific evidence to support a presumption of service-connected disability for veterans exposed to ionizing radiation during their military service. As others have mentioned, Congress has provided presumptions of service connection for many negative health effects suffered by American veterans. The presumptions are necessary precisely because science has not given us definitive answers. As Members of Congress, we cannot wait indefinitely for absolutely irrefutable science to dictate our policy.

It has been over 40 years since American veterans were exposed to the atmospheric nuclear testing program and the aftereffects of the nuclear explosions at Hiroshima and Nagasaki. Scientific evidence strongly suggests a link between the exposure and the diseases listed in H.R. 1811. Some say that we lack definitive proof. How long will we wait for that proof? Will we wait until all these veterans are dead? Are we so afraid of making a mistake in favor of the veteran—of extending benefits when they are not deserved—that we are willing to risk making the opposite mistake of denying benefits to deserving veterans? Mr. President, I am not.

We have compensated veterans in many cases where the evidence of service connection is far less compelling. We have presumed that heart disease in veteran paraplegics is caused by military service, and we have compensated for that. We have presumed that diabetes developed within 7 years after military service is also service connected, and we have compensated for that. We have presumed that spastic colon is caused by the POW experience, and we have compensated for that.

The presumption in H.R. 1811 is based on an abundance of evidence that exposure to ionizing radiation causes certain disabilities. The presumption is, in fact, conservative, in that it limits compensation to veterans who have developed those disabilities within 30 years of their exposure.

While we will never have absolute scientific proof of the causal relationship between veterans' disabilities and exposure to ionizing radiation, we, as policymakers, must come to a policy decision. Whether we realize it or not, that decision will be based on a presumption. That presumption can favor either the veteran or the VA, which refuses to compensate him. Based on the invaluable service atomic veterans have given this country, and based on the strong scientific evidence that their disabilities are service connected, we must make a presumption in favor of the veteran. This compensation is long overdue.

Finally, Mr. President, I want to remind my colleagues that it has been over 20 years since many veterans were exposed to agent orange, and the situation facing these veterans is much the same as the one facing atomic veterans. The scientific evidence of a causal relationship between military service and disabilities is strongly suggestive, but not definitive enough for those more concerned about the budget than fairness to veterans. I hope we will learn from this experience and not wait 40 years before addressing the concerns of the victims of agent orange.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I yield 5½ minutes to the Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from California.

Mr. President, I rise in strong support of this legislation. In fact, I really think it is somewhat incredulous that we are even debating compensation to atomic veterans, people who could not be more deserving. I think it is important to remind ourselves a little bit of the history of this legislation. As the Senator from South Dakota has just said, for close to 20 years, between 1945 and 1962, the U.S. Government, not some private corporation, conducted atmospheric nuclear weapons tests in Nevada and in various locations in the Pacific. American servicemen, approximately 250,000 of them, were assigned to ships to assist in performing these tests and the followup operations. They were doing their duty. In the line of duty, they were exposed to the dangers of nuclear tests. Usually, without any protective clothing, usually without any respiratory devices, these men were scrubbing decks of radioactive ships within hours of the detonation of the bombs. This legislation affects servicemen who were sent to Nagasaki and Hiroshima for the cleanup operations after those devastating bombs were dropped.

Three years ago, when I first came to the Senate, Mr. President, I became intensely interested in this issue, and I got to know a man from Charles Town, WV, by the name of Mr. W.R. Carper. He was one of those people. He is one, in fact, of only about 100 atomic veterans who still live in my State. Mr. Carper, when he was 19 years old, was part of a Navy crew that performed what were called salvage duties. Salvage duties at Crossroads, a site off the Pacific's Bikini Islands, where two major atmospheric tests were begun in 1946.

For several months that year, Mr. Carper removed material from the decks of the ships that were in the area where the bombs were detonated. He recalls, in fact, one particular person who was called the Geiger man. The Geiger man accompanied the salvage crew and reported whether the area of the ship was hot or not hot. Many times, needless to say, the ship was hot. The Geiger man was there to find out. Mr. Carper also remembers the kind of instructions he received on how to protect himself from these hazards. He was told, "Take a shower; clean your clothes when you get back to your ship as soon as you can."

Now, as the distinguished Senator from South Dakota has pointed out, we may not have the quintessential scientific evidence between radiation exposure at these sites at that time and deaths which have occurred since that time.

But we do know that many have died from cancer and the kind of cancer that is associated with radiation. For 40 years we have studied this problem, Mr. President. For 40 years ad nauseum we have studied this problem, spent millions of dollars, U.S. taxpayers' dollars to do studies, and none for the atomic veterans. I think that is wrong. I think it is time to bring an end to the research and to the injustice, and to respond with recognition and compassion for what these people went through in the line of duty at the orders of the U.S. Government in the service that they were constitutionally sworn to obey. We know enough to act.

The bill is based on sound credible information. And it is after all, I would say to my colleagues, simple justice, and that fulfills a responsibility for veterans who are suffering. And make no mistake about that; these people are getting older, you know. To be very blunt about that, I remember in one hearing, there was a man in front of us, I would guess in his seventies, who was dying of cancer. He was at our hearing and describing what it was like to die from cancer. I was very moved by that.

We have studied the problem in the Government. The man gets not a dime. In fact, the last time that I checked, the Veterans' Administration was turning down about 99 percent of the claims filed by atomic veterans for service-connected compensation.

Mr. President, I am proud to be a part of this legislation. When I came to the Senate 3 years ago and I was lucky enough to get on the Senate Veterans Committee, Senator PAUL SIMON was the original sponsor of this bill. I was the sole cosponsor at that time. I am very proud of that. But in the 99th Congress, that bill was called the Atomic Veterans Relief Act. I told our atomic veterans from West Virginia then that our day will come, Congress will do the right thing, and now I believe we are about to.

I want to thank Senator SIMON for his enormous service, foresight, and compassion, and Senator CRANSTON and all of those on the Veterans Committee who have made this possible.

I urge all of my colleagues to strongly support this legislation.

I thank the Senator from California.

I thank the Chair.

Mr. MURKOWSKI. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Eight minutes and thirteen seconds, and nine minutes and forty-six seconds controlled by Senator CRANSTON.

Mr. MURKOWSKI. Mr. President, within a few minutes I intend to ask unanimous consent that 10 more minutes be provided, 5 minutes equally divided to each side. But I will have a few moments before I present that to the Chair.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. I yield 5 minutes to the Senator from Illinois.

Mr. SIMON. I thank the Senator from California.

Mr. President, I rise today in support of H.R. 1811 as amended by my distinguished colleague from California [Mr. CRANSTON]. He has been a great advocate for the atomic veteran when many would not rise to speak out on their behalf. I want to commend him and his fine staff for their efforts on S. 1002, the Veterans' Radiation Exposure Disability and Death Benefits Act, and for their work in conference with the House on this matter.

It is appropriate that this bill arrives before this body 1 week after we struggled to come to terms with another injustice from the World War II era, compensation for Japanese-American citizens interned during the war. The legislation addressing that matter and the legislation addressing the needs of many of our atomic veterans both are efforts to put harmful episodes of the past honorably behind us.

It has been 6 years since I became aware of the need for congressional action to aid atomic veterans, and for 6 years, I have closely followed the controversies surrounding compensation for our veterans exposed to radiation. I have asked why it is that we find it so difficult, as a nation, to do right by those men and women who served us through their participation in the nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan.

Today, more than 40 years after this testing began, we have the opportunity to redress some of the wrongs, to act affirmatively by extending benefits for certain radiogenic diseases suffered by many of the atomic veterans.

The measure is not as comprehensive as I have worked for. It does not create a comprehensive presumption of service connection for all radiogenic illnesses. It does not address all of the needs of veterans like Bob Farmer who served at Operation Crossroads and whose nine children have suffered birth defects. It is not perfect.

But we must not let the opportunity for any relief for these men and women pass us by. They can turn nowhere else for help. The Veterans' Administration and the Pentagon have resisted most appeals to accommodate these needs. As former service personnel, atomic veterans are barred from seeking relief through the courts. This matter is now on our doorstep. This is a congressional responsibility.

For many, this bill comes too late. For others, time is a luxury they cannot afford. But if signed by the President it would improve the lives of many of our atomic veterans. It would mark a major advancement in our Nation's attitude toward atomic veterans and in acceptance of our responsibility to make right the wrongs done to them at the onset of the atomic age.

Senate consideration of this bill today occurs under the cloud of a threatened Presidential veto. As the President and his advisers weigh this decision, I urge them not to act until they have considered the great sufferings—past and present—of many fine veterans and their families: Veterans like Bob Farmer of Steeleville, IL, and Warren Zink of Downers Grove, IL.

This is not an expensive bill; the first-year cost is less than $40 million for the medical needs of these Americans. More important, helping these former servicemen with their medical bills is the fair thing to do. It is the right thing to do.

I urge my colleagues to support this legislation.

Mr. President, I am pleased to see this legislation finally here. I introduced the first legislation on this subject when I was a Member of the House and reintroduced it as Senator ROCKEFELLER just mentioned, when I was in the Senate.

Let me tell you how I happened to introduce this legislation. A fellow named Bob Farmer from Steelville, IL, came to me. He said, "I was a young seaman in the Marshall Islands when they had the tests. And they told us to duck behind a truck." He said "I had swimming trunks on and my buddy did. We ducked behind the truck and they told us to close our eyes. We ducked behind the truck." He said "When I opened my eyes afterwards, I could see the bones in my hands and I looked ahead of me to my buddies, and I could see their skeletons." He says it was kind of a weird experience, but they did not think too much about it. Then they went in, washed down the ships that were in that immediate area. Then played in the sand in the ocean there, and did not think anything about it.

Then years later Bob Farmer starts to develop tumors. Bob Farmer and his wife were married, had nine children. All of them appeared to be perfectly normal, except one had a hip deformity. Neither Bob Farmer nor his wife and their families had any history of any kind of genetic disease problems. As it has turned out all nine of their children have some kind of genetic problems.

The U.S. Government says they have nothing to do with Bob Farmer's problems. That is just wrong. And as I learned more and more about Bob Farmer I found out there were a lot of Bob Farmers around this Nation.

We not too long ago had legislation in this body, and Mr. President, as a member of the Armed Services Committee I am sure you played a role in seeing that it was there. We had some compensation for the residents of the Marshall Islands, and we should have. I do not begrudge this to the people of the Marshall Islands one iota. But young service personnel, who were ordered there by our Armed Forces, also are entitled to compensation. When they show up with leukemia, thyroid cancer, and the other problems that are associated with exposure to radiation, let us recognize that there is a good chance this was caused by that exposure. That is what this bill does. It does not go, frankly, quite as far as the bill that I originally introduced, but is a substantial step forward. It will cost approximately $40 million a year. And we are getting some justice out of it.

It is perhaps significant that last week we passed the bill that Senator MATSUNAGA was the chief sponsor of to bring justice, a little justice, to Japanese Americans, and to say we have done an injustice to these people. It is appropriate that 1 week later we come here and say to those who have served our country, who were ordered into some cases Nagasaki just days after the explosion there, in some cases they were out in the tests, and were exposed immediately to radiation. We have a responsibility. This bill moves in the right direction.

I want to commend Senator CRANSTON, Senator MURKOWSKI, and everyone who had anything to do with it. I recall the support Senator ROCKEFELLER gave when I first introduced the bill in the Senate, when I moved over to the Senate. We are moving in the right direction for some people who deserve justice, and we are providing that justice. I am proud to be a Member of the Senate today as we move in the right direction here. And I trust we will do precisely that.

I yield back the remainder of my time.

Mr. MURKOWSKI. Mr. President, I have had an opportunity to confer with the chairman of the Senate Veterans' Affairs Committee.

I ask unanimous consent for 10 minutes equally divided between each side at that time.

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

Mr. MURKOWSKI. I thank the Chair.

Senator THURMOND, I believe, has a statement, and I ask that he be recognized.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

I believe the Senator from South Carolina needs 4 or 5 minutes. Is that correct?

The PRESIDING OFFICER. The Senator is recognized.

Mr. THURMOND. Mr. President, the issue of compensating veterans who suffer from certain cancers and who were involved in atomic tests or the occupation of Hiroshima or Nagasaki stirs great amounts of emotion.

Because this is an emotional issue, we must exercise added caution to ensure that the compensation issue is approached in a sound, yet compassionate manner. The bill before the Senate today, H.R. 1811, the Atomic Veterans Compensation Act, is well-intentioned. It establishes a presumption of a service-connected disability for veterans suffering from certain cancers, who were exposed to radiation during the testing of a nuclear device or who participated in the American occupation of Hiroshima or Nagasaki.

Although it is a well-intentioned bill, we must ask ourselves the following question: Does the bill represent the wisest approach to the radiation compensation issue? The answer is no, it does not. Now, Mr. President, I make this statement fully aware that it may be perceived as antiveteran. However, nothing could be further from the truth. I have long been a staunch supporter of veterans and will continue to lend my strong support to meritorious veterans legislation.

As a member of the Veterans' Affairs Committee, I supported a separate radiation compensation bill offered by Senator MURKOWSKI, the ranking minority member of the committee. Although that bill did not succeed in committee, I believe it represented a wise and reasonable approach to this important issue. It was carefully tailored to provide compensation to certain veterans suffering from leukemia, liver cancer, multiple myeloma, and cancer of the bone marrow. These diseases have a close association with radiation. On the other hand, the bill before the Senate sweeps too broadly. It would provide compensation to veterans suffering from leukemia, certain lymphomas, multiple myeloma, and cancer of the thyroid, breast, pharynx, esophagus, stomach, small intestine, pancreas, bile ducts, gall bladder, and liver. Mr. President, some of these cancers are attributable to factors other than radiation, such as diet, lifestyle, alcohol, and tobacco. Accordingly, I do not believe there is a strong enough causal connection between radiation and these diseases to merit the presumption called for in this bill.

In addition, Mr. President, as a member of the Judiciary Committee, I cosponsored and supported legislation which would repeal the so-called Warner amendment, and thereby permit atomic veterans to bring suits in Federal court against contractors

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involved in the production of atomic weapons.

Mr. President, the Administrator of the Veterans' Administration is strongly opposed to H.R. 1811, and has indicated that the President's senior advisors will recommend a veto, should it pass the Congress. As he stated, "this bill ignores the body of scientific evidence regarding the effects of radiation exposure and compromises the integrity of a system of claims adjudication that is based upon accepted medical and scientific knowledge."

Mr. President, I believe we can arrive at a reasonable compromise measure which the House, Senate, and President can all support. However, for the previously mentioned reasons, I cannot support the current bill. Accordingly, I urge my colleagues to vote against this measure.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. THURMOND. I yield that time back, so that Senator MURKOWSKI can allot it.

Mr. MURKOWSKI. Mr. President, I thank my good friend, Senator THURMOND. I very much appreciate his message. He has made the point—without any degree of uncertainty—as to the need to address responsibly the needs of veterans who were exposed to ionizing radiation.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator has 8 minutes and 10 seconds remaining.

Mr. MURKOWSKI. I yield to my colleague from Idaho up to 5 minutes, as he wishes.

Mr. McCLURE. I thank the distinguished Senator from Alaska for yielding this time.

Mr. President, I very much appreciate the comments just made by the Senator from South Carolina. I think no one who knows the history of Senator THURMOND and his stubborn and steadfast support for all people who serve in the armed services and those who are now veterans of service can doubt his sincerity and his devotion to their causes.

Mr. President, I rise today in what I must admit is reluctant opposition to H.R. 1811. Supporters of this bill portray it as an appropriate mechanism to compensate veterans exposed to ionizing radiation from the atmospheric nuclear detonations that occurred during the 1940's through the early 1960's. While on its surface, this may appear as a just and reasonable approach, I would argue that such an approach is a dangerous precedent and an unnecessary exposure of taxpayers' dollars to a potentially limitless drainage.

This legislation would establish an open-ended, self-inflicted admission of liability on the part of the Federal Government for these veterans. It suggests that the Government somehow was willful and wanton in its conduct of the atmospheric tests, which we all know is simply not true.

Furthermore, the bill would leave begging the question of whether we should compensate civilians exposed to low levels of radiation during the atmospheric test period. We would, by enacting this bill, be setting ourselves up for a liability exposure much larger and far more costly than the estimated 220,000 veterans directly addressed in the bill.

Even worse, enactment of this bill begs the question of what other universes of "beneficiaries" may be out there who might make similar cases for compensation: What about workers at our national laboratories in nuclear research over the years? What about other veterans exposed to ionizing radiation in some period of their service?

I would agree that the problem of proper treatment of all victims of our atmospheric weapons testing program needs to be addressed in some responsible manner. But I would argue that this bill's treatment of one segment of the total "universe" of people potentially affected by relatively low levels of ionizing radiaiton will ultimately lead us down a path of open-ended entitlement payouts totaling billions of dollars for which none of us are prepared to or able to commit.

We must not act precipitously in dealing with veterans' compensation for exposure to ionizing radiation. After all, the current provisions of the veterans' benefits under section 313 of title 38 of the United States Code already allows for payments of such claims; in fact, many of these particular cases have already been awarded under the current VA benefits package.

While there have been numerous congressional hearings on this issue over a number of years, there has never been a comprehensive evaluation of the magnitude of the problem, the precedent-setting nature of the solution, the potential size of the total beneficiary group, or the extent of the funding obligations. There has never been a proposal put forth to address all these issues in a comprehensive manner.

Certainly, we must recognize the Federal Government's obligation with respect to exposures of our citizens to ionizing radiation. But we also must act responsibly in protecting the taxpayers' funds from unlimited drainage.

I caution my colleagues to reject this piece of legislation as the wrong first step in a slide down an abyss to unknown, unlimited, and unwarranted Federal obligations.

Mr. President, the reason I have taken the time to come here in opposition to this amendment, and I am in opposition to the bill, is not that we should not be compassionate or that we should not be concerned about the veterans who were exposed to radiation through either the tests or in the cleanup, or wherever else they may have been with respect to low-level radiation.

This bill sets an arbitrary threshold for veterans to receive benefits related to exposures to low levels of radiation, despite scientific evidence that no additional cancer or other health effects have been measured in this population.

First, the "Smoky" test followup study, done by the Centers for Disease Control, shows fewer deaths and fewer cancers than would be expected from a normal population.

Second, the NAS study done by Seymour Jablon, concerning five atmospheric tests, showed no excess mortality from leukemia or other forms of cancer or other illnesses.

The report to H.R. 1811 even admits that, "While much has been learned about the carcinogenic effects of high doses of radiation exposure, scientists still are uncertain how low-level ionizing radiation exposure causes cancer, and how to predict the effects of exposure to low doses of ionizing radiation."

If the evidence isn't at all convincing, then why are we taking this giant step in assigning benefits when no benefits are in fact warranted?

The best available evidence on the veterans involved in the atmospheric testing suggests that the vast majority, 99 percent, were exposed to less radiation—5 rads—than is considered necessary to produce cancer.

The Veterans' Administration is handling these claims already, using a much more scientific and logical approach. In processing these claims, the VA considers exposure level, age at time of exposure, lifestyle, before and after, sex, occupational history, and the latency period. The VA has already awarded benefits for this category of claimants, and there is no justifiable, scientific reason to change the process by which the VA awards these claims.

Screening of claimants, either by the 10 percent rate test proposed in H.R. 1811, or by some other method—such as radioepidemiological tables from NIH—should be utilized only to decide which claims warrant further review, not to decide which claims are valid. This issue is too complicated and too vague to warrant this automatic payout approach. It will open the floodgates for all kinds of claims from all sectors for which the Government should not be assuming a responsibility in such an unscrutinized, open-ended manner.

Mr. President, I ask unanimous consent to have material in connection with this matter printed in the RECORD.

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

VETERANS' ADMINISTRATION,
Washington, DC, April 21, 1988.

Hon. JAMES A. MCCLURE,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCLURE: On behalf of the Administration, I strongly urge you to vote against the passage of H.R. 1811.

This bill would amend title 38, U.S.C., to establish a presumption of service connection for the payment of disability compensation for certain diseases manifested by veterans within specific periods after their participation in atmospheric nuclear tests or the occupation of Hiroshima or Nagaski, without regard to the amount of radiation exposure received.

If this legislation, which would seriously compromise the established service connection determination process, is passed, the President's senior advisors will recommend a veto.

We believe that this bill ignores the body of scientific evidence regarding the effects of radiation exposure and compromises the integrity of a system of claims adjudication that is based on accepted medical and scientific knowledge.

The Veterans Advisory Committee on Environmental Hazards, a thoroughly qualified body of independent experts, has reviewed H.R. 1811 and concluded that its provisions do not have a scientific basis, do not allow for scientific analyses, and in fact may be contrary to accepted scientific knowledge regarding radiation exposure.

I have enclosed, for your information, a copy of my letter to the Honorable G.V. (Sonny) Montgomery, Chairman of the Committee on Veterans' Affairs, which communicates the Veterans Administration's strong objection to the passage of this unsound and unwarranted measure. I have also included a brief fact sheet which further explains our position.

Our position on this legislation is based on our concern that it would seriously undermine the legitimacy of our veterans' compensation system. In accordance with existing law, compensation claims of atomic veterans are already being properly addressed through fair and equitable adjudication of their individual merits.

The Office of Management and Budget advises that there is no objection to the submission of this report to the Congress, and that enactment would not be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

VETERANS' ADMINISTRATION,
Washington, DC, June 25, 1987.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to provide the views of the Veterans Administration (VA) on H.R. 1811, 100th Congress, a bill "to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation." We strongly oppose its enactment.

Briefly, the bill would amend chapter 11 of title 38 to establish a presumption of service connection for disability compensation purposes for certain radiogenic diseases manifested to a degree of 10 percent or more within 30 years of the date of participation in the case of veterans who participated in the atmospheric detonation of a nuclear device or the American occupation of Hiroshima and Nagasaki prior to July 1, 1946. The presumption of service connection would apply to all forms of leukemia (except chronic lymphatic leukemia), polycythemia vera, thyroid cancer, bronchogenic carcinoma, and female breast cancer.

The VA is committed to assuring that the health-related concerns of atomic veterans are responsibly addressed. We have fully implemented the provisions of law that authorize free, comprehensive health care for atomic veterans regardless of whether their ailments are radiation related. We have also worked diligently to devise and apply regulations to ensure the careful, reasoned consideration of their compensation claims on the basis of the best available evidence. The enactment of H.R. 1811 would mark a radical departure from this reasoned approach that is not justified by scientific evidence, and as a result would seriously undermine the legitimacy of our compensation programs.

Our primary objections to the bill may be summarized as follows: existing law already provides entitlement to service connection for radiogenic diseases; a presumption of law in the case of low-level radiation exposure would substantially weaken the legitimacy of the service-connected disability benefit programs; and, the eligibility criteria embodied in the bill are overinclusive and inequitable.

The VA currently has broad authority to grant service connection for disabilities, including those caused by exposure to ionizing radiation during military service, even where the initial symptoms of disease manifest themselves years after exposure. Some 28 such claims have been allowed to date. Moreover, when scientific research produces new findings on the cause of a particular disease or its association with the circumstances of service, existing law enables the VA to revise its regulations to assure the latest scientific data are brought to bear. This assures an orderly system of claims adjudication that is firmly based on accepted medical and scientific knowledge.

VA's regulation governing adjudication of compensation claims based on radiation exposure, at 38 C.F.R. § 3.31lb, provides for case-by-case reviews in recognition of the many variables that must be considered in assessing the merits of such claims. Thus, once it is verified that a radiogenic disease has developed within specified periods after exposure to radiation in service, analysis continues, taking into account a number of factors. These include:

(1) The probable dose, in terms of dose type, rate and duration as a factor in inducing the disease, accounting for any known limitations in the dosimetry devices employed in its measurement or the methodologies employed in its estimation;

(2) The relative sensitivity of the involved tissue to induction, by ionizing radiation, of the specific pathology;

(3) The veteran's gender and pertinent family history;

(4) The veteran's age at time of exposure;

(5) The time-lapse between exposure and onset of the disease; and

(6) The extent to which exposure to radiation, or other carcinogens, outside of service may have contributed to development of the disease.

Because each of these factors can substantially affect the likelihood that a claim is valid, there is no pat formula or blanket rule that can be devised which would equitably provide benefits and be neither overinclusive nor underinclusive. There is no acceptable "quick fix," no substitute for thoughtful analysis of the facts unique to each case in endeavoring to separate the more deserving claims from the rest.

All authoritative scientific information leads to the conclusion that the overwhelming majority of veterans covered by H.R. 1811 received very low doses of radiation, whether they participated in the weapons tests or the occupation of Hiroshima and Nagasaki. For example, official film badge data for the test participants show fully 42% received no dose whatsoever, and the average for the entire group was only .5 rem. Less than 1% received doses exceedding 5 rem, which under current Federal guidelines is the annual allowable exposure for radiation workers.

To put these doses into perspective, it should be borne in mind that the average American sustains an annual dose-equivalent of .18 to .53 rems to the lungs per year from "natural background" sources (i.e., terrestrial and cosmic radiation and naturally occurring radionuclides deposited in the body). Thus, the average test participant's dose was only slightly more than he would have encountered from simply living on planet Earth for a year. When one considers that we also sustain average annual doses of some .103 rem to the bone marrow from medical and dental X-rays, the relative insignificance of the radiation exposure of test participants can be better appreciated.

The doses for the occupation forces were even more negligible, given such historical factors as the limited activities of the personnel, the distance between the hypocenters of the detonations and where the servicemembers were stationed, the relatively short duty assignments in the cities, and the assignment of troops to the cities only after weeks had elapsed since the bombings. An absolute worst-case analysis by the Defense Nuclear Agency shows no veteran's dose could have exceeded 1 rem as a result of his participation in the occupation of Hiroshima and Nagasaki.

What is the health effect, if any, of such small doses? While the effects at high doses are well documented, the effects, if any, of the low doses sustained by most of these veterans are so few as to be undetectable. Prudence may dictate that one not assume there is no adverse health consequence whatsoever from doses as low as one rem or less, but the best estimates are that the risk, if any, is infinitesimally small. For example, the lifetime risk of death from cancer in the general population is some 16% or 17%, so that we might expect 32,000 to 34,000 deaths from cancer will eventually occur in any population of 200,000 (roughly the number of veterans who participated in the weapons tests). A radiation exposure of .5 rem for this population would only, it is widely accepted, increase the number of cancer deaths by ten cases (above the 32,000 to 34,000 "naturally occurring" ones). The issue really becomes whether the Federal government should presume that all 32,010 eventual cancers among atomic veterans are service connected in order to assure that the ten possible excess cases related to service

are covered, or whether it is better public policy to look at each case individually to separate the more deserving claims from those less deserving. We believe the only responsible approach is the latter.

The principle that the Government owes more to veterans injured as a result of service than to other veterans has guided benefits policies since our Nation's infancy. No one can question the responsibility to compensate for loss of life or health in the line of duty, which is why the VA's compensation programs deserve and enjoy broad public support. If eligibility criteria are diluted to the point where significant numbers of beneficiaries have no valid claim to these payments, public support will almost certainly erode. Such dilution of the standards could well invite a backlash the results of which are impossible to predict. That is why it is essential that eligibility standards remain tenable, and that the underlying principle of service connection not be compromised.

We are also concerned that the population of veterans at which H.R. 1811 is directed may not be defensible on substantive due process grounds. The bill focuses on test participants and occupation troops only, to the exclusion of all other veterans exposed to radiation. Literally every service-member who ever served even one day was exposed to natural background radiation and, since the nuclear age began, to man-made forms of ionizing radiation from fallout, X-rays and in many cases from nuclear power plants and weapons handling. Virtually all veterans of the modern era received standard chest X-rays during entrance and separation examinations, for example. If the policy proposed in H.R. 1811 is adopted with respect to only "atomic" veterans, on what basis can other veterans equally exposed be denied equal treatment?

For example, consider the case of a test participant whose estimated dose was .5 rem. If he later contracted leukemia (other than chronic lymphatic leukemia), section 2 of the bill would require that his leukemia be presumed service connected. Now, consider the second case of a veteran whose documented dose of .5 rem was sustained as a result of his duty as an X-ray technician. VA could legitimately deny his claim based upon the extremely tenuous relationship between so small a dose and the development of leukemia. Is there a rational basis for compelling a different result in the atomic veteran's case?

It is also unclear to us how the list of cancers for which service connection is to be presumed (under section 2 of the bill), to the exclusion of other radiogenic forms of cancer, could pass a rational-basis test in a court of law. We observe, for instance, that bronchogenic carcinoma is a common disease principally associated with smoking rather than exposure to low-level ionizing radiation. Moreover, no reliable studies have found evidence of excess hazards of developing polycythemia vera following exposure to such radiation.

As recently as 1984, Congress rejected blanket presumptions of service connection for atomic veterans, and instead entrusted to VA responsibility for carrying out a policy which would "ensure that Veterans Administration disability compensation is provided . . . for all disabilities . . . that are connected, based on sound scientific and medical evidence, to [exposure]. . . ." (Sec. 3, Pub. L. No. 98-542.) We have in place rules to do exactly that, and enactment of H.R. 1811 would be a serious retreat from the principle that service connection should be grounded in sound scientific and medical evidence. In fact, the Veterans Advisory Committee on Environmental Hazards has reviewed the measure and concluded it does not have a scientific basis, does not allow for scientific analysis, and may be contrary to scientific knowledge. For the foregoing reasons, we cannot countenance so unwarranted an undermining of service-connection principles, and therefore must register in the strongest possible terms our objection to passage of this legislation.

As requested, the VA has estimated the five-year cost of enactment of this legislation. We must emphasize that the cost of the measure is not a factor in our opposition to H.R. 1811. Assuming that the measure is intended to cover peacetime as well as wartime veterans and to provide a basis for payment of survivors' benefits, the estimated cost and caseload data are as follows:

[Dollar amounts in thousands]

Fiscal year	Veteran cases	Veteran cost	Survivor cases	Survivor cost	Man years	Admin. cost	Total benefit cost
1988	1,968	$20,200	4,366	$31,400	12	$341	$51,600
1989	1,955	19,900	4,382	31,500			51,400
1990	1,942	19,600	4,389	31,600			51,200
1991	1,923	19,200	4,396	31,700			50,900
1992	1,908	19,000	4,403	31,700			50,700
Total		97,900		157,900			$255,800

The administrative cost after the fiscal year following enactment would be insignificant; i.e., it would be less than $100,000 in any fiscal year.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report on H.R. 1811 to the Congress.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

BASES FOR OPPOSITION TO H.R. 1811

H.R. 1811, as amended, would presumptively service connect a number of cancers determined to be radiogenic without regard to the amount of radiation exposure a veteran had following participation in an atomic weapons test or service with the occupation forces of Hiroshima or Nagasaki, Japan. The VA has been steadfast in its opposition to a presumption of causation that does not take into account the scientific evidence regarding the level of radiation exposure that would be required before an effect would be observed. We have also been reluctant to set an amount of radiation exposure that would result in favorable consideration of a claim.

The approach taken by the VA has been to take into account a variety of factors, of which the amount and type of radiation exposure a veteran had is one. Assigning a minimum level of exposure before favorable consideration would be given to a claim would create the impression that radiation exposure is the sole determinant. In fact, other factors may play a significant role in the development of a cancer and may impact on the determination that radiation exposure did or did not contribute to the cancer's development. Among these are age at the time of exposure, the life-style of the individual prior and subsequent to the exposure of interest, the sex of the individual, the latency period since exposure, the family history of the individual, and the occupational history of the individual. One individual with a given exposure may warrant favorable consideration of a claim whereas another individual with different characteristics but the same radiation exposure may not.

The Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) has recommended that the VA employ as a screening device the radioepidemiological tables developed by the National Institutes of Health Ad Hoc Working Group. The use of the tables would only be determinative as to whether or not a claim should receive further review, not whether it should be favorably considered. In part this is due to a recognition of the uncertainties associated with the Tables. The CIRRPC recommended that for those cases that survive the screening "additional scientific and medical evidence will need to be analyzed which is specific to the individual cases. . . ."

The doses required to produce a probability to a 99% degree of certainty that a given cancer was more probably than not caused by a radiation exposure at age 20 range from 0.9 rads for chronic granulocytic leukemia occurring within 20 years of exposure to 25.5 rads for lung cancer in a smoker. The doses increase with an increase in the age at the time of exposure.

The best available evidence at this time suggests that the vast majority (99%) of the participants in atomic weapons testing were exposed to no less than 5 rads with the average participant being exposed to less than 0.5 rad. Some 42 percent of the participants are estimated to have received no radiation exposure.

Mr. MURKOWSKI. Mr. President, how much time remains?

The DEPUTY PRESIDENT pro tempore (Mr. MITCHELL). Four minutes and 6 seconds.

Mr. MURKOWSKI. I yield 2 minutes to the Senator from Wyoming.

Mr. SIMPSON. I thank the manager of the bill. Senator MURKOWSKI does a marvelous job as the ranking member on the Veterans' Affairs Committee. I served in that capacity and as chairman.

Mr. President, I wish to voice my opposition to the provisions contained in H.R. 1811, the "Radiation-Exposed Veterans Compensation Act of 1988." Although I was a member of the House-Senate conference committee that has worked on this bill, I feel it is an unwise, potentially costly, and unjustified measure.

This bill will establish presumptions of service-connection for certain diseases when they are manifested to a degree of 10 percent or more in veterans who participated in certain "radiation-risk activities." Thirteen diseases are added by this bill to the list of diseases that are simply presumed to be service-connected—that means that the veteran seeking to receive compensation or medical care on the basis of such conditions does not have to show that there is any evidence whatever that the disease was caused by or aggravated by his military service. He or she is eligible for compensation if the

disease is manifested within a 40-year, or in some cases, a 30-year period.

This bill adds leukemia—(other than chronic lymphocytic leukemia)—cancers of the thyroid, breast, pharynx, esophagus, stomach, small intestine, pancreas, bile ducts, gall bladder, liver, and multiple myelomas and lymphomas—(except Hodgkin's disease)—to the list of those that will be considered service-connected. The disease must be manifested within 40 years, except for leukemia, which must be manifested within 30 years.

This list of cancers bears no rational relation to any scientific or medical evidence of causation. Many of these are cancers of the digestive tract, which are very common in older men and are strongly linked to diet. If there is a scientific or medical reason to grant service-connection for a disease in an individual case, then that is perfectly reasonable. But, to grant a presumption of service-connection for diseases that occur commonly and are not known to be radiogenic is sheer absurdity.

These are terrible diseases, but does it not make sense to require that there be some evidence linking the incidence of the disease with conditions encountered during military service? I submit that it makes very good sense.

If there are to be presumptions, there should at least be solid scientific and medical justification for presuming the disease to be causally linked to military service conditions. That does not exist for these cancers.

These provisions are costly, with an estimated price tag of $36 million the first year. This bill invites a veto because it simply does not make any sense. It is costly; it ignores scientific and medical evidence. I trust that it will be vetoed and that the veto will be sustained.

This is one issue that has the most marvelous of connotations. Yet, it has no realistic basis in scientific and medical evidence. Those are the kinds of things we always get into, in this remarkable arena, that leave us with a lot of plain confusion. There is not anyone here who is going to rise and say these are not terrible diseases. They are terrible, hideous diseases.

It does not make sense to say that just because one has been in the military, he or she contracts these diseases. In fact, this is an area that we will have to examine in the United States.

If I recall correctly, there are 40 diseases on the statute books that you are presumed to have contracted just by being in the military, which is absolutely the height of absurdity. There is nothing more absurd than that.

Senator CRANSTON and I went through the agent orange issue. I was chairman, and Senator CRANSTON was the ranking member. We resolved that in a very thoughtful manner, because we required some medical and scientific evidence. That bill passed the Senate by a vote of 95 to 0. We have not heard the anguish of that again.

I am puzzled by this unwise and costly and unjustified measure that comes forward now, where we say there is service connection if one of these diseases is manifested to the degree of 10 percent or more by veterans who participated in certain radiation risk activities, going back for 30 or 40 years. We are adding 13 diseases, diseases that occur in the general population on a daily and yearly basis.

I think it is an absurd approach toward compensation, whether it is out of guilt or whatever it may be that stimulates it.

I thank the Chair.

Mr. CRANSTON. Mr. President, I yield to the Senator from Hawaii, 5 minutes.

Mr. MATSUNAGA. Mr. President, I thank the distinguished Senator from California for yielding.

I rise in strong support of the substitute to H.R. 1811 offered by the chairman of the Veterans' Affairs Committee, the senior Senator from California.

I must say that I need to respond first to the Dear Colleague letter which the Senator from Idaho [Mr. MCCLURE] sent out. He implores that we not and I quote "act precipitously in dealing with veterans' compensation for exposure to ionizing radiation." I would like to note, however, that this legislation would establish no new benefit system. Veterans already are entitled to VA compensation for disabilities resulting from radiation exposure at a weapons test, and some—albeit a very tiny fraction of those who have applied for such benefits—already have been awarded benefits. What this legislation would do is address the insurmountable and inequitable problems—including the inaccuracies in the DNA exposure estimates—of proving the link between a particular disability and radiation exposure and thus allow veterans to obtain the benefits which already are authorized.

Mr. President, the bill before us provides a presumption of service connection to veterans of the U.S. atomic testing program and of the occupation of Nagasaki and Hiroshima who suffer from 13 different forms of cancer listed in the bill: leukemia, multiple myeloma, lymphomas, and cancers of the thyroid, breast, pharynx, esophagus, stomach, small intestine, pancreas, bile ducts, gall bladder, and liver. For all these cancers, except leukemia, service-connection will be presumed if they manifest themselves within 40 years of the last possible exposure to ionizing radiation to a degree of 10 percent or more. In the case of leukemia, the legislation calls for a somewhat shorter manifestation period of 30 years.

Mr. President, this legislation, the outgrowth of many years of committee deliberations and hearings, is fair and necessary. Two hundred thousand U.S. military personnel participated in 235 atmospheric and underwater nuclear test shots from 1945 to 1963. An additional 25,000 servicemen occupied Hiroshima and Nagasaki in the aftermath of the detonation of atomic bombs over those cities, and thousands more passed through those cities in the months following the explosions. In sum, at least a quarter million service members may have been exposed to potentially dangerous levels of ionizing radiation from atomic explosions.

Mr. President, everyone in this Chamber today is aware of the dangers of radiation. Who cannot forget the stark fear that accompanied the Three Mile Island incident? Who cannot remember the silent cloud of deadly radioactivity that spread from Chernobyl across parts of Russia and Europe? And it is our fear of the effects of radiation that made the recent debate over the nuclear waste repository issue so heated. Our fear is well grounded. The scientific evidence is incontrovertible that high-level radiation causes cancers, cancers that often do not show up until many years after exposure.

However, it is the misfortune of so-called atomic veterans that the causal relationship between low-level ionizing radiation and certain forms of cancer is less clear, although it is generally acknowledged that any level of radiation exposure is dangerous. Scientists are uncertain how low-level ionizing radiation causes cancer; moreover, scientists cannot predict the effects of exposure to extremely low doses of such radiation. So the question of how much low-level radiation exposure is sufficient to presume radiogenesis of particular forms of cancers is one that cannot be answered categorically at this time, if ever. Certainly it remains problematic whether science can directly and absolutely correlate such radiation exposure with certain diseases before the participants in the atomic testing program or occupation of the nuclear-devastated cities of Japan die off. For thousands of veterans of atomic detonations who have cancer, this uncertainty, through no fault of their own, precludes them from ever receiving compensation from their government for exposure to radiation that in fact may have caused their cancers.

To compound the problem, proper documentation of exposure is often lacking. For example, in one series of test shots, Operation Tumbler-Snapper, the cumulative exposure records have been lost or destroyed. In addition to the lack of proper documentation, a significant amount of error in measurement has been noted in many

cases. For example, in certain instances badges or dosimeters were worn infrequently or not at all. In others, film badges may have been improperly processed or interpreted. Recent General Accounting Office [GAO] reports on Operation Crossroads and Operation Redwing indicate that film badges or dosimeters were not distributed to every individual. In Operation Crossroads, for example, GAO discovered that of 6,300 participants only 15 percent wore film badges, and that these badges were not worn throughout the course of the operation. In Operation Redwing, the agency found that the radiation exposure of veterans involved in nuclear cloud-sampling activities were significantly underestimated. GAO also found that some veterans may have been subjected to internal radiation exposure, which was not measurable by any of the radiation monitoring devices used at the test sites.

Perhaps the most troubling fact is that documents have shown that some U.S. Government officials were aware of the long-term health risks of radiation exposure, yet little precaution was taken to ensure that exposure was minimized, or that the participants were properly informed of the risks. Furthermore, no systematic effort was made to monitor the health of participants in the years after the tests were conducted.

Mr. President, in the hope of obtaining more data that might better correlate radiation exposure to disease, the Senate Veterans' Affairs Committee recommended, and the Congress enacted, legislation in the 98th Congress directing the administration to conduct a morbidity study of atomic veterans. Unfortunately, that study was ultimately deemed unfeasible. Lacking this data, the committee has been unable to assess normally the issue of service connection for atomic veterans. Nevertheless, because enough evidence has been gathered concerning the range of errors in radiation exposure measurement, and in consideration of the fact that the Government was negligent in some degree in protecting the safety of participants, the committee believes it necessary to presume service connection of certain cancers strongly associated with radiation exposure.

Mr. President, I am aware of opposition to this bill from the administration and Members of this body who fear that H.R. 1811 will set a "dangerous precedent" for other groups—such as the Marshall Islanders or the "Nevada Downwinders"—to press for presumptive compensation. They use the fiscal argument that the Federal Government will be held liable for millions of dollars in claims it is in no position to pay. Mr. President, this is entirely beside the point. The point is that American veterans may be suffering from the ill effects of exposure to radiation they incurred in the line of duty to our Nation. If there is a reasonable chance that their claims of service connection have some scientific basis, it is incumbent upon Congress to give them the benefit of the doubt. Mr. President, it is not our job to find excuses to deny benefits to deserving individuals. It is not our place to reject compensation for atomic veterans solely on the basis that such action may open the door for other would-be claimants to seek compensation. If atomic veterans deserve compensation, they should be granted compensation.

Mr. President, I urge my colleagues to support this long overdue legislation.

Mr. CRANSTON. Mr. President, I yield 1 minute to the Senator from Illinois.

Mr. SIMON. I thank my colleague from California.

Mr. President, let me touch on a couple points in response to the Senator from Idaho and I have great respect for him but when he cites the VA tests I do not know that he is aware that the GAO has criticized those VA tests and how they were conducted.

Second, when he says if you can show a service connection to the cancer you have then you can get benefits. How can you prove that the cancer you have was caused by what happened in the service? It is virtually impossible.

Then, finally, in his Dear Colleague to the Members of the Senate, the Senator from Idaho says this is some kind of admission of guilt on the part of the Government or the VA.

It is not an admission of guilt any more than when you pay somebody who was in an automobile accident who is in the service. You are not saying the car manufacturer is guilty or the service is guilty, but the reality is that someone suffered because of being in the service. That is all we are asking. Let us get justice for these people.

Mr. MURKOWSKI. I inquire of the Chair how much time remains?

The DEPUTY PRESIDENT pro tempore. The Senator from Alaska has 1 minute, 34 seconds; the Senator from California has 1 minute and 52 seconds.

Mr. MURKOWSKI. I defer or we can proceed to take up my 1 minute.

Mr. CRANSTON. I will proceed, if I may.

Mr. President, I appreciate the concerns which my colleague from Idaho has raised in his Dear Colleague letter about this legislation serving as a precedent which might be used to provide or expand benefits to others—for example, the Marshall Islanders who were exposed to the ionizing radiation that so severely contaminated those islands after U.S. nuclear weapons tests. However, I believe very strongly that it would be terribly inequitable for us to deny VA benefits to the veterans of this Nation because of concern over legislation which someone might possibly seek to introduce in the future to provide non-VA benefits to those islanders, or to the downwinders in this country, or to others.

If such legislation is introduced at some future time, we can debate its merits then. But it is not before us now. This is a veterans' bill.

I do not see how we can now vote to deny benefits to veterans who deserve those benefits as a result of service to our country, according to the judgment of Congress as demonstrated by overwhelming passage in both bodies of radiation-exposed veterans compensation legislation. I do not see how we can in good conscience reverse our judgment just because we think someone might later cite such benefits as an argument for expanding benefits to nonveterans.

Indeed, I think the fact that the Congress has approved benefits for the Marshall Islanders while not also acting to provide similar benefits to U.S. veterans who were exposed in the very same tests, clearly demonstrates that we are capable of considering separately the distinct merits of providing benefits to these different groups. Now it is the veterans whose needs must be met.

Mr. President, the Senate already has expressed its view on this issue—when it approved by an 80-0 vote on December 4 the radiation benefits provisions in title II of S. 9. The aguments which have been raised against this bill would have been even more applicable to the S. 9 provisions, since they actually would have provided even more extensive benefits.

I urge my colleagues to make the same response this time that they made in December—by adopting this measure to provide fair and meaningful compensation for these veterans and their families who have already waited too long and are so deserving of the consideration this legislation would afford them.

Finally, Mr. President, the Senator from Idaho has referred to a lack of scientific studies showing excess mortality or morbidity. The truth is that there has been no scientific study of these 225,000 radiation-exposed veterans, and the scientists have concluded that no mortality or morbidity study can be conducted on these veterans as a group in any feasible way.

So, would the Senator have us ignore the reality of what happened at these tests, because the scientists are not able to design a valid study?

Clearly that would be totally unfair.

We should do what is fair and what is right by adopting the amendment and passing the bill as amended.

The DEPUTY PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, in the remaining time, let me read from a letter from the Veterans' Administration, dated April 21, 1988, sent to each Senator. I quote the fourth paragraph as follows:

> We believe that this bill ignores the body of scientific evidence regarding the effects of radiation exposure and compromises the integrity of a system of claims adjudication that is based on accepted medical and scientific knowledge.
>
> The Veterans Advisory Committee on Environmental Hazards, a thoroughly qualified body of independent experts, has reviewed H.R. 1811 and concluded that its provisions do not have a scientific basis, do not allow for scientific analyses, and in fact may be contrary to accepted scientific knowledge regarding radiation exposure.

That is from the Veterans' Administration which has the responsibility to the veterans of this country.

In listening to the comments from my colleagues this morning, let me state that I do support legislation to provide compensation for certain diseases. That has been my approach all along. This bill simply goes too far and, therefore, is not good public policy. It extends automatic compensation to some 13 types of cancer that could also be associated with other factors.

I have listened to the presentations of my colleagues. I was deeply moved by their personal accounts. Those accounts would be covered under the proposed radiation bill that I introduced.

That is the very point that I think we are making here, Mr. President. This is a body that is concerned. It is compassionate. And it does want to do something about addressing the needs of veterans who were exposed to radiation. But, Mr. President, what we are doing here is creating something in excess of $36 million a year as opposed to the initial proposal which was $13 million.

The DEPUTY PRESIDENT pro tempore. The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair.

Mr. DOMENICI. Mr. President, I rise to express my strong support for H.R. 1811, the Atomic Veterans Compensation Act of 1988. H.R. 1811 will provide much-needed compensation to atomic veterans. Atomic veterans are those veterans who were exposed to radiation as a result of their participation in the atmospheric nuclear weapons testing program of the United States or the occupation of Hiroshima and Nagasaki. This compensation to atomic veterans is long overdue.

H.R. 1811 will provide disability payments through the Veterans' Administration [VA] to atomic veterans and survivors' benefits to their families by creating a presumption of service connection for 13 diseases. This means an atomic veteran need only prove that he is, in fact, an atomic veteran and he is at least 10 percent disabled as a result of 1 of the 13 diseases in order to obtain disability compensation from VA for his illness. The VA may deny the claim only if it can prove that the disease is not service connected.

The 13 diseases are leukemia, lymphoma, multiple myeloma (a blood cancer), and cancers of the thyroid, breast, pharanyx, esophagus, stomach, pancreas, liver, small intestine, gall bladder, and bile duct.

The diseases must manifest themselves within 40 years—30 years for leukemia—of the date of radiation exposure in order for the veteran to be eligible for benefits.

H.R. 1811 makes it very likely that an atomic veteran will be eligible for compensation and puts the burden on the VA to prove that he is not eligible. This is a major departure from current law, under which the burden is on the veteran. This is a step in the right direction.

Mr. President, between 1945 and 1962, the U.S. Government, like other nations developing atomic arsenals, detonated nuclear weapons in the atmosphere. The United States conducted a total of 235 atmospheric detonations of nuclear weapons. The first of these tests was at Trinity Site, outside of Alamogordo, NM.

An estimated 220,000 to 240,000 military personnel participated in these tests. Another 25,000 servicemen were assigned to the occupation forces in Hiroshima and Nagasaki after atomic bombs were dropped there in World War II. The atomic veterans valiantly contributed to the safety and security of the Nation.

A significant portion, if not all, of these atomic veterans were exposed to some quantity of low-level ionizing radiation. A number of atomic veterans have contracted a variety of illnesses, including various types of cancer, they attribute to radiation exposure.

It is important to keep in mind that veterans are unable to collect damages for their service-related injuries by suing the Federal Government because of the Feres doctrine of the Federal Tort Claims Act. Instead, Congress has established the VA compensation system, which provides a very generous program of veterans benefits available for people who are injured in the line of duty.

This legislation is needed because the current system isn't working. The veterans have tried to use the system, but it has been unresponsive.

The atomic veterans have filed claims with the VA to obtain compensation for their radiation-related injuries. Although the VA is obligated to provide health care and compensation for any injury that arises in the course of an individual's military service, the overwhelming majority of the claims of atomic veterans have been denied.

Since 1978, over 6,000 claims for VA benefits have been filed by atomic veterans and their survivors for disabilities resulting from exposure to radiation. The VA has granted benefits in only 28 of these cases. That means that 99.5 percent of all atomic veterans' claims have been denied. The VA has denied the claims because it has been unable to conclude that the veterans' exposure to radiation during the atomic tests caused their illnesses.

It is beyond dispute that scientific research over the years has proven that exposure to ionizing radiation can endanger human health. However, scientists state that it is very difficult at this time to determine the correlation between specific doses of ionizing radiation and the develoment of cancer. Doctors are unable to say whether any particular individual's illness results from exposure to radiation or from some other factor.

As a result of the impossibility of determining whether a certain individual's illness is caused by radiation exposure rather than some other factor, the Veterans' Administration has denied 99.5 percent of the claims of atomic veterans who seek compensation and health care for radiation-related illnesses.

It is apparent that the VA has refused to grant the atomic veterans the compensation to which they are entitled. This is not fair. Those who suffered injuries as a result of the Nation's atmospheric nuclear tests deserve to be compensated for their injuries by this Nation.

Over the past few years, Congress has passed various bills to improve the VA compensation system for atomic veterans. For my own part, I have introduced legislation in the last two Congresses in an attempt to give the atomic veterans the relief that they deserve.

In 1981, Congress enacted the Veterans' Health Care Act, which expanded the eligibility for VA health-care services of atomic veterans, notwithstanding that there may be insufficient medical evidence to conclude that a veteran's illness was associated with his exposure to radiation.

The Veterans' Health Care and Programs Improvement Act of 1983 directed the VA to carry out an epidemiological study of a group of atomic veterans to determine their current health status.

Finally, in 1984, Congress enacted the Veterans' Dioxin and Radiation Exposure Compensation Standards Act to ensure that the VA provides disabilty compensation to atomic veterans who are suffering from radiation-

related disabilities as a result of their service in the Armed Forces.

Unfortunately, it is clear that this legislation has not worked as intended. Atomic veterans are not receiving compensation. Only 13 claims have been granted since the law went into effect.

It is equally clear that Congress can no longer simply rely on the existing VA benefits claims adjudication process to provide the relief that atomic veterans deserve.

In 1986, in order to assure that a fair, predictable, efficient, and systematic program of atomic veterans compensation exists, I introduced S. 2898, the Atomic Veterans Relief Act. The bill would have allowed veterans who are entitled to receive medical care under current law for radiation-related diseases also to receive disability compensation for those diseases, unless the VA could demonstrate that the disability was not related to the atomic veterans' exposure to radiation.

S. 2898 also would have allowed the atomic veterans to sue the Federal Government directly for their radiation-related injuries. Although I personally believe that the courtroom is an inefficient forum for providing compensation for the atomic veterans, I included that provision because of the very strong desire expressed by some atomic veterans that they be able to present their cases to a court of law.

This Congress, I joined with the distinguished Senator from Alaska, Senator MURKOWSKI, in introducing S. 453, the Veterans' Ionizing Radiation Compensation Improvement Act of 1987.

S. 453 would have added three radiation-related diseases to the list of presumptive diseases and would have allowed atomic veterans with those diseases to receive compensation through the existing VA compensation system. It also would have adjusted the radiation exposure estimates that the VA uses in evaluating other radiation-related claims. This would compensate for the uncertainty surrounding those estimates.

S. 453 was supported by the National Association of Atomic Veterans, the Veterans of Foreign Wars, the Disabled American Veterans, the Paralyzed Veterans of America, and the American Legion.

I also enthusiastically supported the atomic veterans compensation provisions of title II of H.R. 2616 as passed by the Senate last December.

The House-Senate conference on H.R. 2616 agreed to drop the atomic veterans compensation provision from the bill and to consider a compromise version of the atomic veterans compensation legislation as H.R. 1811, the bill now before the Senate.

In order to meet its responsibility to atomic veterans, Congress must ensure that there exists a fair, predictable, efficient, and systematic program within the VA for compensating persons with radiation-related claims.

H.R. 1811 will do that, that is why I strongly support it.

The alternative to improving the VA compensation system would be to pass a law allowing atomic veterans to sue the Government contractors that assisted the Federal Government in carrying out the nuclear weapons testing program over their participation in the program.

Such a course of action would run counter to the purposes of the VA system: to provide an efficient system of compensation for service-related diseases. Lawsuits are a terribly inefficient system of compensating individuals.

In passing this bill, Congress would be choosing to establish an improved VA compensation system rather than litigation. That is a wise choice in my view.

Mr. President, the atomic veterans of this country served this Nation with honor and distinction. In the course of that service, a number of them suffered grievous injury. Our Government has an obligation to these people. It has not successfully met this obligation in the past. It is time that we recognized that fact and set to work righting the wrong that was committed over 40 years. ago. These men served this Nation well, and it is time for this Nation to serve them well. H.R. 1811 does just that, and I encourage its adoption.

Mr. KERRY. Mr. President, I rise in support of H.R. 1811. This bill would provide compensation to our "atomic veterans", and it is long overdue. I commend Senator ALAN CRANSTON for bringing this legislation before the Senate, and I urge its passage.

This bill is an appropriate way to compensate veterans who were exposed to ionizing radition from atmospheric nuclear detonations that occurred from the 1940's to the 1960's, including the explosions at Hiroshima and Nagasaki. The bill would amend title 38, U.S. Code, to establish a presumption of service connection for the payment of disability compensation for certain diseases manifested by veterans, including cancer, within specific periods after their participation in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki.

Mr. President, it is well known that atomic radiation in high doses can cause cancer. The accident 2 years ago at Chernobyl reminded the world once again of the awesome and terrible nuclear radiation. Many American servicemen have lived through their own Chernobyls. Some of them were present in Hiroshima and Nagasaki during the immediate aftermath of the nuclear blasts in those cities, and absorbed huge doses of radiation. Others were eyewitnesses to nuclear tests in this country in the 1950's. Some were actually flown in military aircraft directly through the mushroom clouds produced by the nuclear weapons in the atmosphere.

Many of these veterans are now suffering from cancer and other diseases caused by their exposure to radiation in the line of duty. Many have already died. But many of these veterans, Mr. President, have been waiting as long as 40 years or more to receive any compensation from the U.S. Government. This is simply an unconscionable and intolerable situation, one which this bill would finally correct.

Last week, I received a letter from Gen. Thomas Turnage, the Administrator of the Veterans Administration, opposing this legislation, and recommending a Presidential veto if this bill is passed. General Turnage wrote:

> We believe that this bill ignores the body of scientific evidence regarding the effects of radiation exposure . . . The Veterans Advisory Committee on Environmental Hazards . . . has reviewed H.R. 1811 and concluded that its provisions do not have a scientific basis, do not allow for scientific analyses, and in fact may be contrary to accepted scientific knowledge regarding radiation exposure.

Mr. President, a number of studies have recently been done on the medical implications of nuclear war. These shed light on the effects of atomic radiation on human health.

A volume published by the Institute of Medicine of the National Academy of Sciences summarizes these findings. One paper by Dr. Joseph Rotblat of the University of London, entitled "Acute Radiation Mortality in a Nuclear War," states that:

> Under wartime conditions, even exposure to sublethal doses could give rise to fatalities, because the suppression of the immune system would reduce the chance of recovery from other normally non-lethal injuries; indeed, the interactions may be synergistic.

Another paper in the same volume, by Drs. David Greer and Lawrence Rifkin of Brown University, states that:

> Survivors of a nuclear attack would suffer from injuries caused by ionizing and UV radiation, physical trauma, burns, malnutrition, and psychosocial stress. Several independent lines of research have indicated that these separate agents converge on the T lymphocyte component of the immune system, generally causing a reduction in T lymphocytes and a decrease in the ratio of helper-to-suppressor T lymphocytes.

The article goes on to point out that epidemics of diseases similar to AIDS "would be likely in the months and years following a nuclear attack."

And Drs. Robert Marston and Frederic Solomon of the Institute of Medicine point out that survivors of Hiroshima and Nagasaki suffered "blood cell abnormalities, high fevers, chronic fatigue, diarrhea, vomiting, and depression," which came to be known as "radiation sickness." They state that "It would eventually be revealed that

survivors were experiencing an increased incidence of certain forms of cancer."

Mr. President, there is no question of these results. They are scientific fact.

Mr. President, why does this sound familiar? It so happens that the Veterans Advisory Committee on Environmental Hazards is the same group which has been telling Vietnam veterans for many years that there is no connection between agent orange and cancer, that veterans who were exposed to agent orange have nothing to worry about, that there is no "scientific evidence" to link agent orange to cancers and other diseases suffered by Vietnam veterans.

The facts are otherwise, Mr. President. A report released by the Air Force in March, based on new data from its "Ranch Hand" study, shows that Vietnam veterans who were exposed to agent orange suffer higher than normal incidences of five conditions linked to exposure to dioxin, including tumors, birth defects, psychological disorders, liver damage, and cardiovascular damage.

Another study, released last fall by the VA after it was leaked to the press, covered 50,000 veterans who served in Vietnam. It showed that marines who served in areas that were heavily sprayed with agent orange died from non-Hodgkins lymphoma (a rare type of cancer), at a rate 110 percent higher than normal, and from lung cancer at a rate 58 percent higher than normal.

And a 1986 study by the National Cancer Institute of farmers in Kansas who had been exposed to 2,4-D, a primary ingredient of agent orange, suffered non-Hodgkins lymphoma at a rate six times higher than normal.

Mr. President, it is simply false to say that there is "no scientific evidence" to link agent orange with cancer and other diseases. It is equally false to make the same statement about atomic radiation. It is true that cancers may take many years to appear in the body. But do we have to wait until all the veterans have died before we decide that there is enough "scientific evidence" to say that they should have been compensated?

Veterans are dying every day. Atomic veterans are dying, and Vietnam veterans are dying. How much longer are we going to make them wait? I am glad that the Senate is addressing the issue of compensation for our atomic veterans. Some of them have been waiting for 40 years or more. But are we going to make Vietnam veterans wait 40 years before we recognize that they, too, are entitled to compensation?

Mr. President, let us pass this legislation, and provide compensation for America's atomic veterans. But let us also remember that America's Vietnam veterans are still suffering. I hope that, before this year is out, I will be back on this floor speaking in support of legislation to compensate the victims of agent orange. We owe no less to the veterans who served in Vietnam.

Mr. GRASSLEY. Mr. President, I think most of us would agree that, if it can be demonstrated that military duty resulted in cancer in any individual, the Government should be responsible for that individual's treatment. I think that this principle underlay title II of S. 9, the veterans benefit bill which passed the Senate last year and has been in a Senate-House conference since then. That bill established three categories of disease, with a different degree of presumptiveness as to whether military duty could have caused the disease. I supported S. 9 when it was voted on in the Senate last year.

Unfortunately, the legislation before us today goes far beyond that principle, and I am unable to support it. I am unable to do so for several reasons.

First, the authors of the legislation wish the Federal Government to assume responsibility for treatment of all cancer which may occur in those veterans who participated in nuclear tests or the occupation of Hiroshima or Nagasaki, despite the fact that virtually all of those cancers will have no relationship to radiation exposure which may have occured while the individuals in question performed those duties.

According to the Veterans' Administration, some 32 to 34,000 cancers would occur in the 200,000 plus atomic veterans just in the natural course of things, without considering additional cancers which might be attributable to exposure in nuclear tests or that Hiroshima or Nagasaki. The Veterans' Administration notes that the overwhelming number of veterans involved in these situations were exposed to levels of radiation which pose no threat to them. The VA argues further that the number of cancers which would be attributable to exposure in these situations would be very small, probably less than two dozen. Requiring the Federal Government to assume responsibility in this blanket way for all cancers which eventually materialize in this group of veterans is not reasonable. This problem is made more acute in this legislation because it would include as eligible for compensation those who develop cancers not strongly linked to radiation exposure, who, in other words, develop cancers which are very common.

Furthermore, this blanket presupposition that a relationship exists between nuclear test duty or Hiroshima/Nagasaki occupation and radiogenic cancer effectively undermines service connectedness, or, at least, adulterates that concept since it is presumed, and not proven, that a connection exists between that duty and eventual cancers.

Second, existing law already entitles atomic veterans to claim compensation from the Veterans' Administration for Disease that may be attributable to exposure to radiation. Such claims are presently considered in a case by case fashion, and allow consideration of a host of features specific to each individual case, which would not be possible were the legislation before us to become law.

Third, the legislation would establish a prima facie entitlement for some veterans, but not for others who might have an equally strong claim to such entitlement. Since many of the veterans who would be made eligible by this legislation received radiation exposure no greater than other veterans—those, for instance, who had x-rays while entering and leaving the service, or who work on nuclear submarines—why should those other veterans be excluded by the legislation from eligibility for the benefit it contemplates?

Fourth, and finally, the bill would create a much greater potential liability for both military and civilian workers who are exposed to some level of radiation in the course of their duties, even though those exposures would not necessarily cause cancers.

Mr. ADAMS. Mr. President, I rise today to express my support for this important piece of legislation. This bill provides presumptive benefits for the so-called "atomic veterans," those who were exposed to low-level ionizing radiation while present at the occupation of Hiroshima and Nagasaki or present at atmospheric testing of nuclear weapons.

Although atomic veterans are theoretically eligible to receive service connected disability benefits from the Veterans' Administration, the VA has denied over 99 percent of these claims. The VA has cited lack of a definitive scientific connection to low-level ionizing radiation and radiogenic cancer, as the reason for these denials. However, a report by the Office of Technology Adjustment has concluded that it is impossible to design a morbidity study which will establish such a correlation. For this reason, it is now necessary for Congress to provide presumption benefits to these individuals.

Some of my colleagues have suggested that providing these benefits is tantamount to a confession of guilt or negligence on the part of the U.S. Government. Mr. President, this legislation makes no such inference. It merely states that certain diseases afflicting servicemembers present at these events are likely to have been caused by their experiences while in the Armed Services.

I am sure that many of the Members here today have heard the cases and

the appeals of these atomic veterans. Nonetheless, it is important to remember these individuals when we consider this legislation. A former constituent of mine was an Air Force radiation monitor for 3 years, and was present at many nuclear tests, including the well known "Operation Red Wing." As a radiation monitor, it was his job to collect air samples from the mushroom clouds to determine the radiation levels.

Unfortunately, this constituent will not be able to take advantage of these benefits, as he died of lymphosystic lymphoma cancer in 1986. Subsequent to his death, his widow applied for and was denied, death benefits from the VA. The VA maintained that his records did not contain any evidence of ionizing radiation exposure, despite the fact that he was present at test sites for at least 1 year.

His widow, however, was not deterred. She independently obtained copies of her husband's records from the Department of Energy's Radiation Exposure History, which showed that her husband had been exposed to 4.15 rems of radiation. Further, GAO studies have shown that Defense Nuclear Administration's radiation exposure estimates for "Operation Redwing" were, in some cases, as much as 100 percent inaccurate; leaving open the possibility that he was exposed to a far much greater amount of radiation.

Mr. President, atomic veterans have been the subject of debate in this body for many years. I hope that today we will finally end this debate and provide these men and women the benefits which their conditions warrant. For the thousands of atomic veterans, who put themselves at great risk while serving their country, time is not standing still. Consequently, we must act now, so that these individuals and their families may receive the benefits of this legislation.

The DEPUTY PRESIDENT pro tempore. All time having expired, the question is on agreeing to the substitute amendment offered by the Senator from California.

The amendment (No. 1977) was agreed to.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on the measure now before us, as amended.

The DEPUTY PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The DEPUTY PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The DEPUTY PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. GORE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], and the Senator from Rhode Island [Mr. PELL], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Maryland [Ms. MIKULSKI] and the Senator from Rhode Island [Mr. PELL], would each vote yea."

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from Nebraska [Mr. KARNES], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Virgnia [Mr. TRIBLE], and the Senator from California [Mr. WILSON] are necessarily absent.

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

The result was announced—yeas 48, nays 30, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—48

Adams	Glenn	Mitchell
Baucus	Graham	Packwood
Bingaman	Harkin	Pressler
Boren	Hatch	Pryor
Boschwitz	Heflin	Reid
Bradley	Heinz	Riegle
Breaux	Hollings	Rockefeller
Bumpers	Inouye	Sanford
Byrd	Johnston	Sarbanes
Chafee	Kennedy	Sasser
Conrad	Kerry	Shelby
Cranston	Leahy	Simon
D'Amato	Levin	Stennis
Daschle	Matsunaga	Warner
Domenici	Melcher	Weicker
Fowler	Metzenbaum	Wirth

NAYS—30

Armstrong	Helms	Proxmire
Bentsen	Humphrey	Quayle
Bond	Kassebaum	Roth
Cochran	Kasten	Rudman
Danforth	Lugar	Simpson
Dole	McCain	Stafford
Evans	McClure	Stevens
Gramm	McConnell	Symms
Grassley	Murkowski	Thurmond
Hatfield	Nickles	Wallop

NOT VOTING—22

Biden	Cohen	Dodd
Burdick	DeConcini	Durenberger
Chiles	Dixon	Exon
Ford	Lautenberg	Specter
Garn	Mikulski	Trible
Gore	Moynihan	Wilson
Hecht	Nunn	
Karnes	Pell	

So the bill (H.R. 1811), as amended, was passed, as follows:

H.R. 1811

Resolved, That the bill from the House of Representatives (H.R. 1811) entitled "An Act to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation," do pass with the following amendments: Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation-Exposed Veterans Compensation Act of 1988".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN RADIATION-EXPOSED VETERANS.

(a) PRESUMPTION.—Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection) shall be considered to have been incurred in or aggravated during the veterans' service on active duty, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

"(A) Leukemia (other than chronic lymphocytic leukemia).

"(B) Cancer of the thyroid.

"(C) Cancer of the breast.

"(D) Cancer of the pharynx.

"(E) Cancer of the esophagus.

"(F) Cancer of the stomach.

"(G) Cancer of the small intestine.

"(H) Cancer of the pancreas.

"(I) Multiply myeloma.

"(J) Lymphomas (except Hodgkin's disease).

"(K) Cancer of the bile ducts.

"(L) Cancer of the gall bladder.

"(M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).

"(3) The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity, except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia).

"(4) For the purposes of this subsection:

"(A) The term 'radiation-exposed veteran' means a veteran who, while serving on active duty, participated in a radiation-risk activity.

"(B) The term 'radiation-risk activity' means any of the following:

"(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device.

"(ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

"(iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Administrator) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.".

(b) EFFECTIVE DATE.—Subsection (c) of section 312 of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988.

(c) REQUIREMENTS REGARDING VETERANS' ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE SCIENTIFIC COUNCIL REPORTS.—Section 6(d)(3) of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended by striking out "the Committee and the Administrator" and inserting in lieu thereof "the Committee, the Administrator, and the Committees on Veterans' Affairs of the Senate and House of Representatives.".

The title was amended so as to read "An Act to amend title 38 United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons program or in the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and for other purposes."

Mr. CRANSTON. Mr. President, I moved to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

OMNIBUS TRADE AND COMPETITIVENESS ACT—CONFERENCE REPORT

The Senate resumed the consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report on H.R. 3.

The Senator from Texas.

Mr. BENTSEN. Mr. President, we have before us a conference report on trade legislation that has been about 3 years in the making, at least certainly the last 1½ years. We have a piece of legislation before us, the conference report, of enormous magnitude and importance to the future of our country.

We have seen a situation where we have not had a trade policy in this country since World War II. There was a time when we were so dominant from an economic, political, and military standpoint that we could afford to be able to trade off certain economic points for some foreign policy objective of the moment. That day has passed. We cannot do that any longer. We are in tough competition with some very able, intelligent, aggressive competitors.

I heard the situation the other day where the Secretary of Trade, the Minister of Commerce in Japan said this was a racist measure. That is an incredible, outrageous statement to make. I think the action that we took here just the other day, with a substantial amount of compensation to the people of Japanese ancestry in our country, a tax to be paid by the American people to try to make that statement, shows how we feel about people of other countries and the ancestors of people of our forefathers who have come from many shores.

The realities are that the Japanese have spent some $60 million lobbying this Congress, the American people, and the editorial writers of our country. They spent over $60 million hiring those lobbyists, some of the top law firms in this city and public relations firms to sell their point of view: You let this trade bill go down the tube, waste the effort.

I will tell you where the champagne corks will be popping. They will be popping in Japan, and they will be popping in Germany, and all of it because of a peripheral issue that is before us now where it appears the administration has chosen to draw a line in the sand and said the whole thing hangs on this.

I think that is a high-risk policy and one that should not be taken. I think that is betting the whole farm on the question of an issue that is one of many and not of sole importance to this piece of legislation.

We will be discussing this, I assume, for the next couple of days and hopefully we will finally have a vote on it. I hope it passes by substantial margin as it did in the House and that there is an understanding by the administration of how strongly Congress feels in a bipartisan way why this should be put into law and not just a political issue of the campaigns of the fall of 1988.

Mr. President, we have others who want to speak this morning, and I will be speaking in addition as the debate goes on today, but I know my distinguished friend from Hawaii, the ranking member of the majority on that committee, has some strong feelings on this piece of legislation, and I will yield the floor at this point.

Mr. MATSUNAGA addressed the Chair.

THE PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I rise in support of the conference report on the Omnibus Trade And Competitiveness bill, H.R. 3.

I must first congratulate the chairman of the Senate Conference Committee, Senator BENTSEN, for the long and tedious work that he has put into this legislation, and for his extraordinary leadership and patience in navigating the shoals that have pervaded the course of this bill. Crafting this legislation has been a long, arduous, complex, and trying process. It has involved more industries, more businesses, more labor organizations, more government departments, more foreign governments than perhaps any other piece of legislation that this Congress has ever written. Senator BENTSEN's leadership in this effort has heightened the admiration that many of his colleagues already had for him.

Mr. President, I believe that the conferees have, by and large, produced a conference report on H.R. 3 that is moderate in nature but significant in achievement. If there is any single message that is contained in this measure, it is that the Congress wants to see the issues that arise from our international trade relations elevated to a central position in deciding our national economic policy.

For too long, this country has allowed the assertion of economic self-interest in our international relationships to be a secondary concern. We could choose not to drive a hard bargain in trade negotiations because of fear of offending trading partners or because other countries were more obstinate than our negotiators chose to be.

The central message of this legislation is that it is time for the United States to insist that other countries offer reciprocal market access and trading opportunities to our firms that we afford in our relatively open economy.

Among the most noteworthy provisions in the bill, in my view, is empowering the President with adequate negotiating authority to conclude bilateral and multilateral trade agreements in the coming years. This administration has been engaged in comprehensive multilateral trade negotiations in the Uruguay Round and it is imperative that the ability of the President to conclude trade agreements be restored as soon as possible. Many of the trade problems that have been raised by Senators during consideration of this trade bill are issues that can best be addressed through multilateral agreements, not unilateral legislation. As chairman of the International Trade Subcommittee, I am pleased to have sponsored this provision upon the introduction of the original trade legislation last year.

Another solid achievement of the conference was the amendment of section 201 to make that important statute directed at facilitating positive industrial adjustment, rather than to serve merely as an avenue for temporary import relief. This effort is consistent with the adjustment policies of all of our major trading partners and one that is necessary for our country to adopt, since the forces of international trade play a larger role in our

economy. Mr. President, it is a very difficult task to construct an adjustment statute that facilitates and provides incentives for industrial adjustment without providing unnecessary protection from competition that can drain the Nation's resources. In this bill, I believe that the conference report has come up with a provision that does just that.

This bill also includes an important provision initiating trade negotiations with our major trading partners regarding the telecommunications sector. I generally do not believe in sector specific reciprocity in trade. However, this provision is long overdue to attempt to compensate for the unilateral opening of the U.S. telecommunications market in 1984 with the breakup of AT&T. The dramatic breakup of AT&T typifies our longstanding myopic consideration of international trade issues in our economic decisionmaking: the AT&T breakup was viewed as largely a domestic policy issue when it was made, not as a trade issue.

Many constructive changes in the law have not received the attention in the press that they deserve. Senator MOYNIHAN has sponsored a provision that requires an annual report from the executive branch on those trade and economic indicators that will illuminate the trade effects of our general economic policies. This report should help us to avoid undertaking policy initiatives such as the 1981 tax cut, without being fully aware of the effect it will have on our international trade position.

The conference report also provides for implementing the harmonized tariff system in the United States commencing on January 1, 1989. Making the tariff schedule of the United States conform with that of our major trading partners is a significant achievement of benefit to American firms involved in international trade. As the sponsor of the amendment which included this proposal, during last summer's floor consideration of the trade bill, I am especially pleased with the action taken by the conferees on this matter.

Mr. President, under current law, the initial reporting of trade statistics has been distorted in overstating the cost of imports by including the value of freight and insurance in their numbers. The pending bill corrects that reporting anomaly by making a number of changes in order to produce a fairer reporting of monthly trade figures and to establish a volume index on trade flows so that trade in real goods is reported in addition to the nominal dollar trade figures.

Mr. President, the bill also mandates an interagency study of the significant changes that have occurred in China's economy. I believe that the Congress should be more cognizant of these historic changes in the Chinese economy and how they will affect our trade with China in the future. I, for one, look forward to receiving this report when it is completed next year.

In other parts of this bill, Mr. President, many constructive proposals have been included. I heartily endorse the creation of a Competitiveness Policy Council. This Council will serve an important function in coming years; it will keep the issue of America's ability to compete in the international economy at the top of our national agenda, where it belongs.

I also applaud the provisions crafted by the Commerce Committee conferees. In terms of actual importance to our economy, I believe that the creation of regional centers for the transfer of manufacturing technology, as well as the support technology extension service, will be a strong contribution to upgrade the manufacturing capability of smaller firms in our economy. Maintaining technological competence among our smaller manufacturers has been an area wherein this country has lagged behind countries such as Germany and Japan, which have long historical traditions emphasizing the training of skilled labor to assist in the diffusion of new technologies throughout their economies. In a time of rapid technological change, this provision is a needed step toward that same goal.

Mr. President, there are other amendments in this bill which are also commendable. These positive changes in the law include the streamlining of the licensing process in the administration of export controls, amendments to the Foreign Corrupt Practices Act, education amendments for funding greater efforts to combat illiteracy and to provide better funding for joint programs for business and international studies. In the latter area, I must call the attention of my colleagues to the fact that the University of Hawaii, Graduate School of Business already has one of the best such joint programs in the country with an emphasis on training Americans regarding the business environment of the nations of the Pacific Rim. I believe that we must encourage greater emphasis on programs such as the University of Hawaii's Pacific Asian Management Institute, to compete, as we must, in international markets in the future. This bill provides a very modest level of support for such business programs.

Mr. President, I would also like to comment on one of the key provisions of this legislation—the super 301 provision. I voted for this provision on the floor last summer and supported its retention during the course of the trade conference. I did so because I think we need to have a firm approach in confronting foreign barriers to U.S. exports. However, I still have doubts about the underlying premise of this approach to trade relations with so-called "persistent pattern" countries. That premise is that through one or more unfair trade investigations by the U.S. Trade Representative, we can achieve what is presumed to be "fair trade" with a trading partner.

Much of what we need to learn about the conduct of international trade is that other countries do not necessarily operate on the same set of economic, business and social assumptions that Americans make in conducting business. In many cases, the different set of operating assumptions is disadvantageous to a society such as ours which is open and transparent in nature. What constitutes an open market for one country does not necessarily equate with the open market that we have in the United States.

What the super 301 amendment means to accomplish is to develop a consistently aggressive policy in attacking major trade barriers in countries that have what are deemed to be a persistent pattern of barriers. There is no doubt that we need to learn to deal effectively with countries whose economies function in such a manner—but we would not necessarily be able to change their ways of doing business. In my view, the key element of an effective trade policy in regard to persistent pattern countries is not necessarily being tough with what is called an unfair practice, it is being smart and recognizing when your own economic self-interest is being adversely affected and acting to protect it. In some cases, this requires the use of section 301 actions to open foreign markets or to seek compensation for lack of access. In other cases, it is going to require reciprocity for the lack of access that we face in other countries. In every case, it is going to require a clear vision of where our economic self-interest lies and a resolve to firmly defend those interests.

However, I remain skeptical of the premise that after a period of years, we are going to eliminate unfair trading practices in another country and thereafter have a level playing field. The real issue is not necessarily a multitude of barriers but frequently patterns of business relationships that prevent American firms from achieving equitable treatment in a foreign market. We need to recognize that section 301 is a limited tool; not a panacea. Overemphasis on section 301 investigations may lead to unrealistic expectations of its inherently limited effectiveness. Moreover, the super 301 approach assumes that all of the major trade barriers are in other countries; I suspect that in the conduct of such negotiations, other countries will seek to make the negotiations reciprocal in nature.

Mr. President, given a bill of this scope and complexity, and the fact that conferees were each involved in drafting only a portion of the final bill, I believe that it is fair to say that every Senator can find one or more provisions that he or she believes is ill-advised or that should not be in the bill. From my own perspective, one such provision in this bill is the mandatory sanctions against Toshiba Machine Corp., and its parent company, Toshiba Corp., and Kongsberg Trading Co., and its parent, Kongsberg Vaapenfabrik.

Debate over this provision has been acrimonious and heated. There is no doubt that the actions of Toshiba Machine and Kongsberg Trade were abhorrent to all of us in this body and, in fact, to legislators in their own respective Governments of Japan and Norway. However great our rage over these actions, it does not warrant action by the Congress to mandate unilaterally the international behavior of foreign firms in regard to trade in controlled, high technology products. It is a fact that the United States cannot effectively assert jurisdiction over actions in foreign countries which violate Cocom procedures nor the statutory embodiment of those procedures in Cocom member countries.

I believe that these sanctions will be counterproductive in promoting the only effective method of controlling technology flow to the Eastern bloc—through better, more consistent multilateral cooperation and through tougher enforcement of domestic laws by other Cocom countries. Imposing economic sanctions against two of our most reliable and most important defense partners is truly a mistake that will come back to haunt us. Both countries involved, Japan and Norway, have recognized the severity of the problem; both have undertaken commitments to the United States to enhanced defense cooperation to overcome the technological implications of the transactions in question. To alienate our friends through this sort of legislation is, in my view, extremely short-sighted, and, to be sure, I am not alone in this view. The administration, though its Departments of State, Commerce and Defense, has expressed strong opposition to the mandatory sanctions provision.

In closing, Mr. President, I would also like to comment on a certain myth that permeates the debate over trade issues in Washington. That myth focusses the debate on trade on the matter of trade policy, that is, if we had a better trade policy, somehow the country would be better off in terms of our balance of trade. Mr. President, the one thing that we should not forget is that until this Government provides more balanced fundamentals in our economy, we are going to have a trade deficit, regardless of what our trade policy is. There is going to be a serious problem with import competition in this country until we are able to restore a better balance between savings and consumption in our economy; and until this better balance is achieved, we will continue to face a mountain of red ink in our trade account.

Furthermore, while Government needs to be cognizant of the positive contributions it can make in confronting foreign trading practices which are adverse to our economic interest, we should not be fooled into believing that adjusting the interagency trade process is the key to greater success in international trade or in increasing our exports. Success in international markets lies largely in the hands of a healthy and dynamic private sector, not in the meeting rooms of Government agencies in Washington.

What Government can do is to provide the supporting resources to aid our businesses in competing more effectively in world markets. We need an Export-Import Bank that is funded sufficiently to compete with the Aggressive trade finance and mixed credit policies of many other nations around the world. We need a United States and Foreign Commercial Service that is adequately funded and staffed to provide the kind of advice and information to American firms that will allow them to compete more effectively abroad. We need greater emphasis on innovative programs like the Trade and Development Program under the Agency for International Development which assist in the creation of export opportunities for our businesses. These types of programs are the nuts and bolts of Government's role in successful export. We need to make sure that they are well-funded and well-staffed.

Mr. President, I urge my colleagues to support this bill. As I have noted, I believe that it has many constructive provisions. It is a bill that has been developed on a bipartisan basis; and while it has its shortcomings, the bill does address many of the outstanding problems that we need to face in order to improve our long-term trading position. It represents a good beginning.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, this is one of those bills that you feel ambivalent about: I am going to support a 70-30 bill.

If I were writing it, had I had my way totally, would the bill look exactly like this? No. Nor, frankly, would the tax reform bill that we passed 2 years ago, when I was chairman. Had I had exactly my way, it would have looked different.

In any democratic body—and I mean that with a small "d"—very seldom does a Member get his or her own way 100 percent.

So, you are faced frequently with having to make a decision on the bill: On balance, where do I come down? Usually, if it is a 60-40 or 70-30 balance, you will come down, if you are on the 70 side, in favor of it. Sometimes you run across a bill that contains a provision that you feel aggrieved about as a matter of conscience or with respect to your State, and you vote against it.

In this bill, I find no individual item that I feel so personally aggrieved about that I cannot live with the rest of the bill. There is nothing in the bill I can point to and say this absolutely zeroes in on my State and hurts my State so much that I cannot support the bill.

So I am brought back to the realization of considering the pros and the cons. Would I have written it this way? Not exactly.

In terms of a perfect bill, I would have given the President fast track authority; and I will elaborate on that in a minute. I would have passed the harmonized system of tariff classifications; and I will elaborate on that in a minute. I think I would have included the miscellaneous trade and tariff provisions in it that no one really disagreed with. And that is about it.

I do not find the current trade laws all that bad; but missing from the current trade laws are the implementation of the harmonized system of tariff classification and the fast-track authority.

When we use a term like "fast-track authority," that is a term of art inside Congress, so let me elaborate. Fast-track authority simply gives the President the right to negotiate a trade agreement, present it to Congress, and it then goes through the House and the Senate on what we call a fast-track. We are not allowed to amend it; we have to vote it up or down.

Why is that necessary, and why is it important to be in this bill? It is not in the current law. The authority expired last January and has not been in the law since then.

There is hardly a Member of this body who does not support the negotiation of trade agreements for the lowering of tariffs, the lowering of nontariff barriers. We say let us have a level playing field, and America can compete with the world, and we will go toe to toe with the Germans, with the Australians and others. Everybody wants to get the barriers down.

When the President, however, goes to negotiate in a multilateral negotiation, with a lot of countries involved—30, 40, 50, 60 countries, all siting down and negotiating a trade agreement to which they all agreed to be bound—given that situation, every country has to give something to get something. Just as none of us gets a bill that is 100-percent perfect, no country in a

multilateral negotiation gets an agreement it regards as 100-percent perfect.

A leader is willing to go back to his or her country with an agreement that has some up sides and some down sides and say that, on balance, for the country it is a good bill—knowing that you will have some individuals, some businesses, some unions that are mad because their particular sector may not have come out in a way that that union, business, or individual had hoped. But the President says, "For the good of the country, we came out all right."

Every leader in every country is faced with that situation. Whether it is President Mitterrand in France or Prime Minister Thatcher or any other leader, they have to go back, having won some and lost some, and say, "On balance, it is good for the country."

Almost all whom the President negotiates with in these multilateral negotiations are either leaders of parliamentary democracies or dictatorships. In a parliamentary democracy, the majority party rules. You do not have a separate executive and a separate legislative body. The Prime Minister is both the executive and chief legislative officer, head of the party. The prime minister makes an agreement, and it goes through parliament. A dictator makes an agreement, and he has the power to impose the agreement.

If those countries make an agreement, they know they can get the agreement through. However, they do not want to sign such an agreement with the United States, if they think that agreement is not going to be ratified by the United States—for this reason: when they go back and say, "Some good and some bad," they are fully aware, as is everyone in politics, that the people who are mad remember longer than the people who are happy.

So, given an agreement that is going to hurt your chemical industry or your pear industry or your textile industry, if the bill goes through and the country benefits on balance, you come out all right. But if the bill does not go through, then those who thought you were going to do them in are mad.

So President Mitterrand and Prime Minister Thatcher do not want to sign an agreement for which they will take some criticism at home, have it come back to the United States, and have the agreement killed because the President cannot get it ratified.

So long as the President has what is known as fast-track authority, so long as he can bring the agreement back, present it to Congress—and we cannot filibuster it, cannot delay it, we must vote it up or down—the likelihood is that the bill will pass. The fast-track authority gives leaders of other countries confidence to sign multilateral trade agreements, knowing that it is likely the United States will ratify it.

I regard the fast-track authority as perhaps the most important part of this bill. This bill does reestablish the authority that Presidents have had for over a decade to negotiate trade agreements and put them on the fast track.

As I say, the authority in the old law expired last January. It will be difficult to have serious worldwide negotiations until the President gets it again. That might be enough, all by itself, to cause me to support this bill.

I mentioned the harmonized system of tariff classifications. Just a word on that. This is a worldwide agreement that all of the major nations have entered in to harmonize customs classifications. This system should make both data collection and customs clearance easier around the world. There is not much disagreement about this. All the other major trading countries agreed to this and put it into effect. They are all waiting for the United States to do the same. We promised them we would put it in effect the first of this year, 1988. We did not. This bill puts it into effect on January 1, 1989. It is a step in the right direction.

Beyond these basics, we have streamlined the export licensing system, I think, without jeopardizing the national security. Here the issue is one of perpetual confrontation between Congress and the executive branch—and I do not mean just this Congress and this President, or Democratic Congresses and Republican Presidents. There is always a battle when a Congressman wants to get export licenses for goods manufactured in the particular State of the Member of Congress. And when it involves high technology equipment there is always a debate as to whether or not this equipment might jeopardize our national security.

All Members of Congress think that all Presidents are too selective and too restrictive in what they will allow to be sold overseas.

This bill streamlines the export licensing processes, I think to the satisfaction of everybody. All of us can be pleased.

There are many things in this bill that we did not do, about which I am very pleased. When this bill started out, there were about 30 "Oh-I-hope-that-is-not-in-the-bill" provisions, any four or five of which would have caused me to vote against it. Almost all of them have been taken out. Many of them fall in the area of sections 201 and 301 of the trade law. Section 201 is a provision in the law that allows an industry in the United States, when it thinks it is injured, to petition for relief from imports. It petitions the International Trade Commission and they make a recommendation one way or the other. It goes to the President. The President can put into effect or not put into effect the recommendation.

The important part to remember about section 201 is there does not have to be any allegation of unfair foreign practices. The petitioning industry in the United States simply says, "We are hurt by imports." Under the current law, the President is allowed to weigh whether or not giving relief to the specific industry is outweighed by the harm that it might do to the general public. If he thinks that the harm to the general public is greater than the relief to the petitioning industry, the President can turn down relief.

This particular situation came to a head in a recent case involving shoes. The shoe industry in the United States petitioned the International Trade Commission arguing it was being seriously injured by imports. Again there was no argument about unfair trade, no argument that Brazil was cheating or Japan was cheating or Italy was cheating or they were engaged in unfair practices. The shoe industry simply said "We are hurt by imports from Brazil, Japan, Italy, Singapore, Korea, the People's Republic of China, Taiwan," or wherever.

It went to the International Trade Commission. The International Trade Commission is not supposed to, and appropriately, weigh the national interest versus the injury to the industry. What the International Trade Commission is solely to consider is the condition of the industry allegedly injured by imports.

They found in the shoe case that the industry was injured by imports and made a recommendation to the President for relief in the form of quotas, limitations on imports.

The President decided on balance that the American public generally would be more injured by the limitation on imports than would the shoe industry be helped, and he therefore did not impose the relief. This was basically his argument: The kinds of products that were coming in were not the $150, $200, $250 shoes. Those are a relatively limited product designed frankly for purchase by people of upper income. Many of those are still made in the United States. The kinds of products that were coming in in droves were $10, $15, $20 sneakers, the kind that a middle-income family goes through at the rate of three or four pairs a year, with growing sons or daughters who either outgrow them or wear them out in 3 months.

The President said if we impose limitations on those imports for the average person in this country, that is going to make that $10, $12, $14, sneaker cost $14 or $16 or $18. That is not good for the average citizen in this country and, therefore, I am going to turn down the relief that the shoe industry wanted.

That is the case that I think is the genesis initially of the whole trade bill, and many of the bad provisions in it. It is important to realize that the President did not violate the law, as was initially charged. In the existing law, the President has the right, in fact, the obligation, to weigh the public good against the injury to the industry, and decide which way he was going to come down.

But there was a certain feeling that somehow if the International Trade Commission found that the shoe industry was injured, automatically the President should have given them relief even if the average member of the public had to pay $2 or $4 or $6 more for a pair of sneakers. That was not the law.

When this bill started out, it was originally drafted that the President would have no discretion and would have to put into effect recommendations of the International Trade Commission regardless of how he felt about the general public good. That provision has been taken out.

The way the bill now reads is roughly the way the current law operates. It is convoluted language. We have changed it so that when you read it, it sort of looks like maybe the President has to act. But when you read it all the way through, he does not. He can still take into account the national economic well-being and turn down relief if he thinks that the general public is going to be more disadvantaged than is the petitioning industry going to be advantaged. What is in this bill is in essence a restatement of current law; it is a good provision.

Then we come to what we call section 301. Section 301 does not generally relate to imports into this country. It relates primarily to exports from this country to other countries overseas or to Canada or to Mexico.

Under section 301, an industry can petition if it thinks that a country has unfair trade barriers to our products going into that country.

For example, rice. We have a very difficult time getting United States rice into Japan. It is a staple of Japanese diets. Their industry is highly protected. Rice is infinitely more expensive in Japan, the indigenous rice they provide from local products, than what we can provide. But we have a difficult time getting rice in. It is the same with beef and citrus products by and large.

We think those are unfair barriers.

Under the present law the President is not required to initiate an action or retaliate against a foreign country's unfair barriers if he thinks it would not be in the national interest.

This was a serious point of contention between the Congress and the President because from roughly 1981 to 1985 President Reagan self-initiated no section 301 actions, nor did President Carter in all of his 4 years of Presidency. Despite the complaints of lots of American industries that other countries were unfairly putting up barriers against their products, the United States took very little action under section 301.

Part of the reason was military. The Department of Defense would say, "Well, gosh, we need Japan's intelligence-gathering activities and we need the bases."

Part of it was diplomatic from the State Department: "Don't retaliate against anybody over anything."

You often had the Commerce Department on the other side siding with American business and American unions, and the State Department and Defense Department against. You had an internal battle within the administration as to whether or not the trade obligations of foreign countries, in terms of letting our products in, were greater than the defense or diplomatic considerations. Congress kept getting madder and madder and madder. Because there is no question that all kinds of countries have all kinds of barriers against American products. We are not entirely clean ourselves. We have some barriers against other products coming in. Perhaps the greatest of our barriers is in the textile industry, where we put up severe barriers and limitations and quotas on textiles coming into this country from overseas.

(Mr. REID assumed the Chair.)

Mr. PACKWOOD. Initially, some Members wanted to compel the President—compel him—to initiate some of these section 301 cases, or maybe a lot of these section 301 cases, and in some areas where the President might not want to. For example, let us assume that the citrus industry were to complain because it was unable to make a sale to Japan of $5 million or $10 million worth of citrus products and, at the same time, Japan is contemplating buying from Boeing $3 billion or $4 billion or $5 billion worth of airplanes. On balance, the President might want to say, "Given that circumstance, I don't want to irritate Japan right now when they can just as well buy these planes from the Airbus industry in Europe and I don't want to bring an action in the citrus industry." He wanted to be able to weigh those kinds of economic considerations. This was not so much an argument of economic versus diplomatic or economic versus military, it was economics versus economics. He said, for the greater good, I would rather sell $5 billion or $10 billion worth of planes than $5 million or $10 million worth of oranges. He did not want to have that kind of power removed.

The bill, in section 301, more or less compromises this issue. The administration is required to choose some "trade liberalization priorities"—those are the words, "trade liberalization priorities"—from among the many barriers that exist in the world today and to initiate some section 301 cases. But we only provide this for 1989 and 1990 and we do not tell him which ones he has to bring or how many. It could be few.

In the section 301 provisions, we did not tie the President lockstep and say, "Every time there is a foreign barrier, you have to bring a section 301 action." We have not got an institutionalized, compulsory requirement that, even where he finds an unfair practice, the President must in all cases retaliate.

From the very day we started this bill we tried to follow the admonition of U.S. Trade Representative Robert Strauss, in which he said, "Well, in terms of these 301 actions, what you want is a provision that is mandatory, but not compulsory." And we spent the better part of the 6 months drafting this bill trying to figure out if you could divine what was mandatory and not compulsory. And we have come about as close as we can. Assuming that is a hair you can split, we have come about as close as we can. And, frankly, the administration has not identified this as one of the issues over which they would veto the bill. They have a half a dozen others over which they are going to veto it, but this is not one of them. They, by and large, said we would rather have the current law, but we can live with the bill.

In the areas of what in the trade law they call dumping and countervailing duties, by and large the bill came out as I would have liked it and as the administration liked it.

Dumping is where a country sells products in this country below fair market value. If Germany were to have a car made in Germany selling in Germany for $20,000 and they cannot sell them all, they try to sell them here for $10,000. That is dumping. U.S. companies sometimes do the same thing.

Countervailing duties are where you have a product that is subsidized in a foreign country. They do not necessarily sell it here for less than cost, but it is subsidized. In complaining about subsidies, we in the United States should be very careful. We have agricultural subsidies. The argument will be made we have electric power subsidies. The Tennessee Valley Authority, tremendous public generator of power, makes cheap power. Foreigners could say that is a subsidy.

In this area of dumping and countervailing duties, selling below cost and subsidies, businesses in the United States have more dumping and countervailing duty actions brought against them overseas than are brought in the United States against the products of any foreign country.

So these unfair trade laws are a double-edged sword. We wanted to avoid encouraging countries to pass mirror legislation that, in the long run, might be more harmful to us than helpful to us.

The bill has come out all right in this area. Again, the administration can accept it, has generally accepted it, and I find it satisfactory.

Were there some provisions I would just as soon have eliminated? Sure.

There is a provision that allows workers in the oil and gas industry to get trade adjustment assistance, when similarly situated workers in other industries would not. I thought that was an unfair singling out of a particular industry, but it is in the bill. On the other hand, a lot of special provisions were dropped. Sugar drawback and wire fence panels, things that were initially in the bill that related to a particular industry, have been dropped out.

Interestingly, some provisions were dropped out even though they were initially in both the House bill and the Senate bill—identical provisions. Normally, under our rules, when the House passess a bill and we pass a bill, and there is the same provision, we normally do not take them out of a bill. In this case we did, to the betterment of the bill.

The so-called Bryant amendment, had this been in the bill, in and of itself, would have been enough to cause me to vote against it. The Bryant amendment is a very simple amendment. In broad terms, it would have imposed, in my mind, unconscionable and restrictive requirements on foreign investment in this country. If the Japanese want to build an auto factory or they want to open a bank; Britain wants to come and invest; Germany wants to come and invest; this bill would have had very severe reporting requirements. Now, this flies in the tradition of the history of this country. Of all the countries in the world, especially all of the industrial countries, we have historically been the most open in welcoming foreign money.

Roughly from the time the Pilgrims landed in 1620 until World War I, our country had what we would call a trade deficit in terms of money in or goods in. Up until the time we became an industrial power, most of our machinery was brought from Europe.

We always welcomed foreign capital. The canals and railroads that were built in the 1800's were built in large part with German and British capital invested in this country. We have always welcomed foreign capital, and I do not know why not. If they want to come and build a factory and employ people, more power to them.

We have seen tremendous quantities of capital coming into this country in the last 5 years. I can understand why we have seen it, especially since the tax reform bill was passed 2 years ago. This capital is coming from countries that have tax rates for individuals of 40 or 50 or 60 or 70 percent and tax rates on corporations of 30 or 40 or 50 or 60 percent. Now they can come into this country and have a maximum tax rate of 28 percent on individuals and 34 percent on corporations in a market of 250 million people without any internal barriers, in a market that has created 15½ million jobs in the last 5 years, in a market that has grown 64 months in a row, the longest peacetime growth in the history of this country and longer than anything Europe has ever matched. No wonder that they want their money to come in. I do not mean hot money. Hot money is what comes in and is invested in a Treasury bond because interest happens to be 6 percent. And if that is more or less than Germany is paying, well that is money that can fly very quickly if the interest rates change.

However, when you invest in a factory in this country and you get mad, it is hard to pick up your factory and go someplace. That kind of money is coming in in droves and we ought to be delighted.

In fact, over 10 years ago, we were debating in this body the Burke-Hartke bill. That was a bill that was making an argument that American money was going overseas investing in factories overseas: Why did we not prohibit that or limit it; why did we not require that the money be invested here to produce jobs here; and, instead of American money going overseas, why did we not do something to get overseas money to come to America?

Well, Mr. President, since 1981 we have achieved that. More money, in terms of investment, has come into the United States since 1981 than has gone out, and it has been cascading more and more over each year since 1981. We have achieved what the authors of the Burke-Hartke bill wanted, which was foreign investment in the United States. The Bryant amendment would have discouraged that. The Bryant amendment, in and of itself, would have been sufficient justification to vote against this bill; but out of the bill.

There are some things that are in it that I wish were not. One is the requirement that the President attempt to negotiate with our GATT partners. GATT is the General Agreement on Tariffs and Trade, the worldwide body that serves as a forum for negotiation and implementation of multilateral trade agreements.

This bill directs the President to negotiate with our GATT partners to see if they will agree to permit that a fee be imposed on all imports, to pay for workers who are displaced from their jobs because of imports.

On the surface, I can see the logic. You think to yourself: You are working in a factory, the factory is closed because of foreign competition; why not a little tariff on imports to pay for the transitory relief of the worker who is displaced, to train him, to move him, to get him another job.

On the surface it seems fair, and I certainly have no objection to the retraining. It is the source of the money that bothers me.

This country is in the midst of an economic boom. Given normal circumstances over the next decade, this country is going to prosper beyond anything we have ever seen in our history. We are going to be labor short in the next decade. It is going to be an unusual year on the average when unemployment is above 5½ or 6 percent, mainly because we have put the baby boom to work. The baby boomers were born 1945 to 1965. Usually people go to work about 20 years after they are born. So everybody that was born from 1945 to 1965 on the average has already gone to work, and as you move through the work force and become 20, and 25, and 30, and 35, and 40, and 45, you become more productive as you get older, until you finally get so old that you retire. They have all been absorbed. The birth rate turned way down in 1965 and has by and large stayed down.

So we do not have this great quantity of new workers coming into the labor force that we had from 1965 to 1985.

Second, women began to go into the work force in extraordinary numbers in about 1960. No one knows exactly why but they began to go in, in numbers disproportionate to what they had gone into the work force previously.

That stopped in about 1985. They are still coming in, still coming in, in great number, but not disproportionate to what they had come in, in 1981, 1982, 1983, 1984.

So, we have absorbed the baby boom. We have absorbed the women and we are going to be labor short.

My hunch would be—this is a guess, I have no exact knowledge on this—you can probably lift the immigration barriers and say we will take in every Asian, every Hispanic, every German, every person from the United Kingdom, Ireland, who wants to come to this country and we will put them to work and we will still be labor short in this country. That is one reason the country is going to boom.

You are going to have business cycles. I do not mean everything is up all the time but if you mean what is going to be the direction over the next decade, it is up.

Second, the tax reform bill that we passed 2 years ago may have a lot of advantages, but one overwhelming ad-

vantage is that it encourages people to invest money in things they think they can make money at rather than in tax shelters. I do not know why in a capitalist society that should be a hard thing to sell, but it is causing people to put their money in things that they know something about. It causes people to invest in a grocery store or in a duplex because they think they are a good property manager or grocer, not because the Tax Code directs their investment one way or the other. That has the advantage of what economists would call the efficient investment of capital. You put it into things you think you know about, things you think you are good at, things that in a market competitive system you think you can beat somebody else at. And that is working.

Productivity in this country in manufacturing, the one thing that we have worried about, is dramatically up over the past 3 years. With the exception of Japan, it is up better than all of our European competitors. That is another reason why the economy is going to boom. Therefore, my misgiving about asking our trading partners throughout the world to agree to impose a fee on imports to fund trade adjustment assistance—to take care of their unemployment—is that I think on average, and especially in Europe over the next decade, their unemployment rate is going to be about twice what our unemployment rate is.

If I were they, I would jump at this offer and say: You bet. We want you to finance our unemployment. This is Germany, Italy, France—we want to finance our unemployement off of imports coming from America, and we will let America finance its unemployment off of imports coming from our country to America. The United States is going to end up the loser, that is my misgiving about this financing method. It is in the bill. My preference would be that it not be in the bill.

Then there is the so-called primary dealer provision. This relates to investment banking houses. We have a provision in the bill that will prohibit foreign investment banking houses from locating in the United States, as primary dealers in Government securities, if our investment banking houses cannot locate in the foreign country.

On this one, we may have shot ourselves in the foot, cut off our nose to spite our face, call it what you want. We still have immense deficits in this country and one of the ways that we finance the deficits is selling bonds. We sell many of the bonds to foreigners, sometimes foreign business, sometimes foreign governments, sometimes foreign individuals. These foreigners are used to dealing with their banking houses. The foreign banking houses that are in the United States are important conduits for selling U.S. securities overseas.

My hunch is if we exclude these primary dealers, these investment banking houses, from the United States because they will not let our investment houses operate in their country, we are going to make our deficit a bit more difficult to finance and cause the interest rates to go up slightly over what they would otherwise be. It is in the bill. If I were drafting it it would not be there.

At the start of this bill there were about 30 hoped for, from my standpoint, "nots" that could have ended up in the bill that are now not in the bill. That is why I say, on balance, 60 to 40, 70 to 30, something in that magnitude—on balance, I find the bill more preferable than not. Is it perfect? No. It is my bill exactly? No. Is it Chairman BENTSEN's bill exactly? No. Did he win exactly what he wanted? No, he did not. Did the chairman of the Ways and Means Committee, DAN ROSTENKOWSKI, win exactly what he wanted? No. He did not win what he wanted either.

But in the give and take of the legislative process, is the bill better than bad? I think it is. It is certainly much better than it originally threatened to be. For that reason, Mr. President, I am going to support the bill with warm enthusiasm. Not overwhelming enthusiasm but warm enthusiasm because, on balance, it is a better bill than a bad bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, this Senator intends to vote against this omnibus trade conference report. I will also vote against overriding a veto. I will do so for one critical reason. This trade bill tears the heart out of the Foreign Corrupt Practices Act. Eleven years ago in 1977 I authored that law. That law was designed to stop bribery by American corporations abroad. It succeeded brilliantly. Before the law was enacted, this country has suffered a series of sickening embarrassments from large bribes paid by American corporations in Japan, Italy, the Netherlands and elsewhere. The scandals seriously damaged Governments in these countries friendly to the United States. Because it was such a tough antibribery proposal, the Foreign Corrupt Practices Act passed the Congress unanimously.

Make no mistake about it, Mr. President. Today the Congress is about to vote for a conference report that absolutely guts that Foreign Corrupt Practices Act. Members of Congress, egged on by corporation officials who feel uncomfortable with the provisions of this law, know they could not push this smoothly concealed destruction of the antibribery statutes through the Congress on its own. So they have slipped it into this massive overall trade bill.

Here is one of the two or three longest, most complex, most controversial bills the Congress has ever considered. It contains thousands of pages and hundreds of thousands of words. No one will ever read it in full. So here is the perfect concealment in depth for the "Bring Back Bribery" provisions.

Mr. President, in my book, this bill, if and when it becomes law, will not be known as the trade bill of 1988. It will be and should be known as the "Bring Back Bribery Bill." And as American corporations pay the bribes and the bribery scandals mortify our country in future years, this will be the legislation that made the bribes inevitable.

In the early 1970's, shortly before the Congress enacted the Foreign Corrupt Practices Act, the Lockheed Corp. paid a $1.4 million bribe to the Prime Minister of Japan. He went to the slammer in disgrace. For Lockheed that bribe was a great investment. That $1.4 million bribe brought in tens of millions of dollars in profits. That is why bribes can be attractive. A relatively small payment can bring large returns.

In the many hearings this Senator has attended on the Foreign Corrupt Practices Act, I have yet to hear one shred of documentation that justifies changing the 1977 law. There is no question that officials of corporations engaged in foreign trade want very much to kill this antibribery law. For 11 years, the law has made them feel uncomfortable. They fear that under present law, if they do not make a constant effort to prevent any officials of their corporation or any agent of their corporation from paying bribes, they may be prosecuted.

Well, what is wrong with that? This is precisely the purpose of the law. It has worked. It has stopped foreign bribery by American corporations. Has this law had an adverse effect on American exports? The only documented evidence on the subject indicates it has not. Indeed, in the years 1978 and 1979 the 2 years immediately following the enactment of the FCPA, exports sharply increased. A 1981 study by the GAO on the FCPA, that was based on an actual survey of 250 major corporations, revealed that most said the FCPA had little or no effect on their business. A 1984 scholarly study made by a University of Southern California expert, Dr. John Graham, further documented the fact that the law has had no adverse effect on export sales.

Has the law resulted in any unjust prosecutions? Again, the answer is negative. In the extensive Senate hearings on this legislation, there was not a single instance, not one, in which there was even an allegation of an unjust prosecution. So here we have a

law adopted by Congress in response to a series of shameful bribes. The purpose of that law was to stop corporate bribery abroad. Has it worked? It has worked extraordinarily well. Why has it worked? Because it requires that a corporate official must keep written records of payments made to foreign officials by his corporation. He is also liable if he "knows or has reason to know" that agents hired by the corporation will use bribes to win sales. This means he will police his agents to make sure that won't happen. He will automatically question the size of payments made to such agents.

So what happens when we change the law to eliminate the "reason to know" language and substitute therefore a simple "knowing standard?" What happens is that the prosecution must then prove what is in the mind of the corporate official. That official will automatically be less concerned with the size of payments to such agents if they get results.

If the change in the law provided, which it does not, that the prosecution had to prove that the official engaged in a "reckless disregard" that would have constituted an improvement in the proposed change in the law. This is because "reckless disregard" constitutes an objective standard. It does not require the prosecution to prove what the corporation official had in mind or did not have in mind. If a corporate official makes huge payments for minimal agent services, he would assume risks that could be questioned.

In the words of the model Penal Code, a juror would have a duty to determine whether the lack of knowledge on the part of the corporation executive was or was not because he ignored a substantial and unjustifiable risk of bribes that "involves a gross deviation from the standard of conduct that a law abiding person would observe in the officials' situation." Why should not corporate officials be liable if they assume such a risk?

"Reckless disregard," which we failed to get into the statute, is a weaker standard than the present law; much weaker. Under the present law, the prosecution only has to show that the official had "reason to know." The paper trail established elsewhere in the present law provides a strong basis for prosecution of corporate executives who are required by law to keep a record of payments to foreign officials. That means that officials cannot authorize a bribe without violating either the provision of law that requires the corporation to keep accurate records and books or without violating the "reason to know" provision of the law.

So a change in the present law to drop "reason to know" and substitute "reckless disregard" would have weakened the law. But the trade bill provisions go much farther. They drop all objective standards in the statute. In effect, they challenge the prosecution to prove what the corporation official had in his mind.

For 11 years, the law now on the books has worked. In the course of that time, it has obviously made corporation officials nervous. It has required them to make sure that all payments to foreign officials were noted in writing, and clearly identified. It has required the officials who want to be sure they will be free of prosecution under the law to establish a firm policy of knowing the details of these payments. So it works because corporation officials—to play it safe—must make an effort to know what their corporation is doing when it makes payments to foreign officials. In a word to play it safe, they must make as sure as they can that their corporation pays no bribes to foreign officials.

Let me add a few words about constructive contributions made by the Senate Banking Committee, which I chair, to the omnibus trade bill. Members of our committee helped write major portions of title II dealing with export enhancement, of title III dealing with international financial policy, and of title V which, among other things, provides new authority for the President to block takeovers by foreigners of key American companies that could threaten our national security.

Senators SARBANES, DIXON, GARN, and HEINZ worked hard to forge titles II, III, and V of the bill. Senators CRANSTON and GRAMM also helped deal with the difficult issue of national security export controls in title II. We have worked out a final compromise in that area that will delete bureaucratic redtape. It will also make sure that we can control the export of items that are important to our Nation's security. In this area we all owe a great deal of thanks to Senators GARN and HEINZ, and Senator GARN, in particular who spent countless hours of his time on the multilateral export sanctions provisions of title II, sometimes referred to as the Toshiba/Kongsberg provisions. Despite the joint efforts of an unprecedented campaign by private lobbyists and the administration to gut that provisions, thanks largely to Senator GARN's efforts, the conference worked out a constructive final result. It will insure that foreign companies think twice about selling banned items that threaten Western security to the Soviets.

I also want to say a special word of thanks to Senator PAUL SARBANES who chairs the Banking Committee's International Finance Subcommittee. He mastered the many complex issues on export controls and made a major contribution to the successful compromises reached in the conference on those issues. In particular he took the lead in shaping the important provisions of title III dealing with international financial policy. The very important sections of that title which address exchange rate and international debt issues bear the mark of the intellectual rigor he always brings to matters he addresses. These are two issues that will become increasingly important to our country. Senator SARBANES has helped establish a framework that will help ensure that we address these issues in a creative and responsible matter.

Finally let me thank you my good friends Senators EXON and DANFORTH from the Commerce Committee who were so helpful in shaping the authority we give the President in title V to block takeovers threatening the national security. Again each of these Senators, and particularly Senator EXON, spent numerous hours ensuring that provision was carefully drafted to give the President the needed authority, without ending a message that foreign investment was not welcome in our country. I thank them both.

But, Mr. President, while this trade bill has many merits, there is no way we can escape the fact that it is a "Bring Back Bribery Bill." Mark my word, we will regret it, and deeply. That is why I must vote against it.

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. BENTSEN. 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. BENTSEN. Mr. President, there is an article in the Wall Street Journal this morning that is written by Mr. Walter S. Mossberg, and it deals with this question of plant closings. It is a remarkable article. It says that the issue is being blown all out of proportion. It says the discussions "are laden with ideological and pseudoeconomic rhetoric characteristic of political debate in an election year." The article goes on to say that "the plant-closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide their plans to close a plant until the last minute, leaving workers and communities in the lurch."

The vast majority of large companies already have these kinds of provisions in effect. When I was running a business I had to close down a division. I went beyond what this particular provision in this conference report calls for and gave 90 days' notice.

There are those who say you would have sabotage and that sort of thing as you wait for that period of time to expire. I do not believe that. What enlightened management does is to put

out a carrot by giving a bonus to workers if they wait until that last day. If they leave before that time, they get only their paycheck. It works out. If you have a small town that has given some tax advantages to a company to come in, it seems to me it is only right they be given 60 days' notice to see if they cannot come in to management and say, "Maybe there is something else we can do; maybe we can do something about utility rates for that plant, or something else on taxes, to make it economically feasible to stay, to keep those jobs here and to keep our people employed." If somebody works for a company 20 or 25 years, I do not think it is so unreasonable to require that, when management decides to close down a plant, that employee be given 60 days' notice. One of the things you find, as you deal with these kinds of closing and terminations, is that you can do a much better job if you have the employees still together as a group rather than having them disseminated, going their own way, and then try to help them individually.

I have seen some of these plant closings in Texas too many these days. I watched one by a very large company, a company called Texaco, which closed down a refinery with over 4,500 employees. They gave those workers notice and they worked with that community. It is a tough period, a difficult one to adjust to, but at least the notification was given. The city fathers had a chance to sit down with management to try to work out how they could help people make the transition and to get into other productive jobs. They were able to give them counseling collectively, and then give them the time to adjust.

This is not some socialized scheme that you have seen in Europe where they go far, far beyond this proposal. This is not something where you have to get consent of the employees of the community to close down the plant. That is not what we are talking about. It just says give them a little time to adjust.

As social reforms go, the plant-closing provision appears fairly minor. The U.S. Chamber opposes the provision but the group nevertheless says it encourages business to give advanced notices of layoff when possible. The Wall Street Journal article further states that the Reagan administration's own task force on economic adjustment and worker dislocation, which included representatives from General Electric, USX, formerly United States Steel, and other major corporations, declared in 1986 that advanced notification to employees and the community of plant closings and large-scale permanent layoffs is good industrial practice. That is the position of the Reagan administration's own task force on economic adjustment.

Mr. President, I ask unanimous consent to put this article in its entirety in the RECORD.

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

PLANT-CLOSINGS QUARREL DISTORTS A MODEST IDEA

(By Walter S. Mossberg)

WASHINGTON.—This capital's latest cause celebre is something called "plant closings," a provision in the pending trade bill that would require many employers to give their workers and local governments 60 days' notice of plans to close a plant or conduct a widespread layoff.

As is common here, the provision is being blown out of all proportion. Discussions of it are laden with ideological and pseudoeconomic rhetoric characteristic of political debate in an election year.

President Reagan and the business lobbies assert that the entire trade bill should be vetoed if the plant-closings language stays. They call the provision a European-style government intrusion on business that would impair U.S. firms' competitiveness in world markets.

Meanwhile, the Democrats and their union allies contend that the plant-closings measure is a major step toward helping U.S. economic adjustment. They say it's a social reform of such profound importance that preserving it is worth losing a trade bill they have sought for years.

In fact, the plant-closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as the child labor and minimum wage laws. These act to soften the social consequences of free market decisions and thus permit the market continued public acceptance without the sort of deep government involvement often practiced abroad.

As social reforms go, the plant-closings provision appears fairly minor. According to business and labor, many big companies already offer some form of advance layoff notice. The U.S. Chamber of Commerce opposes the provision, but the group nevertheless says it "encourages" businesses to give advance layoff notices when possible.

The Reagan Administration's own Task Force on Economic Adjustment and Worker Dislocation, which included representatives from General Electric, USX and other major corporations, declared in 1986 that "advance notification to employees and the community of plant closings and large-scale permanent layoffs is good industrial practice." The panel didn't call for writing the idea into law, but it cited evidence that advance notice doesn't hurt productivity.

Furthermore, the idea isn't exactly novel. Most major U.S. trading partners, including Canada, Japan and West Germany, have such regulations already, and they seem to be competing just fine.

In the smoke of ideological charge and countercharge, it's important to note what the plant-closings provision wouldn't accomplish. It wouldn't bar a single closing or layoff. It wouldn't require companies to get worker or government approval to close plants or conduct layoffs. It wouldn't affect companies with under 100 workers, or any company laying off less than a third of its work force, unless 500 workers are involved.

It merely requires stable companies that know well beforehand of plans to close plants or order mass layoffs to share this information 60 days in advance with the affected workers and local governments. That's all.

The provision includes a formidable list of exceptions. Companies that are "faltering" and trying to raise capital—those for whom advance notice might pose financial problems—are exempt. So are those closing plants due to "unforeseeable" business developments, or strikes or lockouts. So are plant closings due to the sale of a business, or consolidations within local areas, if workers are offered new positions.

Business groups have thrown up a barrage of objections to the provision. They contend that the exemptions aren't broad enough and that the need to give advance notice of a closing would somehow thwart expansion at many businesses and drive weak firms into bankruptcy.

ADVANCE WORKER NOTICE OF PLANT CLOSING

Canada—1 to 16 weeks, depending on case.

Germany—30 days after notifying government.

Britain—Up to 90 days, depending on case.

France—2 to 14 weeks, depending on case.

Sweden—Varies, depending on case.

Japan—"Sufficient" advance notice.

Source: Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, December 1986.

But these arguments hide a deeper reason employers and the White House are fighting what amounts to a simple industrial practice that business concedes has merits. They fear that the plant-closings measure will somehow set a precedent for further "labor engineering" by the government. They are worried, too, about litigation and bureaucratic restraints.

There are many items in the trade bill that will indeed affect America's ability to compete in world markets, but the plant-closings measure isn't one of them. And it is strange indeed that the fate of the massive bill is turning on language that has nothing directly to do with trade. The ideological debate over the provision doesn't bode well for the ability of the nation's leaders to grapple with the really important economic issues that America surely will face in the years just ahead.

Mr. BENTSEN. The article makes the point that Canada requires advanced notification of plant closings, that Germany requires it, and that Japan requires it. Notification does not seem to have stifled their competition. It certainly does not seem to have put a damper on their productivity.

The other thing that you find about plant closings, is that good and able management is going to know months in advance. This is not some precipitous, calamitous decision that is decided by a bolt of lightning in the middle of the night. Plant closings occur because management has seen an economic problem that they do not believe can be overcome. They finally come to that painful conclusion to close down a plant. But sometimes, when you have the notification given 60 days in advance, labor has a chance

to sit down and say, look, we do not want to move. We do not want to sell our houses. We have enjoyed the relationship with this company. We are comfortable in this role. We feel productive, and we will make some accommodations on the work rules. We will make some accommodations on the compensation to try to see that this thing will fly; that it does return a profit. And the same thing is true with the community in trying to work out those kinds of differences.

This is a good bill of over 1,000 pages, a bipartisan bill which passed this floor by a vote of 71 to 27. I say to my distinguished friend, ranking member of the committee, a number of things in that bill were put in because he felt they were important. The same thing is true with a number of the Cabinet officers of this administration, whom we met with repeatedly. Some of them came to my office and said, "Senator, we have to take something out of these negotiations." This was right at the end, after the bill had already passed both Houses and we had it out of the conference committee. I said, "It is already out of the conference committee. You have taken innumerable things out of these negotiations, over 100 different items that I can number. I have a long list of provisions that we either dropped because the administration did not think it would work or we modified or compromised it." We developed a consensus, Republicans and Democrats working together.

When we finished that conference report, every conferee from the Finance Committee signed it, Democrats and Republicans alike.

The administration says, "Well, we will veto this and we want you to bring it right back, stripping out the measures that are not acceptable to us." I do not say that cannot be tried. But I tell you that is a high-risk policy, a high-risk gamble. We do not have the luxury of the House, where you can have a closed rule and bring the bill to the floor without a specific provision. It is open here. Amendments are only limited by the imagination of the staffs or the individual Members of the Senate. I would say to the administration many an item you did not want on this bill was tried on the floor of this Senate, and we defeated it. I do not know if we could defeat them again. I certainly assume those things would be tried again. I do not know how long it would take to complete action.

I will tell you this: We have a terribly crowded agenda on the Finance Committee. The catastrophic illness bill has been held up because of the priority of this trade bill. It is a major priority for our country to try to turn this deficit around. But the conference on the catastrophic illness bill ought to proceed. It would be finished if those of us who are involved in this bill could just get to work on it. If you start over on this trade bill, I do not know how much longer it would be delayed.

We have a technical corrections bill. That is for the 1986 tax bill that was passed here. We have all kinds of taxpayers out there wondering about this ambiguity, that conflict, in the 1986 bill, wanting it resolved so they know what they must do. The courts want to understand it. CPA's and tax lawyers are wondering how to advise their clients. We have to finish that bill which is exceedingly complex and a major piece of legislation.

The administration has the United States-Canadian Free Trade Agreement. We have been holding hearings on the agreement, a priority for the administration. We have stated that we will have legislation for the administration to introduce by approximately June 1st. We will have a short fuse to try to pass that legislation.

There is welfare reform legislation, which was just marked up and passed by the Finance Committee. Welfare reform legislation passed the House of Representatives last year. We are trying to do something to break the cycle of welfare. We are trying to help young mothers with young children to get off of welfare and get the kind of training and education they need to make themselves productive.

A growing part of our community is single women who are mothers, kids having kids. We are trying to find some way so they do not leave latchkey babies behind while they go off to work. We are trying to take care of a situation where, of mothers who have children under 6 years of age, 50 percent of those not on welfare work. In contrast, those who are on welfare do not work. There is no equity in that.

This country is facing increasing competition from countries whose people are better educated. It is terribly important that our children have competitive educations. We are not going to be able to compete otherwise. We have worked on a piece of welfare legislation to reform this.

We have watched 50 Governors working on welfare reform. A vast number of them are committed to it, saying that we need to reform welfare in this country. There are demonstration projects in the States of a number of those progressive Governors that appear to be working, achieving their objectives, helping some of these folks get off welfare and lead productive lives.

What we have seen in a welfare bill in the Senate is one that gleans the best of each of these demonstration projects, puts it all together in one piece of legislation, a piece of legislation that is revenue neutral.

With those kinds of things pending, you can see what kind of job we have in the Senate if we start this process of considering the trade bill over again.

Notification of plant closings makes common sense for America and shows some humaneness when management has to make a painful decision. Keep it secret? Not likely. Now that you have the Xerox machine, it is hard to keep it secret and avoid all the rumors and trauma that go with it. It is much better to approach it forthrightly and give notification.

The plant closing provision is not a part of my committee's jurisdiction. It was done by another committee. If somebody wants to pick out things in this bill to disagree with, in a bill of 1,000 pages and hundreds of items, they can do that. But you cannot vote 95 percent for a bill or a conference report. You vote it up or down. That is the choice.

There are good provisions like the harmonized system which would result in the adoption of an international customs classification system, so that you know what kind of duty to put on products. The rest of the world has already moved to it. It is time for this country to be part of it. That is taken care of in this piece of legislation.

Talk about protectionism. There are over 100 different miscellaneous tariff items in the bill that the members put in to bring down tariffs because those products are in short supply in this country. Manufacturers say they need to import them to use in manufacturing an end product, so that they can sell it and often times send it back overseas. Miscellaneous tariff bills have been deferred for a while, at least a couple of years. We have to move forward on them.

This trade bill is the product of 44 conferees on the Senate side. It has substantial support across the board. I urge that this body report it out by a very substantial majority. I think that would send a positive signal to the White House and temper the conversation about a possible veto.

Mr. President, I see the distinguished Senator from Louisiana here, and I would like to hear what he has to say.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the distinguished chairman of the Senate Finance Committee for yielding to me and allowing me to make some brief remarks on the bill.

I commend him for a job very well done in putting together an extremely complicated but very necessary piece of legislation for the Senate to consider this week in the form of a conference report.

This legislation is not easy. The distinguished Senator from Texas brings a background of knowledge in trade

and business that I think is exceeded by no one in this body. I believe this bill reflects his personal commitment to bring to the Senate a bill that is workable as well as extremely needed. We commend him for the great work this conference did. It was not an easy task. The work was long. I think the product reflects his touch and that of the other members of the conference who worked hard to bring about a product that we should all support with enthusiasm.

The concerns and expressions I have heard of why this bill should not be passed comes from the White House, and it is their preference that provisions dealing with plant closings not be included. I believe that if plant-closing provisions were not in the bill, they would still have other objections about something they would perceive to be wrong with this bill and would be recommending a veto or refusal to sign it based on something else.

Let us look at the specific, stated reason for not supporting this bill, it being that this contains the so-called plant-closing provisions, which they feel are so bad that the bill should be vetoed.

The argument I have heard from the other side and those who oppose the bill is that to require that a plant notify the workers in a community that it is leaving the community, that it is closing the plant, and that it is going to be firing workers—their basic reason for objecting to that type of notification is that it is government interference and that a government should not have the right to tell a plant that it should notify the workers, that that is bad and it is government interference.

No. 1, I think it is important to reflect on what this bill does not do. It does not tell a plant that it cannot close. It does not tell a plant or a company or a corporation that it cannot leave town. It does not tell a plant that it cannot shut its doors and board its windows and put a for sale sign on the property and open a new plant the next day in Tokyo or Taiwan or South Korea or any other place it feels it can do better than it is doing in the United States. It does not restrict a company's activities in moving or closing or relocating in any way. It can continue to do that.

What it cannot do, however, under this bill, is that type of activity or action without letting its workers in a community know about it in advance, if the company, in fact, knows about it in advance.

It is interesting to me that the White House takes the position that requiring a company to give 60 days' notice to a community and to its employees that it is going to be firing is Government interference. Yet, I would think that these people, when the local community comes in, through their governmental bodies, and gives land to the plant to locate in that town, would not think that is Government interference. That is good government.

I would think that these people would also feel that when local government says, "We're going to waive your having to pay property taxes if you build your plant in our community," that is not government interference. That is good government.

I would think that these same people would feel that when the local community says, "We're going to waive our local county taxes and our local city taxes, and we're going to get the State to waive the State corporation franchise tax if you locate here," that is not government interference. That is good government.

These people would probably also agree that when a local community says, "If you need utilities, we can provide free utilities for a certain period of time if you locate in our community," that is not government interference. They would probably argue that that is good government.

These same people would also probably argue forcibly that when the local community and the local city council or the local county commission comes in and says: "We will build you a road from your plant to the main highway if you locate in our community," they would argue that is good government, that is not government interference, that is government and business working hand in hand for the benefit of society at large.

I also believe that these same people would argue that if the local community says "We will get and construct a railroad spur to connect your plant with the main railroad track," that is not government interference, that is good government because it encourages us to locate in this particular community.

They would think all of that is good government and not government interference.

But give them one small requirement and that small requirement is that "If you know your plant is going to be leaving, give us 60 days notice so that we, in the community, can make preparations and try and replace this lost industry and the local workers who are going to lose their jobs can make plans to try and find employment in another area or in another business or give the local community an opportunity through their local chambers to go out and find a new industry or perhaps come in and take over this plant and operate it." Yet they would say that is government interference.

I would argue that these propositions are not just a one-way street. A company cannot come into a community or a town and reap all of these benefits and get commitments to provide perhaps free roads or free utilities or waive property tax or waive State corporation income tax and get all the good things that a community in a State and local government provide and yet say that "We are not going to be willing to work as a partner with the local community and at least make plans and preparations to give that community and those employees notification when we have to close."

Some have argued, well, it would be impossible sometimes for a plant to notify within 60 days if they are going to close a plant; they may not know in enough time.

This legislation does not require them, I would submit to do the impossible. It only requires them to give notification when they, in fact, know that they are going to be closing.

I have seen concrete examples, Mr. President, of major plants that have built new facilities in foreign countries like Taiwan, Singapore, Japan, and have been under construction for a year or more in the foreign country, knowing quite well that their economic developments calls for them to close the plant here in the United States and move to their new facility in some foreign country as soon as that foreign facility is completed. That company knew not 60 days before they closed, but a year or more before they closed the U.S. operation that they were going to move out of this country just as soon as their plant was completed in the foreign country.

We are not requiring that they have to notify them a year in advance. But they should give that local community at least 60 days' notification when in fact they know that they are going to be closed.

I note that when this bill first came before the U.S. Senate there were some on the original bill that said "You are requiring 180-day notice. That is too long."

So the committee came back and said "Well, how about 120 days?"

They said, "No, that is too long."

"How about 90 days?"

They said, "No that is too long."

The committee has now come back and the conference committee has reported a 60-day notification, and yet they will say now that that is too long.

What do you think it would take, how far would we have to compromise before the other side would ever be willing to say that some notification is required?

Would 24 hours still be too much? Would they at least require a plant to notify on the bulletin board they are getting ready to move out the next morning?

I would suggest that some would say there is no obligation whatsoever. My argument this afternoon is simply that a plant that is located in a community that has made great sacrifice to get

that plant there, that has given time and time again to make the State more competitive, that has compromised and given up revenues in the form of a tax break is entitled to something in return, some show of partnership with that local community that they acted in good faith. Many plants do this already. And these plants are not adversely affected by this legislation.

Many corporate presidents understand what good community public relations is all about and they make a great effort to relocate their employees and they make a great effort to notify the community that things are going to be different when they leave and for those companies that have that foresightedness to apply good community public relations they should support—I think they generally do—the provisions of the trade conference bill.

But for those companies that think they can drain the community, that they can take all the advantages and have little, if any, obligation to that community, this legislation is necessary, this legislation that says "Give us notice before you leave is important. We have done our part. We have contributed to making your stay here worthwhile. We have gone that extra mile. But if you cannot make it in our town, we understand. But please at least say 'Goodby,' please at least tell us that you are having to leave within 60 days if and when you know that you are in fact departing."

I think that also is good government and I think that is the partnership that I think more American companies and employees need to join together to bring about more successful companies in the United States.

If we have those type of relations, we will not have to see companies leaving the borders of the United States and going to other countries where they think they can do better from an economic standpoint.

So I commend the chairman of the committee, the distinguished senior Senator from Texas, for the great work that he has done, the business background that he brings to this piece of legislation. He knows that this is good not only public relations but is good business relations and is good for the companies that it is going to affect.

Mr. President, I yield the floor at this time.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from Louisiana for his contributions and efforts on this piece of legislation. He has been a major contributor to it.

It is interesting, too, that the public opinion polls that I have seen in all four quadrants of the country show that a mimimum of 80 percent of the people think that notification of plant closings should be done.

I have here also a memorandum, dated April 25, 1988, from some of the kinds of firms that help us on our trade sales abroad, major exporters. It reads:

To: Members of the U.S. Senate.

From: Jack Valenti, President, Motion Picture Association of America, Inc.; Nicholas A. Veliotes, President, Association of American Publishers; Jason S. Berman, President, Recording Industry Association of America; Jonas Rosenfeld, President, American Film Marketing Association; Edward P. Murphy, President, National Music Publishers' Association, Inc.

Re: The Omnibus Trade and Competitiveness Act of 1988.

We represent major American industries which deal in intellectual property. We supply the USA with billions of dollars in surplus balance of trade, and therefore we contribute mightily to the fiscal health of this nation.

We urge you, with respect as well as urgency, to be supportive of the Omnibus Trade Bill.

For the first time, in this Bill, intellectual property is brought to the fore with protective shields in place to guard against nontariff trade barriers and other obstructions to the free movement of American intellectual property in foreign countries.

Anti-piracy provisions are contained within this Bill. Pirates can destroy our global trade unless our government has the authority to persuade other governments to give us protection in foreign markets.

The Bill provides the President with discretionary authority to take swift and specific action in those situations where foreign governments fail to safeguard our property, even as we protect theirs in our own country, or where foreign markets are unfairly closed to U.S. products of intellectual property.

This Bill is absolutely essential to our future. We call on you with all the passion we can summon to give this Bill your full support.

Mr. President, I also have a letter from the U.S. Conference of Mayors. It says, "The Nation's mayors urge you to vote for the trade bill. For every city, every community, no matter how large or small, national trade policy is a local issue."

I ask unanimous consent to have printed in the RECORD that letter in its entirety.

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

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, April 20, 1988.

DEAR SENATOR: Just as the national trade deficit affects every American, your vote on national trade policy will touch every American community, no matter how large or small. National trade policy is a local issue. The nation's mayors urge you to vote for the trade bill.

Hardly a day passes without news of another community experiencing the economic impact and personal pain of our inadequate trade policies: jobs lost, family dreams shattered, plants shut down, main streets boarded up.

America's trade problem has been years in the making, and there will be no quick fixes. Yet the Senate's vote will represent a critical milestone in continuing the momentum that Congress began a year ago. Both the House and the Senate overwhelmingly approved trade legislation last year that is designed to come to grips with our serious trade imbalance. And that trade imbalance remains as serious today. The conference report which you will consider would continue the momentum initiated last year and send a clear signal that the United States is serious about trade.

In recent days much has been said about the plant closing provision passed by the Senate and subsequently approved by the conferees. The White House has threatened a veto if this provision is included in the final legislation.

It is hard to understand why a provision that would require companies to provide workers and their communities with a modest 60-day warning in advance of a major plant closing would be the basis for a presidential veto. This is even harder to comprehend since this provision only applies to companies with 100 or more employees. This provision would affect only two percent of business establishments in the United States, but would provide some early warning for nearly half of the American workforce.

Workers have a right to know about decisions that dramatically affect their livelihoods and that of their families and their communities. Local governments likewise need this advance warning in order to plan for the future in the face of the economic and social hardships which accompany major plant shutdowns. Experience has shown us that a community and its workers can often take bold and extraordinary steps to keep plant gate open, if there is some warning. If plant closure cannot be avoided, advance warning provides workers and their communities with a head start in job search and placement, counseling, and the initiation of training and retraining programs.

America needs a trade policy—a policy that works at both the national and local level. That's why the legislation before the Senate is so important. While no single piece of legislation will solve all of our trade problems, your vote represents a critical test of our national commitment. And it is important to remember that national trade policy is really a local issue affecting millions of American workers and the communities in which they live. Again, we urge you to vote for the trade bill.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

Mr. BENTSEN. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. BREAUX]. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from West Virginia.

RECESS UNTIL 2:15 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, the Senate, at 1:55 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, while the Senate is considering H.R. 3, the Omnibus Trade Act conference report, I would like to share several observations about this legislation with my colleagues. At the outset, let me state that I will be voting for the conference report but that I do so with a sense of some disappointment in what we might otherwise have been able to accomplish.

It is not that the bill lacks good things in it. There are undoubtedly many good things in this bill. In fact, any bill this large would have to contain some good things if only by the law of averages, and this one is no exception. Any judgment of the bill's merits, therefore, must inevitably involve a weighing of its good and bad points, and I suppose each Senator has to do that for his or herself. For my part, there are a number of things in the bill worth bragging about.

One of the first, Mr. President, is the Export Administration Act amendments.

On the export enhancement front, for example, I think the Banking Committee conferees have made some important improvements. One major area is our work on further amendments to the Export Administration Act. Senators will recall the major effort to rewrite that act which occupied the Banking Committee throughout 1983, 1984, and 1985 and produced some significant advances in liberalizing our control system while improving our enforcement of controls on truly important goods and technology.

Since that bill was enacted, it has become clear to those of us who work on this issue in both the House and Senate that further delicensing would not endanger our national security but would in fact strengthen our control program by allowing us to force more resources on effective protection of the most sophisticated items, ones the Soviet Union wants more than any others. As a result, both House and Senate passed EAA amendments that liberalize controls, and the conference agreement take some significant steps in that direction as well.

In particular, we are beginning what I hope will be a fairly rapid movement toward a license-free zone within Cocom—the group of our allies that coordinate their export control systems. The first step involves the President determining which other Cocom members maintain effective licensing, control, and enforcement systems, the result of which will be delicensing for U.S. shipments to those countries. That will be a first.

It is my hope that the creation of what will effectively be a "two-tier" system within Cocom will provide the same incentive to other countries to upgrade their control systems as section 5(k) in the 1985 amendments did. That provision, which permitted Cocom-like treatment for non-Cocom members that satisfactorily upgraded their systems, has produced major advances in control efforts by a number of nonaligned countries that previously had been major sources of diversion of Western technology to the East, to the Soviet Union and its allies. I recognize that some of our Cocom colleagues may have some reservations about this approach, although our informal contacts with some of them were decidedly not negative, but I nonetheless hope they will reserve final judgment until we all see how this new section of our law is implemented. It is no secret that licensing and enforcement is not equally tight in all Cocom nations and that our collective security suffers as a result. We believe that this new approach will lead to a stronger Cocom by offering a benefit to the countries that have successful programs and an incentive to those who do not. We hope our allies will give it a chance to work.

Another important change is the decision to accept House language that requires the removal of unilateral controls if the products are available from other sources and we are unable to persuade the other governments to control them. The unilateral control list is left over from the days when Cocom was even less effective than it is now, and it is not regularly reviewed in any but the most pro forma sense by our administering authorities. Our maintenance of it is a visible reminder of the inadequacies of Cocom that has not proved to be helpful in building a stronger multilateral institution. We should focus our efforts on strengthening the Cocom multilateral approach rather than trying to maintain a separate control regime. The provision retains authority for unilateral controls where there is no foreign availability but will require ultimate decontrol in situations where availability exists if agreement on multilateral controls cannot be reached.

My emphasis on these issues, important though they are, is not intended, Mr. President, to ignore the numerous other improvements the conferees have made in the Export Administration Act. We have rewritten the foreign availability provisions and have provided for a separate determination of East-West foreign availability that will help encourage export of competitive American products in areas outside the East bloc. We have delicensed a large number of lower technology goods, eliminating the need for 25 to 30 percent of current licenses, according to the Commerce Department. We have substantially eliminated reexport controls, which have been a major irritant to our Cocom allies. And we have undertaken a host of other steps that will continue the trend toward more effective focus on a smaller number of truly critical items.

TOSHIBA/KONGSBERG

Also in the export control area, a word needs to be said about the so-called Toshiba provision. Use of that term has become a shorthand way of referring to the provision in the bill providing for sanctions against companies in other countries that violate Cocom rules and participate in a diversion of significant critical technology to the East bloc that results, in the President's judgment, in a serious adverse impact on the strategic balance of forces. That, I might add is a stern and demanding test. But it is a necessary one. While the provision applies modest retroactive sanctions to Toshiba Machine Co., its parent Toshiba Corp., and the counterpart pair in Norway, Kongsberg Trading Co., and Kongsberg Vaapenfabrikk, the important part of the provision is the regime established for prospective sanctions in the event the same thing happens again in that country or any other.

I must say, Mr. President, that in a bill that is, in my judgment, far too weak in applying sanctions to those who break either our laws or international agreements, I am pleased that at least one of the subconferences held the line on this issue and put into the bill a provision that may actually make a difference. Estimates of the cost to the United States of the Toshiba/Kongsberg diversion range from $8 billion to $100 billion. That is a big cost, Mr. President, for shipping $16 million of this extremely sophisticated computer control machine tool technology to the Leningrad shipyards. In my experience with these matters, the truth is probably somewhere in the middle, but even the lowest estimate is staggering. Even more disturbing are the continuing revelations that the diversion that led to these sanctions was not an isolated incident, either with respect to these companies or other companies. That will take further investigation, and it may well be that other diversions, if in fact they occurred, do not rise to the level of seriousness which would justify the sanctions contemplated in this bill.

In any event, I believe strongly that we all owe a debt to the Senator from Utah [Mr. GARN] for his leadership over a long period of years in identifying this problem and proposing an effective means of dealing with it. Senator GARN has consistently focused on the only important issue in this debate—our national security and the effectiveness of the Cocom system. Others have expressed a variety of

concerns that, frankly, I find somewhat irrelevant—the state of our overall relations with Japan, Norway, or whatever country engages in the next diversion, possible disruptions in the activities of American businessmen, the trade policy implications of actually limiting imports from someplace, the extraterritorial application of our laws. These are the same concerns that the same people always express whenever anyone in Congress proposes taking an action our trading partners might not like. They are the same concerns that have consistently prevented our country from defending its economic rights and interests effectively.

At the same time, however, I would note that the provision is not, in either its intent or effect, a strictly unilateral approach. In particular, the conferees agreed to my amendment that would exclude from the reach of sanctions entitles other than the directly guilty party in countries that the President had certified as having effective export control and enforcement programs. That certification will track the Cocom delicensing certification I referred to earlier and in so doing will provide a powerful incentive for Cocom members to upgrade their control and enforcement programs. It will also significantly limit the reach of the sanctions by excluding from their coverage parents, subsidiaries or other affiliates of the party that actually engaged in the diversion.

These sanctions are not, by the way, an exercise in the extraterritorial application of U.S. law. In my judgment what we are doing here is analogous to the pursuit of an antidumping complaint. In both cases a government makes a unilateral judgment that a foreign party has violated an international agreement its own government has subscribed to, and then exercises its right to limit that party's imports into the complaining country. It is an international agreement that is being violated, and the punishment, which is confined to an import or procurement limitation, is well within a sovereign government's authority, no matter what the lobbyists hired and paid for by such companies may say.

This trade bill itself, particularly the work of the Ways and Means and Finance Committees, which I will have more to say about later, is evidence of the difficulty of overcoming the Washington establishment's affection for maintaining a placid equilibrium. In that regard, Mr. President, I admit it. This provision is disruptive. It will make people angry. It will shake them up. It will disrupt established business patterns in some respects. Senator GARN's view, which he has frequently expressed more articulately than I—although I share it, is that such disruption is necessary if we are to protect that which is most important—our national security.

So I welcome this provision, Mr. President. It is one of the few strong ones in the bill, and it is therefore, one of the few that will actually make much of a difference in the implementation of policy.

FOREIGN CORRUPT PRACTICES ACT AMENDMENTS

In one of the committee's most significant accomplishments, we succeeded, after 7 years of effort, in reaching agreement with the House on revisions to the Foreign Corrupt Practices Act that will provide clearer guidance for Americans doing business abroad as to what activities are permissible and what are not, without opening the door to bribery. I know that my colleague from Wisonsin, Senator PROXMIRE, disagrees with this analysis, as he has for the past 7 years. In this instance, however, I am joined in support of these changes not only by a bipartisan majority of the Senate subconferees, but by a solid majority of the House subconferees, including Representatives DINGELL, RODINO, BERMAN, and HUGHES, all of whom over the years have been staunch supporters of a strong FCPA.

The result of our efforts will be a strong law, but also a clearer one that will give the American business community better guidance for their activities in numerous parts of the world.

EXPORT TRADING COMPANY ACT AMENDMENTS

Third, the conference agreement makes some useful improvements in the Export Trading Company Act, which I authored in 1982. That Act was designed to promote exports through encouraging export trading companies that would provide export services to those unfamiliar with the complications and uncertainties of exporting. Unfortunately, it arrived on the scene just as the dollar's value was peaking, and our trade deficit was rapidly rising. That, along with excessively restrictive regulation by the Federal Reserve Board, made the act less effective than we all would have liked. The bill before us today makes some modest improvements in the act by easing the 50 percent export income test and revising Federal Reserve Board regulations with respect to inventory and debt-to-equity ratio requirements. I would have preferred more, particularly a provision from the Senate bill overruling the Fed's erroneous interpretation of the 1982 act with respect to ETC's providing services, but that will have to await another round in what has become an ongoing battle with the Fed.

WORKER ADJUSTMENT

Mr. President, I have spoken on this floor many times regarding the plight of displaced workers. One million skilled workers lose their jobs every year. Fewer than 30,000 receive any help at all from existing Federal programs. Only 60,000 actually receive retraining. Failure to return these workers to meaningful employment is more than an embarrassment, ultimately, it will leave our Nation without the human resources to compete in a global economy.

The trade bill contains provisions which can help us return our most skilled workers to that economy. The bill would replace the Dislocated Workers Assistance Act with a new worker readjustment assistance program. Funding would triple to $980 million, sufficient to provide longer term, intensive job training, and income support to displaced workers. A year ago last February, Senator ROCKEFELLER and I introduced similar legislation, S. 524, and I wholeheartedly endorse the worker adjustment provisions of this bill, which track in many respects that legislation we introduced early on in this Congress.

TRADE ADJUSTMENT ASSISTANCE

In addition, the legislation would dramatically reform the trade adjustment assistance program, which is our best effort to help displaced workers, who have lost their jobs because of the impact of foreign imports and who, because we have done so little over the last 7 or 8 years, represent a promise that has been broken in the worst way.

The trade bill would expand eligibility to secondary workers—those whose jobs are lost when the industries they supply suffer from foreign competition. It would end the cruel hoax of the Department of Labor's first separation requirement, which denies trade readjustment assistance to workers who were repeatedly laid off prior to a plant's final shutdown. The bill would make TAA training an entitlement, but one which is capped at $80 million. It contains amendments which Senator ROCKEFELLER, Senator MITCHELL, and I authorized to improve the administration and management of the program. I am pleased that these amendments have remained in the legislation and believe that trade-impacted workers will have a new opportunity to remake their lives.

PLANT CLOSING NOTIFICATION

There has been a great deal of discussion regarding plant closing notification. When it was offered on the Senate floor, I supported the Senate's provisions on this subject last July, for the simple reason that State and local job training service providers cannot respond to large-scale closings without notice. It is simply not possible to arrange classroom training, job search assistance, and counseling and assessment with only a few days' notice.

In my remarks last year on the floor, I expressed some concern that provisions governing layoffs might be too restrictive and could penalize troubled industries which are unable to prove that layoffs were unforeseeable. The

conference report requires notice of layoffs which affect 500 or more workers or layoffs of more than 50 workers if that is one-third or more of the plant's work force. I remain concerned that these provisions are inequitable; yet I recognize that the legislation has been significantly altered since its inception. Further, this debate, and the statement of managers will help to clarify the legislative history of this provision and guide any future court action.

In my opinion, notice of a final shutdown is only fair. Workers deserve an opportunity to plan for the future; to take advantage of job search and training programs. Notice of lay-off is a very different matter. The majority of layoffs are based on the business cycle, which is extremely unpredictable. It is imperative that the courts interpret the legislation, which requires notice only where lay-offs were reasonably foreseeable, with the understanding that sudden market fluctuations are unforeseeable, and thus notice cannot be provided.

EXCHANGE RATES AND INTERNATIONAL ECONOMIC POLICY COORDINATION

The language included in the bill on international economic policy coordination closely tracks legislative language reported by the Banking Committee in 1986 when I was chairman of the Subcommittee on International Finance and Monetary Policy. The bill recognizes the need to make international monetary and economic policies a conscious part of the policy debate domestically, and to make international coordination of these policies a central element of relations with our Western allies. To that end, coordination goals and objectives are established in law and an international monetary policy report is established to ensure a continuing dialog between the executive and legislative branches on these important issues.

REVIEW OF MERGERS AND ACQUISITIONS WITH FOREIGN PERSONS

The bill provides additional authority for the President to suspend or prohibit mergers and acquisitions that would result in foreign control of U.S. persons involved in interstate commerce if the President finds that such foreign control would impair our national security. Under current law, the President can exercise an element of control over defense contractors, and he can exercise extraordinary powers if conditions warrant declaration of an international economic emergency. However, absent congressional action, he lacks the targetted authority provided in this provision to protect the national security.

While the provision is clearly not intended to impose barriers to foreign investment, there are critical industries and sectors in the United States whose control by certain foreign persons would be extremely inimical to our interests. The President's authority to deal with this problem would be assured.

INTERNATIONAL DEBT

Mr. President, the debt section of the trade bill is a mixed bag. Its regulatory provisions also track legislative language reported by the Banking Committee in 1986 during my tenure as chairman. These provisions are premised on the notion that our Government and regulators has to provide intelligent incentives to debtors and creditors to achieve lasting solutions to the debt problem. Economic reform by the debtors has to be supported by reduction of their debt service burden. To that end, the Treasury and bank regulators are instructed to study the widest possible range of regulatory measures to encourage a reduction in the indebtedness and, therefore, the burden of the major debtors.

On the other hand, an opportunity to move beyond studies to actual resolution of the debt problem was missed in this bill, at least in my judgment. Instead of meaningful action, the bill focuses on studies and negotiations relating to creation of a multilateral debt management facility. Such an institution would shift the burden of LDC debt service from banks and LDC debtors to Western governments and their taxpayers. It would relieve those with the most at stake—the debtors and their creditors—of the burden of working out solutions to the debt problem and would tend to provide the greatest rewards to countries whose debt has been discounted most because of poor economic performance.

The bill should have enforced much tougher, more active regulation of banks heavily exposed to LDC debt. The requirements for higher capital and reserves under the International Lending Supervision Act which I sponsored in 1983 should have been toughened. This would force regulators to require reserves against loans to debtors not dealing effectively with their problems and moving toward insolvency, rather than doing nothing while conditions deteriorate. Such an activist approach would also provide an opportunity to reward debtors that are coming to grips with their problems with more liberal treatment and a regulatory seal of approval to encourage additional lending and investment from abroad.

IMPORT-RELATED ISSUES

Mr. President, I am sure that this does not exhaust the list of constructive provisions in this bill, since I have concentrated primarily on those areas within my purview as a conferee. I do want to spend a few minutes, however, discussing the outcome of subconference 1, the trade policy material generally regarded as the core of the bill. Although I did not serve on that subconference, I serve on the Finance Committee which wrote the provisions, and I was responsible for a good number of them, both in committee and on the floor. However, my comments are not going to focus on my own provisions, despite the fact that a good number of them appear, in whole or in part, in the final version of the bill. Rather I want to talk about what is not in the bill, because it is the missing pieces that tell the real story. In that regard, Mr. President, perhaps we can spend a few minutes thinking about who this bill is not going to help.

First, it is not going to help import-impacted industries adjust. The Senate's amendments to section 201 of the Trade Act of 1974, the so-called escape clause mechanism, were modeled on legislation I first introduced in 1983, the Industrial Revitalization Act. That legislation, along with subsequent revised versions, was designed to create a quid pro quo between the Government and industries seeking import relief. Industries would have to make a strong commitment to adjust to new competitive circumstances and develop actual plans to do so, and the Government, in return, would provide an umbrella of relief from imports for a defined period of time to allow the promised adjustment to occur, assuming of course that the International Trade Commission found that the GATT article XIX injury standard had been met.

The conference agreement, although it is still modeled in many respects on my proposals, retains the quid without the quo. The burden of adjustment remains, along with what I fear is only a modest tightening of The President's discretion in granting import relief. While it may be difficult for him to do nothing, it will continue to be quite easy for him to do very little, and to avoid doing anything intelligent. This is a real disappointment for those of us who believed that the best way to combat industry-specific protectionist pressures was to provide a legal basis for forcing adjustment.

Second, the bill is not going to help industries being victimized by customs fraud. Senators may recall that throughout last fall and early this year I placed in the RECORD a series of "Frauds of the Day," each detailing a case of fraud that had harmed a U.S. business. There is no disagreement that this is a serious and growing problem. The House and Senate bills each had a provision to deal with customs fraud. The House had a provision that would, under certain narrowly defined circumstances, have allowed imports from customs scofflaws to be excluded from our market. The Senate bill contained my provision providing a private right of action against customs fraud, a provision I had worked on with the Treasury Department, and which they did not oppose. Neverthe-

less, the conferees removed both provisions from the bill. As a result we are telling importers the Congress is not concerned about their crooked schemes designed to evade our trade laws, and we are telling American industry that when they are forced out of business by people breaking our laws, that is just too bad.

Mr. President, that is a terrible message to send.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. HEINZ. I am delighted to yield to my friend.

Mr. SIMON. The Senator was talking about terrible practices and fraud. Just a couple of hours ago, having a casual conversation with our colleague, Senator PROXMIRE, it was pointed out to me as to this conference report, which I support, among the things that we have done is we have emasculated, according to him, the provision that prohibits bribery abroad by American corporations.

The Senator from Pennsylvania was on the conference committee. I really hope if this bill becomes law somehow we can move back to the present law in that regard.

Mr. HEINZ. Is the Senator asking a question?

Mr. SIMON. I am asking why that was done and what we can do to correct that error.

Mr. HEINZ. I say to my friend from Illinois that Senator PROXMIRE, who is the author of the original Foreign Corrupt Practices Act has maintained that the law that he helped write back in 1977 was perfection itself and that a word changed, let alone several areas changed in that legislation, would in his words "legalize bribery."

I believe that the conferees have done anything but legalize bribery in this legislation. Indeed, to the contrary, I think we will find that our revised Foreign Corrupt Practices Act, with the reforms contained in this legislation, will be a vast improvement on what we have had. The law will be clearer. It will be easier to understand. It will be more enforceable. As a result, we were able to have, both on the Senate side and on the House side, strong bipartisan majorities for these reforms.

I might add that on a number of occasions Senator PROXMIRE expressed support for the FCPA amendments as reported by the Senate. Regarding the knowledge standard in the law with which the Senator has expressed greatest problems, Congressmen RODINO, BERMAN, HUGHES and a clear bipartisan majority in the House indicated the conference outcome was an improvement over the Senate bill. I would refer my colleague from Illinois to the comments of Congressman BERMAN on the House floor last Thursday on this point.

So I think if the Senator from Illinois is concerned about legalizing bribery, he really need have little in the way of concern on this legislation. I say that as somebody who has been involved in this issue here on this floor for longer than I can recount, and I will not take the Senator's time to do so.

Mr. SIMON. I thank the Senator from Pennsylvania, and I will follow through on that.

Mr. HEINZ. Mr. President, third on the list of what this bill is not going to do is that our conference report before us is not going to help the victims of unfair trade practices in this country. I repeat that. This bill is not going to help the victims of unfair trade practices in this country. I think that is a shocking revelation perhaps to many of our colleagues, certainly to the public, because there were many provisions in both the House and Senate bills that were in fact designed to improve our unfair trade practice laws.

Many of them, primarily the minor ones, found their way into the final product and will provide what you might call a modest cleanup of current law.

The ones that would have made a difference, however, such as the ESP offset, diversionary dumping, private right of action for dumping cases, applying our countervailing duty law to nonmarket economies, the provisions on cumulation, and many others, were dropped or gutted.

Mr. President, the Finance and Ways and Means Committees seem to find time to rewrite the entire Tax Code every 2 or 3 years, but we have not had a significant revision of our unfair trade practice laws since 1979. As a result, smart lawyers on both sides of these issues have found ways to evade congressional intent, and a number of unintended consequences have emerged as well through the process of litigation. Significant reform is overdue, and this bill, I am sorry to say, fails to provide it. As a result, we are saying to our industries who suffer from unfair trade practices—which increasingly includes those in high tech sectors as well as more classic "sunset" industries—that the Congress is not going to help, that they should not look to our law for relief. We have seen what happened to the domestic television industry over the last 20 years, primarily because of Japanese dumping. What we are now telling industries as disparate as machine tools, semiconductors, and steel is that we do not care if the same thing happens to them—a sorry message indeed, that we will all, I fear, come to regret and regret sooner rather than later.

Fourth, as to what this bill does not do, is that it is not likely to provide much help to industries with their market access problems abroad. The two committees expended tremendous efforts to our section 301 procedures—our laws against unfair practices that bar our companies from competing in foreign markets—in the wake of the administration's reluctance over the years to use the procedures either creatively or aggressively to reinforce American interests. Even when they did begin to employ the 301 process and take cases to the GATT, it appeared to be explicitly an effort to defuse congressional sentiment to do more, rather than a genuine conviction that American companies needed defending. As a result, the Senate bill contained provisions for mandatory initiation of certain cases and virtually, although not entirely, mandatory retaliation in the event of unsatisfactory resolution of complaints. The Senate bill also broadened the universe of actionable practices in some significant ways, including the addition of the workers rights language that was the source of some controversy last summer.

The subconference result, however, is totally unlike the Senate bill nor, for that matter, much like the House bill. It is a disappointment on all fronts. The mandatory initiation provision is gone entirely. The mandatory retaliation provision has been weakened with additional excuses for the President not to act. The list of enumerated actionable practices has been shortened down to a very short list indeed.

How significant these actions are remains to be seen. It is fair to say that the stronger provisions were developed as a response to years of several administrations' failure to act decisively. Nevertheless, the authority to act decisively is in current law and will still be there if this bill is enacted. It is the will to use that authority that seems consistently, year in and year out, to have been lacking, and these new provisions do not, by themselves, create new backbone where none has been before. That will be up to the next President. However, if it is the intent of these amendments to prevent a repeat of years of inadequacy, then I believe they fail that test.

Finally, Mr. President, this bill fails to deal with one other very important subject. It fails to deal with the underlying realities of the world trading system. There is no question that we do not have it in our power to legislate away the trade deficit. And anybody who claims that this bill will do so is in serious error. Nor can we in this bill, or probably in any other, legislate away macroeconomic realities that contribute to the problem. The realities are that we consume too much, we save too little, and we are not productive enough.

We can, however, point ourselves in the right direction to tackle those

problems and point our country in the right direction to attack the problems in the international trading system. The bill makes some progress in acknowledging that our simple-minded reliance on reducing the dollar's value as the answer to all our trade problems is not a coherent policy. It also makes some modest progress in recognizing the complexity of the international debt situation and acknowledging that a variety of policy options will be needed to manage it effectively.

The bill fails, however, to reposition our Government and our trade policy to deal with the different world that confronts us—a world in which we are no longer, as we once were just two decades ago, the preeminent economic power. Today, we are one of many, not the only. Today, we also live in a world in which we are not insulated from the winds of trade change, but we are increasingly buffeted by them; a world in which the rules of the game are under constant attack by mercantilist forces.

For some 10 years, I have been arguing here on the floor, in committee, and in countless forums, that we can no longer view the economic world through the prism of the 1950's and 1960's. We have to adapt to the new reality of a tougher world where our stake is greater and our advantages more marginal. We began that adaptation in 1979 with the last trade bill the Congress can be proud of. We marked time in 1984 with a bill that failed to address any of the trade problems we faced—a failure made embarrassingly evident by the sorry statistics of the following 3 years.

Now it appears we are largely marking time again. We are not reorienting the trading system. We are not helping our injured industries. We are not standing up for the rule of law in trade. And we are not helping our producers increase their access abroad.

If we had been doing this 4 years ago I would not have said, as, indeed, I did say, "we have missed a golden opportunity to put these issues on the table, to identify them, as problems of the future if not the present and to signal our determination that we and our trading partners address them." When the Finance Committee reported its part of the trade bill last June, nearly a year ago, I said, in expressing disappointment with the bill at that point, that our policies had failed and that more of the same simply was not good enough. Well, Mr. President, what we have here is more of the same, and it is clearly not good enough.

Nevertheless, I will vote for this bill. It is difficult to do so with enthusiasm. I do so with some reluctance, in view of its failures. But those failures are primarily errors of omission. What is in the bill is largely not objectionable and in a good number of cases, as I have indicated, commendable. In voting for the conference report, however, I will say again what I said 4 years ago. We have not addressed the basic international economic issues facing us, and until we do, we will continue to have trade bills. I shudder at the prospect of passing trade bills as frequently as we pass tax bills, but we may have to do that until we get it right. Benjamin Disraeli once said, "Free trade is not a principle; it is an expedient." Well, Mr. President, in the name of free trade we have chosen the path of expedience with this bill. I hope that next time around we can do better.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I will be very brief. I know Senators wish to speak.

I want to mention one provision of this bill, one section of this bill, which I think is critical and has not been sufficiently emphasized; that is, agriculture.

At this very moment our trade negotiators are negotiating with Japanese negotiators over setting a date certain by which Japan will eliminate its quota on American beef. Japan at this point is telling our negotiators that they may be willing to set a date certain, some years hence, but only if they, Japan, set a tariff, a higher tariff on American beef in Japan to correspond with or offset the effect of eliminating the quota.

This is the kind of problem we have been facing for years, that is one trade barrier being replaced with another. It is another example of a series of contentious issues, serious negotiations, where it is exceedingly difficult for the United States to come to cloture, to advance the ball, to not have to deal with another trade barrier that pops up.

The State Department is tending to indicate to the USTR that we should accept that. I very much hope our USTR does not accept that.

Under current law, our negotiator does not have quite the same authority he would have if this conference report were adopted; authority to negotiate with the Japanese. Because if this conference report is adopted, our trade negotiator would then have the authority to, basically, set in motion some retaliatory actions in effect, if Japan does not agree to eliminate its quota within a date certain.

I do not want to overstate the point, I do not want to exaggerate the point, but if this conference report becomes law and is signed by the President then our trade negotiator would be in a much better position to negotiate an agreement, not only in this case with respect to beef, but in every other case like this.

Point No. 2, this conference report also increases by 150 percent the Export Enhancement Program; that is the Agricultural Program which has allowed the American grain industry to sell the huge surplus of stocks, particularly wheat and other commodities, overseas. We have been able to meet the competition. That is in this conference report.

If this conference report is not passed by this Congress or signed by the President, then American agriculture loses that 150-percent increase under EEP. That is probably one of the strongest provisions in this bill that helps agriculture. That is another reason why this conference report should be adopted.

There is a third reason, and I will then yield the floor so my friend from West Virginia can address the bill. The third reason is this. If, by 1990, the U.S. trade negotiators do not reach an agreement in the GATT round on agriculture, then the United States is able to trigger in marketing agreements, orderly marketing agreements on other agricultural commodities. That is a terrific boon to agriculture. It has helped cotton farmers. It will help others.

We are asking all those in the Senate who have not yet supported that conference report, who are concerned about their agricultural interests, I urge them to look at the very strong agricultural provisions in this bill and when they do they will realize A, they should vote to support this conference report; and B, particularly if they are Members of the other party, urge the President of the United States to sign it.

This conference report has many provisions that will help America's trade. But the one I would like to focus in on is agriculture. It has very, very strong provisions that will very much help American agriculture and I urge, again, my colleagues to support the conference report for this reason.

Mr. President, I see my friend from West Virginia apparently waiting and I yield the floor.

The PRESIDING OFFICER. (Mr. GRAHAM). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am in total support of the Omnibus Trade and Competitiveness Act. This is a good bill, one that is desperately needed by this country. It makes changes in our laws and regulations that will improve America's ability to compete.

I know the people of my State, West Virginia, want a trade bill. I'm sure the American people—whether Democrat or Republican, from the North or South—want a trade bill. Everywhere I travel in West Virginia, I get asked about trade. Congress and the administration are expected to do something to make the trading system fair and to do something about a trade deficit

that is the sign of problems that we simply have to deal with.

Yes, this bill is not perfect. Many compromises have been struck and concessions made. But that's because the process of writing and debating legislation of this scope and complexity has to involve accommodation. Most importantly, the process has been aimed squarely at getting enough support from all sides to enact it into law. I am truly disappointed that the administration has yet to appreciate this process and does not realize that it's time to pass this legislation.

The positive features of the bill are too numerous to list fully. I want to cite just a few that I consider to be the most important.

First, and of great importance to my own State of West Virginia, are the changes the bill makes in trade adjustment assistance. As a member of the Senate Finance Committee, I was actively involved in writing the provisions on TAA. The way we treat workers in industries that are no longer competitive is tragic. No advanced industrialized country does a worse job than we do in helping displaced workers obtain training so they can become qualified for a new job. This bill provides a guaranteed source of funding for this retraining. It also includes a number of changes to the current system so that displaced workers can take maximum advantage of the new opportunities. Mr. President, our strength as a country lies in our people. There is no greater priority than assuring a satisfying, productive, rewarding job for every able-bodied American. The men and women of West Virginia who are unemployed because of imports or for other reasons that are not their fault want to work, and this bill will help provide them the means to do so.

Let me turn for a moment to the plant closing provision, which is directly related to our efforts to help workers adjust in a highly dynamic economy and trade situation. Again, we are virtually the only advanced industrialized country in the world that has no law providing decent treatment for workers when their employer closes down a business, a plant, or a coal mine. Management has no right to throw hundreds or thousands of workers out onto the street with no warning at all. We are talking about people with families to feed, electric bills to pay, and mortgage payments to meet. They must receive basic, humane treatment. Frankly, Mr. President, I find it inconceivable that anyone would vote against the plant closing provision—against the basic right of an individual to be treated with dignity and consideration.

Another vitally important objective of this bill is to expand world trade on an equitable basis. Section 201 is designed to provide American industries with the time they need to become competitive again. The bill puts a new obligation on American industry to assure that they will use this time well and not just sit back and enjoy the special short-term protection it affords. How can anyone vote against a measure like this that ensures positive adjustment of our economy?

The new section 301 provisions will expand global trade, something that should be a goal of every American. We face closed markets on every continent, and this section gives the U.S. Trade Representative the tools it needs to get those markets to open up, not just to American products but to products from other countries as well. Everyone benefits when world trade grows, as long as it doesn't just grow in one direction. Section 301 is a critical part of this bill.

The trade bill grants the President negotiating authority for the Uruguay Round of multilateral trade negotiations. All Americans will benefit from successful negotiations as we try to liberalize international trade rules. This bill provides for a smooth process of approval and assures that consultation within the United States among the executive branch, the Congress, and the private sector will be carried out to the benefit of this country.

There are many more excellent and critically necessary provisions in the trade bill. When they become law we can get down to the business of making America competitive again.

Mr. President, I am distressed by the President's talk of vetoing this bill. I think he would be making a serious mistake, and those supporting his veto, should he decide to go in that mistaken direction, will regret their actions. A veto of this bill would hurt the American people. A veto would delay the day when our trade deficit will disappear. A veto would damage American business and American workers. I urge all of my colleagues to vote in favor of the trade bill, and I urge the President to sign it as soon as it reaches his desk.

Mr. METZENBAUM. Mr. President, last week I rose to discuss in great detail the substance of the plant closing provision of the trade bill. According to the opponents of this provision, requiring employers to give workers and their communities 60 days' advance notice of a plant closing or mass layoff is a radical idea that threatens the core of our free enterprise system. That position is truly regrettable.

There is nothing radical about the plant closing provision.

No less a person than the conservative columnist, James J. Kilpatrick, addressed himself to the issue just yesterday on national television.

It is a modest requirement that amounts to basic fairness and simple common decency. The plant closing provision reflects the values of mainstream America, and I just heard the Senator from West Virginia address himself to this subject. He is entirely on target.

The Wall Street Journal—the Bible of the business community—had this to say on today's front page:

> In fact, the plant-closings language is nothing more than a modest effort to make sure that the few companies inclined to do so don't hide plans to close a plant until the last minute, leaving workers and communities in the lurch. It is squarely in the tradition of such social reforms as the child labor and minimum wage laws. These act to soften the social consequences of free market decisions and thus permit the market continued public acceptance without the sort of deep Government involvement often practiced abroad.

Listen to what Robert J. Samuelson, a nationally syndicated, probusiness columnist, wrote last week:

> Suppose you're a 52-year-old machinist. You've worked for your current employer for 18 years. One Thursday morning, you're told that the plant is shutting down a week from tomorrow. A little abrupt? You bet. But that's about the typical notice that many companies give their workers. It's indecent."

After this telling example, Samuelson goes on to assess the plant-closing language in the trade bill:

> But no one should think that organized labor—the main sponsor of the plant-closing legislation—is actually the principal force behind it. There are certain modest standards of decency that people expect from companies. When these standards are widely violated, public pressure builds for a political solution. On plant closings and layoffs, companies aren't measuring up.
>
> Losing your job is one thing. Most Americans accept the threat of unemployment, no matter how much they fear it. But it's another thing to have your life turned upside down with hardly a moment's warning. People need time to come to terms with that kind of radical break. They also need time to get a sense of the job market, explore retraining programs or—for experienced workers—simply relearn the basics of how to search for work.

Listen to three of the Nation's leading newspapers—the Washington Post, the New York Times, and the Christian Science Monitor. The Post editors concluded last year when the trade bill was being considered by the Senate that:

> It's useful to make a distinction between the kind of legislation that provides a shock absorber and the kind that tries to prevent competitive shocks altogether by penalizing foreign goods and keeping them out of the country. The plant-closing provision is a shock absorber, an attempt to mitigate the most painful side effects of competition and economic growth.

The Christian Science Monitor has declared:

> But really, providing 60 days' notice to a worker or community hardly seems excessive in a society where it takes that long to sell a house, or relocate the kids to a new school, or just start to budget the paycheck better."

Just last week, the New York Times after thorough analysis of the issue concluded:

On Reflection, we're prersuaded that businesses too often lay off employees with little or no warning. Additional Federal regulations won't make America more competitive but the proposals in the foreign trade bill could, without undue burden, help employers become more humane.

Finally, listen to county and municipal leaders who through the U.S. Conference of Mayors, the National Association of Counties and the National League of Cities have declared:

On the basis of fairness alone, workers have a right to know about decisions that dramatically affect their livelihoods and that of their families and their communities. Companies really shouldn't be allowed to keep such important information a secret from their workers and their community.

Local governments likewise need this advance warning in order to plan for the future in the face of the economic and social hardships which accompany major plant shutdowns.

Experience has shown us that a community and its workers can often take bold and extraordinary steps to keep plant gates open, if there is some warning. If plant closure cannot be avoided, advance warning provides workers and their communities with a head start in terms of job search and placement, counseling, and the initiation of training and retraining programs. In Canada, advance notification has helped reduce unemployment time from 22 to 7 weeks for affected workers.

The passages I just read reflect only a sample of the broad support for the plant-closing provision of the trade bill. Advance notice is supported by the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the New York Times, the Washington Post, the Christian Science Monitor, the Cleveland Plain Dealer, and numerous other newspapers. In addition, the following groups all have expressed strong support for mandatory notice: the U.S. Catholic Conference, the American Baptist Church, the Lutheran Chruch, the Presbyterian Church, the United Methodist Church, the NAACP, the American Association of Retired Persons, the National Farmers' Union, the National Urban League, and scores of other religious, and civil rights organizations around the country.

Given these strong endorsements from the mainstream of American life, it is hardly surprising that an overwhelming majority of the American people support the need for mandatory plant closing legislation. Business Week reports that 86 percent of the American people favor such legislation.

The Congress must do the right thing by enacting the plant closing provision into law. It is good public policy; it makes economic sense; and it is a matter of simple human decency.

This is an issue that has become a cause celebre, and the President, likes to make flippant remarks about it. I can only say to my colleagues and to the President of the United States that: "Mr. President, we are not looking for confrontation with you on this issue. We think you are a decent man and we think that this issue is about decency. We ask you to reevaluate your position and take another look at the plant closing provision. Take a look at the fact that conservative columnists, like Samuelson and Kilpatrick, groups like the Conference of Mayors, the National League of Cities, the National Association of Counties, along, with other public officials, and various religious, community, and civil rights organizations, all have come together and said this legislation should be passed.

"Mr. President, we ask you not to veto the bill. We ask you, Mr. President, to affix your signature to it and let it become law. It is a matter of simple common decency."

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am pleased to support the conference report on H.R. 3, the Omnibus Trade and Competitiveness Act of 1988. I would like to congratulate my colleagues on the work they have done over the past year to fashion this bipartisan approach to our trade problems. The trade bill conference has been one of the most complex in the history of the Congress, and I believe that the participants have done the country a tremendous service in navigating this bill through that complex process.

For years, America's trade problems have suffered from neglect. When I entered the Senate in 1983, our trade deficit was running over $60 billion. Now we routinely run up that much in just a few months. No serious observer can believe that the United States can continue to run these historically high trade imbalances without facing grave consequences. I am pleased that this bill recognizes the precariousness of our situation.

The bill makes a number of important changes to trade law and trade policy. It provides for new authorization for trade negotiations, for the implementation of the harmonized international tariff schedule, for reform of export controls, for changes to the Export Trading Company Act and the Foreign Corrupt Practices Act, and for measures strengthening our trade promotion activities. The bill specifically strengthens the ability of our trade laws to deal with the problem of foreign barriers to trade. It attacks the problem on the basis of reciprocity. There is nothing sinister or menacing about reciprocity. Reciprocity gives foreign producers control over their own access to the U.S. market; if foreign producers wish to compete openly in our home markets, we must be able to compete openly in their home markets. Free trade must be mutually free.

This bill also moves U.S. trade policy in an important direction—away from import relief for the sake of import relief and toward import relief for the sake of structural adjustment. The bill moves away from the notion of import relief as an entitlement to industry. By encouraging industry to make positive adjustment plans to counter import competition, this bill takes a giant step forward in the process of constructing a competitive America.

I am also pleased that this bill recognizes that we confront not just a trade problem, but a competitiveness problem. Our trade deficit is but one manifestation of the challenge this Nation faces in the new world economy. Over the past two decades, we have seen a deterioration of the ability of American firms to compete internationally and of the American people to maintain and improve their standard of living. Despite the length of the current economic expansion, little has been done over the past 8 years to improve our economic competitiveness and much has been done to hurt it. This bill reverses that trend.

The Omnibus Trade and Competitiveness Act of 1988 includes important measures to improve the ability of U.S. firms to compete both internationally and domestically. It increases assistance to dislocated workers, improves worker retraining activities, bolsters education, augments science and technology, and increases the protection of intellectual property. Active participation by the Federal Government in the areas of export promotion, education, worker assistance and retraining, and science and technology development is absolutely critical if America is to regain its competitive edge.

IMPACT ON NEW MEXICO

Mr. President, the bill contains a number of provisions important to my home State of New Mexico, some of which I had the privilege of authoring. To help the ailing oil and gas industry, this bill repeals the windfall profits tax on oil. This is a tax which generates no revenue, only paperwork. The bill also expands trade adjustment assistance coverage to oil and gas workers and to suppliers of the oil and gas industry.

By strengthening our trade laws, especially those concerning unfair trade practices and antidumping and countervailing duties, this bill will give our hard pressed natural resource industries, such as copper, potash, and uranium, the tools they need to fight unfair foreign competition.

Also important to New Mexico and the Southwestern United States is a provision in this bill which I was pleased to originally offer that expresses the support of the Congress for the bilateral framework agreement on commerce and investment signed last November between the United States and Mexico. Better commercial relations between our two nations will result in increased trade between Mexico and New Mexico.

The bill also contains two provisions to help native American artisans. One provision requires permanent markings on imported native American-style jewelry. The sale of such counterfeit 'Indian' jewelry both takes away sales from native American artisans and cheapens the value of their work. Now, consumers will be able to tell the authentic from the fake. The bill also includes a provision I authored to authorize the Secretary of Commerce to help Indian tribes and artisans promotion the exports of native American arts and crafts. While the provision authorizes no new funds, I urge the Secretary to set aside suitable funds to facilitate the export of Indian arts and crafts. I also hope the Secretary will promulgate the rules and regulations needed to implement this provision as soon as possible.

This is but a cursory overview of the various provision of the trade bill. There are also a number of provisions which will benefit New Mexico's education, high technology industries and agriculture.

Mr. President, I would like to discuss in greater detail two parts of the competitiveness legislation which I introduced: the Competitiveness Policy Council and the National Trade Data Bank.

COMPETITIVENESS POLICY COUNCIL

The Competitiveness Policy Council will serve as an external forum for the discussion of problems of economic competitiveness. It will also serve as a mechanism for creating solutions to those problems through the interaction of business, labor government, academia, and public interest groups. And it will act as a source of badly needed independent review of the competitiveness policies of the Federal Government. The council will review and comment on existing and proposed Federal policies and regulations. And it will report annually to the Congress and the President on the ability of the United States to compete internationally, on the status of major sectors and industries of the economy, and on the affect of Government policies on the ability of those industries to compete internationally.

The council would also fill a major void in the current advisory system—a forum for consensus building. The current advisory systems exists solely to channel information from the private sector to the Government. It does not, and should not, constitute a forum for discussion of and consensus building on a competitivenes strategy. Yet, such a discussion and consensus building forum is crucial if we are to meet the competitive challenges facing this Nation. The council will supply that very important need.

It should be noted that the council does not have any administrative or operational responsibilities, nor is it intended to create any new administrative process in the Federal Government. The council is advisory only.

NATIONAL TRADE DATA BANK

Mr. President, another provision in this bill establishes a National Trade Data Bank. The data bank is to consist of two data bases: the International Economic Data System and the Export Promotion Data System. Both of these systems will build on current data systems. Specifically, the Export Promotion Data System is expected to be an expansion of the current Commercial Information Management System and include appropriate data from other departments and agencies.

The provision explicitly requires each department and agency to furnish information to the National Trade Data Bank, which is intended to be a centralized point of access for information on trade and international economics throughout the Federal Government. While the Commerce Department collects extensive information on trade and export promotion, other departments, agencies, and programs also have valuable data. Therefore, it is important that the data bank consist of trade data from all appropriate Federal departments and agencies, not just the Commerce Department.

The provision also creates an Interagency Trade Data Advisory Committee, to be chaired by the Secretary of Commerce. This committee's function is to advise the Secretary on the operation of the National Trade Data Bank. Currently, policymaking on trade data is scattered throughout the Federal Government with OMB charged with coordination. Unfortunately, OMB plays the role of naysayer rather than facilitator of trade data in all too many cases. It is my hope that the Interagency Trade Data Advisory Committee, rather than OMB, will serve as the focal point for interagency coordination of trade data and for the creation of a coherent trade information policy within the Federal Government.

CONCLUSION

Mr. President, as the most recent trade figures show, our problems are far from over. Obviously, this bill will not solve them all overnight, nor is this bill perfect. But the Omnibus Trade and Competitiveness Act of 1988 is a step in the right direction. Nevertheless, much still needs to be done. The good work of the Congress in focusing on trade and competitiveness needs to continue.

Mr. SARBANES. Mr. President, I rise in support of the conference report on the Omnibus Trade and Competitiveness Act, which is before us.

I commend the very able chairman of the Senate Finance Committee, the distinguished Senator from Texas, for his very effective leadership in crafting not only the Finance Committee's parts of this bill but also in bringing the rest of us who had a piece of it together in a way that I think we constructed a national trade policy in this legislation. It represents a very important and significant advance.

Mr. BENTSEN. Mr. President, that is a very generous statement by the Senator from Maryland. But without the cooperation, the help, and the leadership he showed in handling that part of the conference, we would not be at this juncture. I appreciate it very much.

Mr. SARBANES. I thank the Senator.

Mr. President, the Banking Committee, which had important sections of this bill, has crafted a major contribution toward national policy.

I am deeply concerned about the President's assertion that he will veto this measure, because I think it would represent—if the veto could not be overridden—a loss of a tremendous amount of work on the part of Members of Congress on both sides of the aisle. Much of what is in this legislation represents a cooperative effort to come together on pressing issues facing our Nation, particularly the deteriorating trade position, the growth in the trade deficit over the last few years, which has resulted in the United States now being, for the first time since 1919, a debtor rather than a creditor nation. The United States has passed from creditor to debtor status in the last couple of years as a consequence of this very large trade deficit we have been running year to year.

Even if we improve the trade deficit position, until we bring it back into balance, we will still continue to deteriorate into a worsening international debtor status.

Mr. President, I thank my colleagues on the Banking Committee, particularly the chairman, Senator PROXMIRE, and the ranking minority member, Senator GARN, and Senator HEINZ, who is the ranking member of the International Finance Subcommittee, which I am privileged to Chair.

The Banking Committee held seven hearings—extended, careful, thorough hearings—on provisions in this legislation within our jurisdiction: on the matter of export controls, which is of concern to many of our exporters; on exchange rates, which many perceive as having made a major contribution

to our trade deficit, because the exchange rate situation was ignored in the early 1980's in the overvaluation of American currency, which put our producers at a disadvantage in international competition, and was allowed to continue; on international debt, which is a matter of major concern; on export trading companies and export promotion.

In all these areas, I believe that the committee came forward with constructive suggestions which were adopted or modified by the Senate. We then went to conference.

I think it is important to understand the impact which the administration has had throughout on these deliberations, not only in the committee, not only on the floor of the Senate, but, once again, in conference, which, in many respects, was a three-way play among the Senate, the House, and the administration, as efforts were made to work out problems that were seen in the provisions, to improve particular aspects of the legislation.

In the area of export controls, the conference report strikes a careful balance between the need of U.S. exporters to be able to compete effectively in international markets and the genuine security requirements of the United States in controlling the sale to the Eastern bloc of high-technology goods with military application. Although the conference report delicensed many low-technology items, thereby freeing American business of a range of burdens which they found onerous, at the same time the conference report strengthens export control enforcement by focusing regulations on those critical technologies that are militarily significant.

Second, Mr. President, the conference report addressed two important aspects of international finance policy.

First of all, it calls for a regular report by the Secretary of the Treasury on exchange rates as they affect international economic policy. This should increase the accountability of any administration and avoid the drift in the conduct of international economic policy that occurred in the early 1980's.

In addition, the subtitle provides that the President shall seek to confer and negotiate with other countries to achieve better coordination of the macroeconomic policies of major industrialized countries, a matter which is of prime importance if we are to develop an internationally coordinated economic strategy designed to address the world economic scene in which we find ourselves and in which the United States has become increasingly interdependent.

It also provides that the Secretary of the Treasury shall initiate negotiations with foreign countries that manipulate the rate of exchange between their currency and the U.S. dollar for the purpose of gaining unfair competitive advantage in international trade.

I submit: What could be a more reasonable position than that we must begin to focus upon and take steps against the manipulation of the rate of exchange by certain countries in order to gain an unfair competitive advantage in international trade?

The conference report includes important language addressing the international debt issue.

Mr. President, I want to take just a moment on this, because it is a matter in which I have had a keen interest for a sustained period of time.

I believe that the provisions in here are reasonable as an important first step. They represent significantly less than what was sought by many Member of Congress, including this Member, but they reflect an effort to try to begin to move on this important issue.

In that regard, I am deeply concerned—"disturbed" would be the more accurate word—by the administration's statement of its objection to this provision, of stating in their factsheet that the bill requires a negotiation to create a centralized, new international agency for LDC debt to bail out these nations, the banks, or both.

The bill does nothing—nothing—of that sort. In fact, at the prompting of the Treasury, to whose concerns we try to be responsive, the bill provides for the Secretary of the Treasury to initiate a study to determine the feasibility and advisability of establishing an international debt management authority; and it provides that if the Secretary determines that the initiative of international discussions with regard to such an authority would carry a material risk of reducing the value of the debt, disrupting debt service, or causing defaults, the Secretary could report that to Congress and therefore would not begin discussions.

If such a determination were not made then he would begin such talks, but he would not initiate such talks if such a determination had been made but would report that to the Congress and his reasons for such determination.

This was expressly designed to address some of the problems which the Treasury had raised about this matter and in my judgment constituted a very responsive action on the part of the Congress.

Second, it is important to note that this legislation provides that the authority, if one were to be established, would purchase Third World debt at a discount on a voluntary basis. In fact, what is happening at the moment is commercial banks are selling their Third World debt at a discount, but the debtor countries get no benefit from it that would allow them to resume a growth path. Private parties buy the debt, buy it for speculative purposes, and they hold the Third World countries to the full amount even though the banks which have disposed of the debt have taken a discount and have taken a loss.

The consequence of this tremendous debt overhanging the Third World countries, the developing countries, is to have limited markets for American imports in those very countries, to have intensified the import competition which we confront from those countries as they seek to maximize their foreign exchange earnings in order to meet their debt obligations.

So they are forced on an austerity path that prevents them from being able to move on a growth path which would serve not only the purposes of the developing countries, but the purposes of the developed countries as well. Obviously, all of us share advantages from the world being able to move on a growth path and this proposal is one effort to move in the direction of carefully examining a route we might take which would significantly contribute to that.

It is also designed, of course, to get those countries running very large current account surpluses to make a larger contribution toward meeting the debt problem of the developing countries.

In fact, it provides that support for such an authority, if one were to be established, should come from the industrialized countries and the greater support should be expected from countries with strong current account surpluses.

One of the ways the nations with strong current account surpluses, Japan and West Germany, can make a contribution and assume a greater responsibility in terms of their international economic burden is to make this kind of contribution toward the developing countries in addressing the Third World debt question.

Mr. President, I think the provisions brought into this legislation by the Banking Committee are reasonable and highly desirable. As I mentioned before, there are export control provisions where we streamline licensing requirements, reduce the control list, clarify foreign availability procedures, and improve export controls enforcement. There are provisions on exchange rates, on reporting on exchange rates, and on the international monetary situation which are extremely important, important provisions on international debt, and provisions on export trading companies, designed to enhance their ability to function in the international environment and to promote American exports.

Finally, Mr. President, let me make this observation: This bill in many of its provisions represents extended and careful consideration by committees of the Congress over a very long period

of time. This bill was not easily arrived at. And I submit that if it fails of passage, either because of a veto or because of not being able to override a veto, it is extremely unlikely that we could go back and put together the pieces.

In the course of developing this legislation, people with very strong views were repeatedly required to adjust, moderate, modify, compromise those views in order to reach the understandings that are reflected in this conference report.

Those adjustments took place within the committees in each House. They took place on the floor of each House. They took place in the conference between the two Houses and at every step of the way with the administration impacting significantly on the decisions that were to be reached.

Now, to lose this product which represents countless hours of committee work and to assume that somehow one will simply be able to go back and pick up the pieces and move it through, I think is being totally unrealistic.

There are many people who look at this legislation and if they get another chance at it will want to move it in this direction. There are many others who look at it and if they get another chance at it will want to move it in that direction. There are others, I assume, who look down the road and say, well, we will be dealing with a different administration, and they may take a different attitude toward important pieces of this legislation.

So I think the chance is here to make a major contribution to American trade policy, to sharpen and improve America's international competitive ability, to start to turn around this hemorrhaging trade deficit which has moved us into a debtor status as a nation for the first time since 1919. And I submit to you that, in addition to the economic consequences of that status, we cannot assume that we are going to be able to sustain our international leadership if economically we have weakened to the point that we now owe others.

You cannot stand tall in the saddle if you ride into the town and you owe everyone that you see. We need a policy that is going to move us out of that situation, and I think a very significant and important beginning is contained in this legislation.

I strongly urge support for the conference report and I very much hope it will be enacted into law.

I simply close with the observation that if we have to go back and start over again, in my view, it is going to be extraordinarily difficult to put these pieces back together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland yields the floor.

The Senator from North Carolina.

Mr. SANFORD. Mr. President, I have a longer statement to make, perhaps at some later time, but I would like to follow on what our distinguished colleague from Maryland has said about the veto because it certainly is distressing to see the President, who has long been an ardent foe of fair and reciprocal trade, the heedless architect of the largest and longest running trade deficits in our history, is now about to destroy our chance to get back into world business. It is his political hype that has turned prime attention of the crucial legislation to a relatively minor section of the bill. The issue of plant closing notification has become the center of a maelstrom stirred up by the White House to defeat our fair trade bill.

Senators supported this modest little plant closing notification provision of this bill 60 to 40 when we voted on it last July. It is a relevant, although small, part of the new initiatives to make this Nation more productive and competitive.

The issue of plant closing notification is of special relevance to my State of North Carolina. In recent years, North Carolina has had one of the highest rates of plant closings and mass layoffs in this country, especially in the State's textile industry.

In all too many communities in North Carolina and other parts of rural America, workers have come to work in the morning to be shocked with word that the jobs would end in a day or two or a week or two. We know the loss of a plant can very well mean the death of a community. The first section of the plant notification subconference report and legislation deals with employment and training assistance for dislocated workers. Without this, we create additional unemployed and unemployable workers, additional burdens for the taxpayers, and extensive and unnecessary human suffering. Displaced workers could benefit from programs to provide them with job training and job placement assistance, if they have time to get adjusted. That is why this is relevant to that provision. As a study conducted by the Office of Technology Assessment [OTA] found, "the best time to start a project for displaced workers is before a plant closes or mass layoffs begin." This conclusion was further reinforced by Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, which reported that "advance notification is an essential component of a successful adjustment program."

This plant closing provision is modest—too modest. It applies only to employers of 100 or more full-time workers. They must give just 60 days advance notice of plant closings. The bill's numerous exemptions fully protect the needs and interests of business. No business entity that closes a plant because of unforeseen business circumstances or faltering companies would be subject to the plant closing notification requirement.

It is sad that the President is opposed to this sound hedge against chronic unemployment, and outrageous that he would use this lame excuse to destroy our chance to regain our world trade competitiveness, that he would veto this carefully prepared trade bill to satisfy his peeve about the tiny part of it directed toward the unlucky plant worker about to lose his job.

Of the 2 million American workers who lose their jobs through plant closings and mass layoffs, two-thirds received no advance notice at all. How can we expect to enhance our economy's competitiveness when American workers are not given even the remotest chance to plan for the future? And on a more fundamental level, don't American workers, who work so long and hard to build our economy, deserve the right to be told in advance that their jobs have been terminated?

Let us keep this deliberation in the proper perspective. The plant notification is modest fairness. The trade bill is essential to the future prosperity of America.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina has yielded the floor.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE PRIMARY AND CAUCUS SYSTEM OF THE STATE OF VERMONT

Mr. LEAHY. Mr. President, first I was going to try to explain the primary and caucus system of the State of Vermont, but I decided that I would not do that because I understand that the Senate may want to recess at some point today rather than go straight through until tomorrow. So I will save that for another time or one in which I can at least place an explanation in the RECORD.

But I would hasten to note to my colleagues that diversity and active participation are alive and well in the State of Vermont. We have now had, first, A primary, won by one candidate substantially, and we have had our local caucuses in which two candidates in my party split the vote, and next

month we will have the convention. Perhaps I will wait until then because we will then have had a third resolved and then I can explain it all at once.

CONGRATULATIONS TO SENATOR MATSUNAGA

Mr. LEAHY. Mr. President, seeing my good friend, the Senator from Hawaii, on the floor, I wish to congratulate him for handling what was a piece of legislation which has been the work of years, the reparations bill.

I might say that the Senator from Hawaii showed the kind of thoughtful concern and the kind of eloquent debate that this body is known for but does not always show. I have often said, Mr. President, that the Senate of the United States is the conscience of the Nation, or should be. The Senator from Hawaii spoke to the conscience of the Nation last week and a very hefty majority of the Senate responded with the best voice of that conscience in voting for his legislation.

I applaud the Senator from Hawaii for making everyone of us search into his conscience, but also allowing the United States to speak to a point which surely has to have troubled the conscience of this country for over 40 years. And so I applaud my friend, Senator MATSUNAGA, for doing that.

Mr. MATSUNAGA. Will the Senator from Vermont yield?

Mr. LEAHY. I am pleased to yield to the Senator.

Mr. MATSUNAGA. The Senator, of course, is speaking out of order. The subject before the Senate now is the conference report on the trade bill, but I was hoping he would continue and go on and on.

Mr. LEAHY. Mr. President, I would note that the Senator from Hawaii did not object to the point of me speaking out of order, but I assure the Chair I will go to the trade bill immediately.

Mr. MATSUNAGA. Mr. President, I wish to thank the Senator for the great support that he gave me in helping to get the bill passed. I will certainly remember him. I will say to him now, "I owe you one." I thank the Senator.

Mr. LEAHY. The Senator owes me nothing. The Senate owes the Senator from Hawaii.

OMNIBUS TRADE AND COMPETITIVENESS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. LEAHY. Mr. President, I rise today in support of the comprehensive trade legislation that has taken so much of our effort and so much of our time. We have seen the hard work of the distinguished Senator from Texas, who is here on the floor, who has urged, debated, cajoled. He has not threatened any of us, but he certainly urged us very forcefully on occasion. The forcefulness of debate and his urging have paid off very well. I think all of the work that we have seen on this, both from Republicans and Democrats alike, has been worth it.

We have an unusual chance to pass a bill that will revitalize the American economy and help American workers. We have emerged from an 8 month conference with a trade bill we can all be proud of, that we should all vote for, and that the President should sign.

The omnibus trade legislation represents 3 years of long, hard work by Members of Congress and the administration—by Republicans and Democrats. This is a bipartisan effort to create an effective trade policy for the United States.

No one should question the need for a national trade policy. Since 1981, the U.S. trade deficit has increased fivefold, from $27.3 billion to $171.2 billion in 1987. The most recent trade figures also cry out for action. After months of small improvements, the monthly trade deficit in February increased by $1.4 billion to $13.8 billion. It was not too long ago that a $13.8 billion annual trade imbalance would be considered unacceptable.

The worsening trade imbalance is sending thousands of jobs overseas—American jobs, not Republican jobs or Democratic jobs. This bipartisan legislation will help bring those jobs back. In my own State of Vermont, more than one-third of the workers in the once thriving machine tool industry are out of work. It would be one thing if these Vermonters lost their jobs to more productive workers. But, the fact is that these jobs left Vermont due to foreign government subsidies and illegal trade barriers.

Mr. President, this is a golden opportunity to send a message to our trading partners. That message is: deal with American businesses and workers in a fair way or you will suffer the consequences. This trade bill says "no" to protectionism and "yes" to tough new rules to break down unfair trade barriers.

As one of the Senate conferees I have participated in the debate on many matters that were before the Conference. A lot of tough decisions were made. We all have given some and gotten some. Some provisions have been added and other taken out to achieve a compromise—to achieve a workable U.S. trade policy.

The trade bill strengthens sections 201 and 301 of the Trade Act of 1974 which allow workers and businesses to enlist the support of the Government to adjust to imports and to combat unfair trade practices. All of us know that unfair foreign trade barriers are not the sole cause of our trade imbalance. But that is no reason to act like patsies and accept the outrageous behavior of our trading partners.

Korea, for example, boasts that it has opened its markets to American consumer goods. That's not even a half truth. It is true that American companies can now export consumer products to Korea. But what happens to these products when they get there? The Korean Government forbids United States companies from warehousing or distributing consumer products. The bottom line is that you can ship all the products you want to Korea. You just can't get them to the consumers.

The trade bill also provides job retraining for current workers, to help them keep or find well-paying, quality jobs—jobs that will help them provide for their families.

The bill will increase the effectiveness of intellectual property protection and provide needed support for improved math, science, engineering, and foreign language education. If we are going to compete effectively in world markets, we must give our children the tools to be the best workers, managers, and scientists.

I have spoken of the importance of this bill to the Nation and Vermont. As chairman of the Senate Agriculture Committee, let me take a moment to speak of the special importance of this bill to the American farmer.

Farmers want free trade; $1 in every $5 in farm sales comes from export sales. That is why it is so important that this is a free trade bill. It will not give anyone an excuse to build barriers against our agricultural exports.

But fair trade is just as vital as free trade to our farmers. They have suffered long enough from closed markets and rampant export subsidization by our competitors.

That is why the export enhancement program is extended. The market development capabilities of the Foreign Agricultural Service are strengthened, and the Department of Agriculture is required to begin to look at agricultural trade policy from a long-term perspective, rather than the catch-as-catch-can policies that have characterized this administration.

The agriculture provisions sound a warning to all our trading partners that it is time to trade fairly. The bill would require the implementation of a marketing loan program or an expanded export enhancement program in 1990 if foreign countries do not take meaningful steps in multilateral trade negotiations to stop their unfair trading practices.

This bill also warns our friends in the European Community that we will not tolerate their efforts to apply unscientific inspection requirements on imports of our beef and beef products.

Finally, this bill makes the Dairy Export Incentive Program an effective

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tool to promote the export of dairy products.

In summary, this bill is important to:

Every wheat farmer who sees his wheat markets in North Africa disappearing to the Europeans.

Every soybean farmer who fears new barriers to exports of oilseeds.

Every cattleman who sees export markets closed in the Far East by protectionist import regulations.

Every dairy farmer who knows the need for new markets for dairy products.

That is why this trade bill has gained the support of some of the major organizations that represent the American farmer, including the American Farm Bureau, the National Association of Wheat Growers, the Rice Millers Association, and the American Soybean Association.

The agriculture title is not protectionist. It is export oriented. It will ensure that our agricultural products remain competitive in world markets.

I could speak for hours, Mr. President, but the point should be obvious. There is too much good in this bill to let it slip away.

The protectionist Gephardt Amendment was dropped. The highly restrictive foreign investment provisions were liberalized. Countless more compromises were reached in an effort to build a consensus among many diverse elements in the United States economy.

Now, it seems that all the attention is focused on one section of the bill: the plant closing provisions. The President has even vowed to veto the whole trade bill, because he does not like a single part of it. That provision would require big companies to give workers 2 months notice if they are going to lose their jobs due to a plant closing. This is only fair. Thousands of American workers who have worked for 10, 15 and 20 years for big U.S. corporations have seen their livelihoods disappear overnight.

American businesses can live with the final plant closing compromise. The provisions are very flexible and provide exemptions for plants that are trying to find financing to keep their operations going.

We never get exactly what we want in this body. Each piece of legislation is a compromise. But when we bring together a bill of this quality, a bill that is so desperately needed, a bill that will help so many of our citizens, we have beaten the odds, and we had better make the most of it.

As I stated earlier Mr. President, I was involved as a conferee on many aspects of this legislation. I would like to briefly discuss some of the more important provisions agreed upon by the Subconference on Agricultural Trade, the Subconference on Pesticide Monitoring, and the Subconference on Patents.

AGRICULTURAL TRADE

Mr. President, agricultural issues are at the top of the international trade agenda. Growing agricultural trade barriers and ever increasing export subsidies threaten the entire world trading system.

Every American has a vital interest in resolving the growing tensions in world agricultural trade. These issues, if not managed responsibly, could prompt retaliation against important sectors of the U.S. economy, including manufacturing and high technology.

The agriculture title is a small but important part of this huge undertaking. Agricultural trade is an integral part of a healthy United States farm economy. I believe the provisions of this bill will do much to help continue the recent improvement we have seen in agricultural exports.

The agriculture title recognizes the central importance of agricultural trade in the entire trade picture. For years, consistently high agricultural trade surpluses helped balance our overall trade account. Farm trade surpluses have been on the decline, however, adding fuel to our Nation's growing trade deficit. The agriculture title will help turn this decline around and improve the overall competitiveness of the United States.

This title also emphasizes the importance of the ongoing negotiations concerning agricultural trade being conducted in the Uruguay round of multilateral trade negotiations. Both the Senate and the House conferees were concerned that some of our trading partners, such as the European Community, will not make substantive concessions with respect to agricultural subsidies in the Uruguay round negotiations. This title contains a provision calling for the implementation of a marketing loan program or an expanded enhancement program in 1990 if significant progress has not been made in the multilateral negotiations.

AGRICULTURAL TRADE POLICY

The conference report provides that it is the policy of the United States to provide agricultural commodities for export at competitive prices; to support the principle of free and fair trade in agricultural commodities; to support the multilateral trade negotiating objectives set forth in the bill; and to seek the elimination of barriers to agricultural trade.

The conference report requires the Secretary of Agriculture to prepare annual long-term agricultural trade strategy reports establishing policy goals for United States agricultural trade and exports. The reports must set forth recommended levels of spending on international activities of the Department of Agriculture for 1-, 5-, and 10-year periods.

TRIGGERED MARKETING LOAN AND EXPORT ENHANCEMENT

The conference report also requires the President to submit a certification to Congress no later than 45 days after January 1, 1990, as to whether there has been significant progress toward achieving an agreement with respect to agricultural trade under the General Agreement on Tariffs and Trade [GATT].

If the President cannot certify that there has been significant progress toward reaching an agreement, the President must instruct the Secretary of Agriculture to implement a marketing loan program for the 1990 crops of wheat, feed grains, and soybeans unless the President determines that the implementation of a marketing loan would harm further negotiations. If the President so determines, an expanded Export Enhancement Program must be implemented unless the implementation of such a program would be a substantial impediment to achieving an agreement under the GATT.

The President is authorized to stop the implementation of either of these programs at any time if they have their intended effect; namely, they spur the GATT negotiations and the President determines that continued implementation would harm further negotiations.

Mr. President, I think this is the most important provision in the agricultural title of the conference report. To put it simply, the triggered marketing loan is a warning to our trading partners. If the Uruguay round of negotiations are not successful, if certain of our trading partners do not stop the unbridled use of export subsidies and import barriers, the United States will make all of our major commodities competitive in the world market. We will match their subsidization. We will exceed their deter mination.

We desperately need a meaningful GATT agreement concerning agricultural trade. The triggered marketing loan enhances our chances to get it.

EXPORT ENHANCEMENT PROGRAM

The conference report extends the authorization for the export enhancement program [EEP] through 1990 and increases the ceiling on the value of commodities that can be used under that program from $1.5 billion to $2.5 billion. The conference report also provides that in carrying out the program, the Secretary of Agriculture may consider for participation all interested United States exporters, processors, users, and foreign purchasers, and may give priority to sales to countries that have traditionally purchased United States agricultural commodities and products.

TARGET EXPORT ENHANCEMENT PROGRAM

The conference report authorizes an increase in the level of funding for the Targeted Export Assistance Program

[TEA] for 1988 from $110,000,000 to $215,000,000. This increase is subject to appropriations. The TEA program is also amended to provide discretionary authority to the Secretary of Agriculture to provide compensation for expenses incurred by trade associations in defending countervailing duty actions instituted after January 1, 1986, in foreign countries.

DAIRY EXPORT INCENTIVE PROGRAM

The conference report requires that payments in commodities under the Dairy Export Incentive Program be made in the form of generic commodity certificates. Further, if the generic commodity certificates are exchanged for dairy products, the Secretary of Agriculture must ensure that the dairy products are sold for export and that the sales do not displace usual United States export sales of dairy products.

TRADE WITH COUNTRIES WITH LARGE TRADE SURPLUSES

The conference report provides that if a country has a substantial positive trade balance with the United States, the Secretary of Agriculture, in consultation with the Secretary of State, may develop an appropriate plan under which that country may purchase U.S. agricultural commodities for use in development activities in developing countries.

FOREIGN AGRICULTURAL SERVICE

The conference report strengthens the Foreign Agricultural Service [FAS] of the Department of Agriculture by providing for an overall increase in authorized appropriations for fiscal years 1988 through 1990 of $20,000,000. The increase is to be used for general market development activities, including market development efforts in developing countries, and to increase in number and quality of international trade shows. The conference report also provides for a minimum level of FAS personnel of 900 and would call for the designation of senior FAS officers as Minister-Counsellors.

RECIPROCAL MEAT INSPECTION

The conference report further provides that if the Secretary of Agriculture determines that a foreign country applies meat inspection standards that are not based on scientific standards, the Secretary must consult with the U.S. Trade Representative and they must make a recommendation to the President as to what action should be taken. The President may require that a meat article produced in the foreign country not be permitted entry into the United States unless it is determined that the meat article has met the standards applicable to meat articles in commerce within the United States.

TRADE WITH JAPAN AND KOREA

The conference report sets forth the senses of Congress that the import barriers imposed by Japan on agricultural products, including rice, citrus, and beef should be removed. The provision draws an analogy between those import barriers and the barriers recently determined by a GATT panel to be inconsistent with the GATT.

The conference report also sets forth the sense of Congress that Korea should permit greater access to it markets by U.S. beef producers. Further, the United States Trade Representative should aggressively pursue negotiations to gain greater access to the Korean market for United States beef and should try to achieve a reduction in beef import tariffs imposed by Korea.

WOOD AND WOOD PRODUCTS

The conference report contains provisions designed to make wood and wood products fully eligible for use in Public Law 480 market development projects and in the short- and intermediate-term export credit guarantee programs. The substitute will also establish a cooperative national forest products marketing program that is designed to improve the competitiveness of the U.S. forest products industry.

MARKETING ORDERS

The conference report authorizes the Secretary of Agriculture to provide for a period in advance of the beginning date of a marketing order during which marketing order requirements could be in effect, if it is determined that the additional period is necessary to prevent circumvention of the marketing order by imports. The additional period can be no longer than 35 days.

This provision is in response to complaints by growers that low quality imports are entering the United States just prior to the imposition of a domestic marketing order. It is alleged that those imports are being held in cold storage until the marketing order goes into effect. Then, because of a loophole in the marketing order enforcement procedures used by the Department of Agriculture, the substandard grapes are sold to the retail market, taking advantage of the higher prices that exist under the marketing order.

This provision was controversial because of its potential to unnecessarily restrict imports. The conference report is a compromise designed to authorize the Secretary of Agriculture to take action to prevent substandard imports from circumventing the domestic marketing order. However, the Secretary is only to take such action if it is absolutely necessary. Circumvention must be proved and it must be of a substantial nature.

The necessity for such additional period must be reviewed, on request, every 3 years in order to determine if it is still necessary to keep the additional period in place to prevent circumvention of the marketing order.

IMPORTED MEAT, POULTRY, AND EGG PRODUCTS

The conference report requires the Secretary of Agriculture, within 90 days after enactment of the act, to submit a report to Congress specifying the planned distribution of resources of the Department of Agriculture for sampling imports of meat, poultry, and egg products to ensure compliance with the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act governing permitted levels of pesticide, drugs, and other residues in such products. The report must also respond to a 1987 Inspector General audit report.

MISCELLANEOUS PROVISIONS

The conference report also contains a sense of Congress provision concerning the method of allocation of export credit guarantees used by the Department of Agriculture.

The conference report also calls for studies to be conducted concerning egg imports, rose imports, the Canadian wheat import licensing scheme, the use of intermediate export credit, dairy imports, sugar imports, and honey imports.

PESTICIDE MONITORING

This title contains provisions that would require the Secretary of Health and Human Services [HHS] to enter into cooperative agreements with governments of countries that are major importers of food to the United States so that HHS will know what pesticides are being used on imported food and can better enforce the law. HHS would also have to beef up its monitoring and detection systems. This provision benefits consumers and farmers by enforcing the pesticide residue limits on imported food.

If the Secretary of HHS is unable to enter into such a cooperative agreement with a major food importing nation, the Secretary must, to the extent practicable, obtain information on pesticide use in such country from other Federal or international agencies or private sources. Foreign pesticide use information collected under this provision must be made available to State agencies engaged in the monitoring of imported food for pesticide residues.

The Secretary of HHS is required to establish computerized data management systems to track and evaluate the results of the Food and Drug Administration's [FDA] Program for monitoring domestic and imported food products for pesticide residues. The information summarized under this provision must be compiled annually and made available to Federal and State agencies and other interested persons.

Finally, the Secretary of HHS must develop a research plan for the devel-

opment and validation of new and improved methods for the detection of pesticide residues, and the agency must conduct a review to determine the potential use of rapid pesticide detection methods.

This proposal was negotiated among the majority and minority of the Agriculture Committee and the House Energy and Commerce Committee. Every concern of HHS, the U.S. Trade Representative, and the administration was fully addressed. The regulatory staff at FDA had a full opportunity to suggest changes, most of which were adopted.

In fact, the major part of the bill that the Trade Representative objected to—the requirement that countries who export food to the United States provide information about the pesticides used on the food—was completely revised to meet their objections.

PATENTS

Mr. President, I also served as a conferee on the Judiciary portion of the trade bill. The chairman of the Judiciary Committee's Subcommittee on Patents, Copyrights and Trademarks [Mr. DECONCINI] and the subcommittee's ranking member [Mr. HATCH] deserve a great deal of credit for helping to craft legislation that will assist America's inventors and innovators.

As a result of our work with Congressmen RODINO, KASTENMEIER, FISH, and MOORHEAD, America's patent laws will better serve those Americans that invest their time, money, and energies to develop new technologies.

One of our conference's biggest achievements came from our work on process patents legislation. Process patents legislation, which has been with us since the 98th Congress, is targeted toward products that are manufactured in other countries, but manufactured by the use of a process patented in the United States. As a result of this legislation, American businesses will be protected against those who go overseas to circumvent the policies underlying our patent system.

The bill also contains a provision that comes from an amendment that I offered when the trade bill was before the Senate last summer.

United States law currently states that an American inventor may not provide to a foreign patent office any information that is not contained in the inventor's U.S. patent application. If a foreign patent office requires any additional information whatsoever, the patentee must take the time and money to procure a supplemental license. Furthermore, if the patentee provides that information without procuring a license, the inventor can lose his valuable U.S. patent protection.

My amendment helps American inventors trying to gain patent protection overseas by codifying one of the Patent Office's regulations. It provides statutory authority for an American inventor to give a foreign patent office the technical information it requires. The patentee would continue to have to notify the U.S. Patent Office of his foreign application immediately thereafter. Importantly, my amendment does not change the rules for those who hold patents on national security-related products. They will still be required to obtain special licenses before filing in a foreign office.

I was disappointed that the conferees could not agree to include patent misuse legislation in the trade bill. Patent misuse is a defense in patent infringement suits. It penalizes a patent holder who attempts to extend the patent beyond the limited statutory monopoly. The Senate trade bill included a provision that would require the alleged anticompetitive practices be tested by traditional antitrust principles. I am glad to note that the House will be studying patent misuse in a hearing in early May. That hearing will pave the way for enactment of a separate patent misuse bill this year.

Mr. President, I cannot say enough about the fine leadership exhibited by Senator BENTSEN in sheperding this bill through the Congress. More than any other Senator, he set the tone for a reasoned, practical conference. He was not afraid to make the hard choices. I thank him for his efforts.

I also want to commend the ranking minority member of the Finance Committee, Senator PACKWOOD for his commitment to this legislation.

As always, my good friend Senator LUGAR was helpful and supportive throughout the Subconference on Agricultural Trade.

I also would like to thank Chairman DE LA GARZA, Congressman GIBBONS, Congressman FASCELL, and all of the Members of the House of Representative who were conferees on the agricultural title.

Finally, I also offer my thanks to all of the hard work put in by the staff on this bill, particularly the fine staff of the Finance Committee, and the staffs of the House Agriculture, Ways and Means, Foreign Affairs, Rules, and Energy and Commerce Committees. They have done a yeoman's work.

Mr. President, as is stated, this has been a long and difficult process. But all of the time and all of the work was necessary. We have a serious trade deficit staring us right in the face.

It threatens the jobs, the homes, the security of our people. Our farmers, our factory workers, our service industries suffer from the uncoordinated, unsuccessful trade policies we have been following.

This bill will go a long way toward correcting these policies.

Mr. President, we must fulfill our responsibility to the citizens of this Nation and act to reverse our trade imbalance. By enacting this bill, Congress will have done its part. I hope the President will do his and sign this bill.

Mr. President, I highly compliment the distinguished senior Senator from Texas for all the work he has done.

He has had the patience of Job and at times probably felt that he had the task of Sisyphus; but he turned in a Herculean effort and accomplished it.

I will not use any more metaphors to describe his efforts for fear that someone in Texas will actually look them up and find some that may be used against him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I am overwhelmed at the kind comments of my friend. The job he did on the trade bill was a very important part of it.

The American farmers understand that. We have a whole list of farm organizations that have now gone on record for it and I think much of it the Senator from Vermont is responsible for.

These are some of the agricultural groups supporting this bill:

The National Association of Wheatgrowers, Rich Millers Association, American Soybean Association, American Farm Bureau Federation, National Woolgrowers Association, National Milk Producers Federation, National Pork Producers Council, National Council of Farm Cooperatives, Farmland Industries, Land of Lakes, and Agriculture Processing, Inc.

They understand what this means. American farmers have lost their market share and much of it has been because of protectionism around the world, barriers put up to our products coming in.

Look at the people of Japan spending 27 percent of their disposable income on food and we spend 16 to 17 percent. Think what it would do to the standard of living of the Japanese if they dropped those barriers to agricultural products. Their per capita income has passed ours. It has gone above $20,000; or is at $18,000.

Our standard of living still surpasses theirs, and one of the primary reasons is the great productivity of the American farmer in providing us the kind of diet that we can have afforded to us if we have the good sense to pick the right ones.

Mr. LEAHY. Mr. President, will the Senator yield for a comment?

Mr. BENTSEN. Yes.

Mr. LEAHY. When we started working on this bill in the Senate Agriculture Committee—and the distinguished Senator from Texas was kind enough to provide significant input into it—I told the members and most of the farm organizations interested that we were not writing a Republican bill or a Democratic bill. We were writing a bill that would allow us to be

competitive. A bill that would enable the most productive agricultural sector in the world to compete on a level playing field.

I think that is why, as the distinguished Senator from Texas has noted, virtually every significant farm organization and commodity organization in the country supports this bill. This legislation allows our American farmers to compete on a level playing field, a place where they can compete as well as anyone in the world.

But I would also note for my colleagues here that we have been able to develop that kind of an agricultural title precisely because it is part of this whole trade package. That is why it is so necessary that it pass and that the President sign it, because most of us do have some farming interests in our States.

I do not think we could put this kind of an agricultural trade package together as a free-standing piece of legislation. We have been able to do it in the bill of the Senator from Texas.

Those who are concerned about the agricultural interests and well-being of their States have this as one more reason to vote for this piece of legislation.

Mr. BENTSEN. I thank the distingushed Senator for the major contribution he has made on this piece of legislation.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, so many people have been working so hard on this legislation it is impossible to list them all. I would note Bill Gillon, from the Senate Agriculture Committee staff, who has worked extremely hard with both sides of the aisle in putting this legislation together. In the last several weeks, he has gone back and forth in the conference—it has looked almost like a tennis match between the House and the Senate—working on the final provisions that finally brought the agricultural title of this legislation together. He has gone tirelessly, day and night, back and forth, working on that. I wanted to note that.

I also want to note my appreciation to Mike Sher of my personal staff who has done so much to advise me on so many parts of the non-agricultural parts of the trade bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, on July 21 of last year, the Senate adopted its version of omnibus trade legislation. At that time, I remarked on the impressive scope of the bill—the work of 9 Senate committees, 4 weeks of floor debate, nearly 150 amendments considered—and I urged the House and Senate conferees to strive for a solid compromise measure that could be enacted into law. Today, as the Senate considers the conference report on H.R. 3, the Omnibus Trade and Competitiveness Act of 1988, it is time to reflect on what we have achieved during the 9-month conference process.

As before, I am struck by the enormity of our accomplishment. Many said at the outset of the conference that the process was doomed to fail, that its structure was unmanageable and its task—reconciling two 1,000-page bills and stripping away the protectionist, anticompetitive filler—too great. The conference setup, involving nearly 200 Members of Congress in 17 subconferences, may have been awkward at times. But the fact is that the conferees succeeding in drafting a compromise measure, free of most of the truly controversial and counterproductive provisions. That was no small feat: It required countless hours of negotiations between the House, the Senate, and the administration, consultations with business and labor groups, and extensive staff work. Following that kind of effort, it is especially unfortunate that we now find ourselves at an impasse, deadlocked in a highly polarized debate over a peripheral provision that threatens to drag down the entire bill. We should not let that happen. This legislation is worth saving.

In particular, the trade portions of this bill represent a major advance toward a coherent trade policy based on reciprocity. Developed over the past 7 years, the concept of reciprocity represents a clear and workable alternative to the damaging excesses of protectionism and the unfortunate shortsightedness of free trade dogmatism. A middle ground between these extremes, reciprocity is based on a few upbeat, realistic assumptions: America can compete; our trading partners must recongize that trade is a two-way street; and the administration must exercise its authority to press for access in foreign markets for our competitive goods and services.

While we began to focus on the concept of reciprocity as early as 1981, the legislative foundations of this particular bill was laid in 1984 and 1985, amid congressional frustration about a critical lack of coherence and consistency in U.S. trade policy. The reciprocity measure I had introduced in 1982 was enacted into law as part of the Trade and Tariff Act of 1984, and, pursuant to its adoption, the administration announced the first self-initiated section 301 cases in the history of U.S. trade policy.

A bipartisan consensus on the need to revitalize our trade policy had just begun to develop, and it has flourished throughout consideration of this legislation. Indeed, the notion of reciprocity has reshaped the debate about trade policy—creating a consensus between Republicans and Democrats, Congress and the executive branch, business and labor. That alone is a big achievement.

The trade portion of H.R. 3, embodies within subconference 1, is good legislation and should become law. These provisions are vital to the conduct of our trade policy as we move toward the next century. For example, the bill grants the administration fast-track legislative authority to implement new multilateral and bilateral agreements aimed at reducing tariff and nontariff barriers to trade. This grant of negotiating authority is an essential prerequisite for active U.S. participation in the Uruguay round of multilateral trade negotiations [MTN]. Officially launched in 1986, the Uruguay round is aimed at strengthening the General Agreement on Tariffs and Trade [GATT], the foundation of the modern-day international trading system. These talks promise to be unique, including for the first time serious negotiations on such areas as agricultural subsidies, services, investment, and intellectual property rights. U.S. participation and leadership will be critical for the trade talks to succeed. Let me emphasize that without this grant of authority, the Uruguay round is dead in the water: Other trading nations simply will not engage in serious discussions about much-needed reforms in the GATT if they know our representatives don't have the authority to implement negotiated agreements.

H.R. 3 also sets out basic U.S. trade negotiating objectives; grants the President tariff proclamation authority; requires a midterm check on progress in the MTN; and includes the Senate-originated concept of a "reverse fast-track" process to guarantee active consultation with Congress on trade negotiations and agreements. In short, the bill offers much-needed authority and guidance for the executive branch to engage in trade-liberalizing negotiations, and it ensures that Congress retains its rightful role in trade policy formulation and implementation.

Another provision in the negotiating authority section of the bill that also

provides for congressional oversight is designed to prevent a potential crisis in the international trading system. This measure, initially introduced by Senator BENTSEN and myself, provides that before any major country accedes to the GATT, the President must determine the impact of that country's State trading enterprises on U.S. trade or the economy. The GATT would not apply between the United States and that country unless the latter agrees up front to meet certain conditions or unless Congress enacts appropriate legislation on a fast-track basis. This provision may seem obscure but is in fact aimed at coping with a potentially grave problem: It is meant as a deterrent to prevent this or any future administration from allowing the Soviet Union, perhaps as a gesture of goodwill, to join the GATT without first consulting Congress. Membership of the world's largest nonmarket economy in a consensus-based arrangement for market-oriented economies would surely have devastating consequences for the GATT. The GATT accession provision ensures that Congress will be consulted on issues of this magnitude.

H.R. 3 also makes key improvements in one of our most important trade policy tools, section 301 of the Trade Act of 1974. Specifically, these provisions are designed to encourage an aggressive, systematic—yet flexible—use of this statute: They ensure that foreign barriers to competitive U.S. exports face time-certain retaliation if negotiations aimed at eliminating the barriers or market-distorting practices are unsuccessful. Retaliation is mandatory in those unresolved cases involving violations of trade agreements or other "unjustifiable" practices—except under exceptional circumstances. While action remains discretionary in cases involving "unreasonable" or "discriminatory" practices, the statement of managers language makes it clear that Congress intends this statute to be vigorously applied in any case where there is a likelihood of eliminating the foreign barrier. Mandatory retaliation against trade agreements violations represents a fundamental change from current law, where section 301 has been used. These new provisions put our trading partners on notice that we expect them to play by the rules of the game; that violations of our rights in the trade arena will no longer be tolerated.

The single most important reciprocity initiative in the bill is, in turn, built on this newly revitalized section 301 process. The "Super 301" provision—which I coauthored with Senators BYRD, DOLE, and RIEGLE—establishes U.S. trade priorities and sets up a mechanism for a no-nonsense, nonrhetorical approach to major foreign barriers. The measure requires the administration to quantify the value of these barriers—in terms of expected U.S. exports in the absence of these barriers—and to pursue a dual track of negotiations and section 301 cases aimed at combatting them. Super 301 is unique because it is a barrier-based, results-oriented measure that uses a powerful tool to tackle the practices of those countries that persist in exporting freely without opening their markets to our competitive products. The clear-cut, bipartisan preference for Super 301 over the protectionist and self-defeating Gephardt amendment was an important theme throughout our deliberations on trade legislation. In my opinion, adoption of Super 301 was by far the greatest measure of the conferees' success in striving to reorient and invigorate this Nation's trade policy.

H.R. 3 also establishes reciprocity in telecommunications trade as a major objective of U.S. policy. Based on a legislative initiative that I initially introduced in 1984, this section of the bill calls on the administration to use access to the deregulated U.S. market as leverage in prying open foreign markets. Again, it combines negotiations and the threat of retaliation in a concerted policy to achieve clearly defined objectives. This measure has been a long time in coming, and represents yet another protrade, procompetitive victory for reciprocity.

The bill makes significant changes to improve the enforcement of our antidumping laws, especially against such persistent problems as circumvention—of both the President's Steel Program and other outstanding orders—and repeat dumping offenders. It also tightens our anti-subsidy laws in several important ways, covering such practices as subsidization by international consortia and leasing arrangements that are equivalent to sales. The conferees adopted provisions that should strengthen these essential statutes, while managing to deflect the most controversial—and, in some cases, potentially damaging—proposals.

The omnibus trade bill also overhauls section 201 of the Trade Act of 1974 to emphasize positive adjustment and to increase the likelihood that the President will provide temporary relief to those industries and workers truly in need. The escape clause was critically undercut by the President's decisions not to grant relief to the footwear industry in 1985, and H.R. 3 goes a long way toward restoring section 201 as an adjustment-oriented statute. Domestic industries seeking relief from imports would be required to show serious injury and demonstrate that they could become competitive if relief were granted. If the International Trade Commission agreed with the industry's case, the President would be required to take all appropriate and feasible action—in the form of trade or adjustment measures—that would facilitate this adjustment, unless he determined that the costs would outweight the economic and social benefits of relief. The compromise struck on section 201 carefully balances a stronger requirement for relief with greater Presidential discretion to determine the form of relief. Similarly, with respect to the Trade Adjustment Assistance [TAA] Program, the bill strikes a balance between expanding the eligibility pool to include secondary workers and oil and gas workers on the one hand, and conditioning receipt of TAA benefits on enrollment in a retraining program on the other. The emphasis on adjustment and retraining in the section 201 and TAA provisions clearly represents a significant improvement over current law.

Other important provisions in subconference 1 of the bill would: Strengthen our laws on intellectual property rights protection; implement the harmonized system of tariff classifications; repeal the windfall profit tax; permit duty-free entry of certain products used by domestic manufacturers; and require the presentation of trade statistics in a more useful form.

The good things in this bill are not limited to the work of subconference 1. H.R. 3 has useful provisions across a broad range of American interests. Export promotion provisions take many forms in the bill. For example, they include implementation of a triggered marketing loan program for major farm commodities in the 1990 crop year if there is no substantial progress in the GATT negotiations to eliminate export subsidies. The marketing loan provisions, backed by the use of the Export Enhancement Program, should provide substantial leverage in U.S. efforts in the MTN to tackle a major obstacle to our farm exports.

The bill also clarifies the scope of the Foreign Corrupt Practices Act so that U.S. sales opportunities abroad are no longer undercut because of uncertainties about this statute. Similarly, it modifies our export control laws in an effort to minimize unnecessary disincentives to U.S. exports.

In addition, H.R. 3 provides for a 1-year extension of the tied aid credit fund, or war chest, which provides American exporters with the necessary tools to combat predatory financing by other trading nations. It also liberalizes the regulations governing export trading companies in an effort to promote these types of arrangements.

In the area of investment, the Exon-Florio provisions would give the administration authority to prevent mergers, acquisitions, or takeovers of American companies by foreign interests if he determines that such control would threaten national security. This

measure—representing a carefully crafted compromise between congressional and executive branch viewpoints—is a responsible means of dealing with the increasingly prominent issue of foreign direct investment in the United States.

On the domestic side, there is a $980 million Worker Readjustment Program, favored by both the administration and the labor unions. In addition, there are measures aimed at improving this country's competitiveness by helping American businesses commercialize existing research and by encouraging small machine shop operators to learn more about automated manufacturing.

I believe the conferees did an admirable job of stripping away most of the controversial, protectionist measures that had swelled the bill. Gone are the Gephardt amendment, the Bryant amendment on foreign investment disclosure, mandatory use of quota auctioning, lamb quotas, sugar duty drawbacks, and a number of controversial proposals to modify U.S. antidumping and countervailing duty law. Gone, too, are other key provisions contained in the original House-passed bill that could have posed a serious threat to financial markets and U.S. competitiveness.

Supporters of the bill in its current form include: the U.S. Conference of Mayors; American Soybean Association; National Association of Wheat Growers; Rice Millers' Association; American Farm Bureau Federation; Transportation-Communications Inter-national Union; Domestic Petroleum Council, Inc.; Amoco Corp.; Ross-Martin Co.; Sun Co., Inc.; Unocal Corp.; Maritime Trades Department of the AFL-CIO; Seafarers International Union; St. Louis Labor Council; Phillips Petroleum Co.; International Longshoremen's Association; United Brotherhood of Carpenters & Joiners of America; International Brotherhood of Teamsters; United Association of Plumbers & Pipefitters; Arco; Amalgamated Clothing & Textile Workers Union; Association of Flight Attendants; International Union of Electronic, Electrical, Salaried, Machine & Furniture Workers; International Association of Bridge, Structural & Ornamental Iron Workers; the Committee on Pipe and Tube Imports—31 companies; Grinnell Corp.; Cyclops Industries; Glass, Pottery, Plastics & Allied Workers; Interfaith Action for Economic Justice; United Rubber, Cork, Linoleum & Plastic Workers of America; and Exxon Corp.

In addition to the unqualified support expressed by these groups, others have strongly endorsed the trade portions of H.R. 3. While these organizations oppose the bill as long as it contains the plant closing measure, their work and support for the trade provisions is still worth noting. These groups include: the Business Roundtable; Emergency Committee for American Trade; Chamber of Commerce of the United States; National Association of Manufacturers; National Federation of Independent Business; Small Business Legislative Council; Aerospace Industries Association; American Business Conference; and a broad range of individual companies across the nation.

Mr. President, this bill is the product of years of legislative activity. It represents untold man-hours of work by Members and staff, the administration, the business community, and others. Of particular note has been the work of key trade staffers on both sides of the aisle and on both sides of the Capitol. These staffers deserve our special praise for laboring to make this bill a reality. In particular, I would like to thank Jeff Lang, Marcia Miller, and Mike Mabile of the Senate Finance trade staff; Josh Bolten, Karen Philips, and others on the Finance minority staff; and Rufus Yerxa at the House Ways and Means Committee.

Mr. President, after years of work we appear to be one issue short of a historical consensus on the future direction of U.S. trade policy. I share the administration's wish that this remaining matter were not at issue in the debate over this bill. I cannot, however, share the willingness of the administration and key players in the business community to jeopardize the rest of this important bill over the issue of plant closing notification.

Mr. President, I would like to continue briefly on the question of the trade bill, and spell out why I think this is a major piece of legislation that deserves to be passed.

Mr. President, the first thing to be said about the trade bill is that it is indeed major legislation. Since 1974 only two other trade bills of any size have been enacted into law. There have been some other trade bills, but only two that were of any major substance. Those were the Trade Agreements Act of 1979 and the Trade and Tariff Act of 1984. This bill is much more far-reaching, much more comprehensive than either of those two efforts. Therefore, I think it is fair to say that this is a milestone in trade legislation.

Many people have commented on how long it has taken to enact and how many people have been involved in the process. This bill was passed by the Senate on July 21 of last year. The conference convened last summer. The conference involved nearly half of the Members of the Congress. The first meeting, sort of a plenary meeting of the conference, filled the large caucus room over in the Cannon Building, which is comparable to our caucus room here in the Senate. And we have been at this conference on and off ever since. It has consumed thousands of manhours of time. I say this only to point out that this is not legislation that has just been thrown together. This is something that has involved a colossal effort by both the House and the Senate, and by the administration as well.

When the bill was passed in the Senate, a lot of people expressed concern about the course of the legislation. A lot of people pointed out that there were some real problems with the House bill and that there were some real problems with the Senate bill. They said, "Well, we can't have legislation that looks like the House or the Senate bill. We are going to have to get rid of some of these provisions." People pointed out that it was possible to come together in the conference and pass good, sound legislation, but they expressed fear that we would not do so.

Mr. President, we set out in that conference to pass reasonable legislation. We worked with the administration to try to address some of its objections. I think it is fair to say, in fact, that we went overboard in the conference to try to deal with the administration's concerns. I was at a meeting in Senator BENTSEN's office, which was attended by the Secretary of the Treasury and the U.S. Trade Representative. They said, "Well, we have to get some more in this bill," and Senator BENTSEN produced a four-page single-spaced memorandum of concessions that we made to the administration in the bill. So the whole effort was to be responsible. The whole effort was to be accommodating, and that is what happened.

Some high officials in the administration tell us quite candidly that while the President does not necessarily agree with every detail of the trade legislation, the Ways and Means and Finance Committee provisions of this bill are acceptable to the administration.

Mr. President, we pulled off the hat trick. We pulled off a miracle. We were able to come together in that conference and work out something so the administration now says that while the bill is not perfect, it is something that the President would be willing to sign without the plant-closing provision.

Nothing is perfect. In a 1,000-page bill, nobody is going to give it 100 percent. But the fact is that it is acceptable. It is acceptable, and it is acceptable to the administration without being legislation that is empty, devoid of content.

This is tough legislation. It is legislation that is aimed at achieving market access with our trading partners. That is the theory of the bill, market access. And it accomplishes that objective. It provides tools for our trade negotiators to open up the markets of other

countries. It provides a much more systematic approach—in the super 301 provision—to cataloging, quantifying, and eliminating the unfair trade practices of those countries that have egregious patterns of unfair trade practices.

I think it is fair to say that right now, while we do have trade laws on the books, we really do not have a trade policy. The reason we do not have a trade policy is that there is nothing systematic about what we do. There is no systematic way of setting priorities for attacking unfair trade practices. There is so much discretion that there is a very real possibility that absolutely no action will be taken.

In the first 5 years of the Reagan administration, in fact, nothing was done. Under section 301 of the Trade Act, which is the basic provision dealing with unfair trade practices, not a single case was self-initiated during the first 5 years of the Reagan administration. I do not say this to criticize this administration, but only to point out that while legal tools do exist, at least in theory, under current law, it is also perfectly possible for those legal rights to grow rusty, to not be used at all.

Mr. President, when that happens, when there is never any enforcement, when there is never any effort to utilize our rights and to take advantage of what has been negotiated in international agreements, then international agreements are little more than unilateral concessions; they become opportunities for the United States to make agreements, to concede access to other countries without getting anything in return, because we are not ever going to insist on the rights under those agreements.

This bill says that we are not going to go the protectionist route at all. We are not going to go the route of the Gephardt amendment. We are not going to try to close the markets of the United States. We are, instead, going to make an effort to do business with other countries. We are saying in this legislation that the United States of America is open for business. We are saying in this legislation that we are a can-do country, that we can compete, that we are able to sell in the markets of other countries if we have access, but that we are going to insist on the rights that we have achieved in international negotiations, and we are going to insist on fair trade.

We have heard so much about the so-called level playing field of international trade that it has become a cliche. Everybody says it all the time: "Give us a level playing field." That is, in effect, what this bill does. It is aimed at leveling the playing field, and it accomplishes that in the provisions on section 301, super 301, and telecommunications trade.

Let me address the telecommunications trade provisions of this bill very briefly.

Prior to the divestiture of AT&T, the Bell operating companies were captive markets for Western Electric. With divestiture in 1984, the Bell operating companies were no longer captive of Western Electric. They could make whatever deals were in the best interests of the operating companies, and they did so. As a result, our market was instantly open to telecommunications equipment made in other countries. Meanwhile, the telephone companies of our trading partners were owned and controlled by the governments of those countries. Their policy was to buy their own products domestically. As a result of the AT&T divestiture, therefore, the American market was open and foreign markets were closed. That is not right.

So, what have we done about it in this bill? We have provided a time limit for negotiations. The administration will have up to 3½ years to negotiate with our trading partners to gain access to their markets; and if, at the end of that period of time, we have not gained access, then we are going to shut down access to our markets.

That is not protectionism, Mr. President. That is reciprocity. That is not an effort to erect trade barriers. It is an effort to knock down trade barriers.

People say, "Well, why enforce anything? Why retaliate? Does that do anything?" No, it does not. But without a credible threat, there is absolutely no incentive for another country to open its market. Why should it, if it has nothing to lose by protectionism? So there has to be some threat, there has to be some downside in the minds of our trading partners to their own protectionist policies.

Mr. President, if there is no enforcement, if there is no credible effort by the Government of the United States to try to open the markets of other countries, then the result is that our own people give up on the principle of free trade, throw in the towel, and say, "We don't want to compete." Then there really is pressure for protectionist legislation down the road. So the Telecommunications Trade Act, which is incorporated in this bill, is an example of the principle of reciprocity.

The bill also provides for a triggered marketing loan program for major farm commodities in the 1990 crop year if our efforts to eliminate foreign export subsidies fall short. There is nothing in this bill that compels the use of marketing loans. We do not force the President's hand. We give the President the ability to waive implementation of the marketing loan; he can, at the end of this process, say, "I don't want to do it." But, in the meantime, we have a 2-year period of time during which marketing loans are a real threat on the horizon. During that time, we give the President of the United States a mandate to negotiate with our trading partners to get rid of these totally ridiculous agricultural subsidies that have come to dominate world agricultural policy.

Mr. President, it seems to me that in agriculture, there are basically two directions in which we can go. We can go in the direction of more controlled production; bigger government; bigger costs; and higher subsidies. Along with that, we would necessarily close our market, because if we control production in the United States and we cannot control it in other countries, we have to be protectionist.

In the alternative, we could go in a more market-oriented direction by trying to open markets and to take advantage of our productive abilities in the United States. The concept that is built in this bill is to say that we want to be able to produce; that we have to be able to compete; and that we are going to provide real incentives to get into the markets of other countries. To me this legislation opens up the prospect of adopting the latter, market-oriented approach to agriculture.

So that is what we have done in this bill. It is not a minor piece of legislation. It is not a zero. It is significant. It is landmark legislation. There is absolutely no doubt about that. But it is also responsible. It is not protectionist. It is a good bill.

Mr. President, a lot of people—at least on my side of the aisle—say, well, we agree with everything you have said. We agree that it is good legislation. We think that the Senate Finance and House Ways and Means Committee did a responsible job. We think that most of the really objectionable things in this, such as the Bryant amendment, sugar duty drawback, and lamb quotas, were taken out. People say we are glad that was done. But there is still this matter of plant closing.

So, they say, what we hope is that the President will veto the bill, the veto will be sustained and the bill will come back as is, but without plant closing.

Mr. President, I would respond to anyone who said or thought that: How do you know? How do you know what is going to happen next? How do you know what is going to happen if a veto is sustained? How do you know what kind of bill the President would send to us? And if you do know what the President is going to send, how do you know what is going to be enacted by Congress?

People say, well, that is easy. Why, we Republican Senators can stand on the floor of the Senate and offer amendments to every bill that comes along, and the amendment would be the trade bill without plant closing. So

we offer an amendment. So what? If the amendment is voted on, who is to prevent somebody else standing up and offering an amendment to that same bill on plant closing or on the Bryant amendment or anything else? Who knows what the work of the Senate would be? Who knows what would happen in conference?

I would further submit to the Senate that there are not that many bills coming out of the Ways and Means Committee to which a trade bill could be attached. Who knows that Congressman ROSTENKOWSKI would do? Who really believes that Congressman ROSTENKOWSKI is going to allow us to repeal the windfall profit tax again? Who is gullible enough to believe that?

We cannot predict the result if this bill is defeated. We cannot predict what will happen next to the trade bill, to the repeal of the windfall profit tax, or to anything else in this legislation. We are dealing with a hand of wild cards, and we do not know what will happen.

On the other hand, we do know what is in this bill, Mr. President. We know exactly what is in it. We have had the opportunity to study it. We know what is in it, and we know that it is a darn good work product, a darn responsible job. We can be proud of it. Some day we are going to pass a trade bill. But who knows what is going to be in it? Who knows what mischief can be wrought in some further legislation? But we know the mischief that has been taken out of this bill.

So, Mr. President, let us pass it. Let us pass it by a large margin, and then let us wait for the veto message which I suppose is inevitable. Then, let us vote to override the veto—with a kind of heavy heart, because nobody, especially on my side of the aisle, likes to vote against the President on a veto.

But, Mr. President, let us get on with it Let's take our victory, take our gain, take this good legislation, pass it and put it behind us, so that we don't need to guess any longer about what is or is not going to happen next.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from Missouri for his very fine talk as to the status of this piece of legislation, what it means to America, what it means to American jobs, what it means to American farmers.

I heard him make the comment that this piece of legislation will help get rid in the long run of some of these ridiculous subsidies that we see that distort the marketplace. I think he is absolutely right in that regard.

I recall meeting with one of the leading officials of the European Common Agricultural Policy, and he was talking about how this piece of legislation was bad because it had a farm marketing loan program in it. I said:

Not at all, because maybe it will finally bring you to the table. For years and years we have tried to get you to put on the agenda for GATT the question of subsidies and the question of agriculture and you resisted it and resisted it.

Now we put this in and we are going to take you head-on. Now, if we can make some serious progress in GATT over the next couple of years, this will not be a problem. We will have it taken care of under the GATT agreement. But if not, then we will see how it comes out if both of us play at that game as we try to restore America's market share in the international world community.

But I am sure that that provision and that piece of legislation is being used very effectively right now by our trade negotiators. That is some of the muscle that is in this bill. That is getting the attention. It is one thing to put agriculture on the agenda. It is quite another thing to make some progress on it.

Without this kind of pressure I do not think the progress will be made. This trade bill helps bring that about.

I am delighted to hear the comments of the distinguished Senator. He has been a major part of this piece of legislation and it is not by any accident it is named the Bentsen-Danforth trade bill that came out of that Finance Committee because the two of us worked shoulder to shoulder in a bipartisan way to try to be bridge builders to develop a consensus for a good trade policy for our country. I think the bill brings about just that.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I rise in support of the trade conference report, the culmination of a 3-year effort to revise our Nation's trade laws. The distinguished chairman of the Finance Committee, Mr. BENTSEN, and the conferees deserve our praise for their leadership and hard work on the final version of this important measure.

The bill considerably strengthens our ability to deal with unfair trade practices by other countries. The President is required to retaliate when foreign countries violate trade agreements, and the authority to determine whether a foreign practice is unfair is shifted from the President to the U.S. Trade Representative. The definition of unfair trade practices is broadened to include export targeting, foreign cartels, and refusal to grant worker rights. The administration is directed to set priorities for action and take greater initiative investigating unfair trade practices, with the intent of obtaining the removal of these practices over a 3-year period.

The legislation also provides negotiating authority for the next round of multilateral trade talks under the GATT. Our country has a tremendous stake in the outcome of these negotiations; the next President will negotiate on such vital issues as agricultural subsidies, trade in financial services, and intellectual property rights. The negotiating objectives for agriculture, as amended by me on the floor of the Senate, would prevent the administration from eliminating agricultural stabilization programs while pursuing limitations on export subsidies and surplus-inducing domestic subsidies. This approach should significantly improve the chances of reaching reasonable agricultural agreements in Geneva.

Other major provisions seek to promote competitiveness in industries injured by imports. To obtain import relief under this section of the trade law, industries would need to prove economic injury and demonstrate that temporary relief will facilitate their recovery.

Competitiveness is also fostered by provisions to revamp the Trade Adjustment Assistance Program by placing more emphasis on worker retraining. The conference report also authorizes comprehensive services for displaced workers who lose permanent jobs for reasons besides trade—because of plant closings and mass layoffs, for example. This assistance, authorized at $980 million in fiscal 1989, should reach greater numbers of displaced workers than existing programs under the Job Training Partnership Act have been able to serve.

Provisions requiring advance notification of workers affected by plant closings have sparked considerable controversy—including veto threats from the White House. I believe that this opposition is unfortunate: working men and women deserve some warning that their jobs are about to be eliminated. Companies with fewer than 100 employees do not have to comply with the advance notice provisions if they shut down a plant. Exemptions are also made for firms faced with an unpredictable natural or business disaster and for firms taking steps to keep a failing plant in operation by seeking new business. Nothing in the trade bill affects a company's decision to close a plant or institute layoffs.

The requirement for 60 days' notice is intended to reduce the jolt to workers and their communities when this happens—to give workers a little time to make a smoother transition to new employment. I hope that the President will reconsider his position on this issue when the omnibus trade bill reaches his desk.

Among the best features of the measure are the provisions giving the President the tools to negotiate new agricultural agreements at the next round of GATT talks in Geneva. The President will be able to initiate an expanded export enhancement program or marketing loan programs for wheat, feed grains, and oilseeds if the world's agricultural producers are unwilling to end their subsidies of exports.

These bargaining tools are critical to the American farmer for several reasons. Over the past few years, the U.S farmer has had to compete with heavily subsidized exports from other producing nations. In order to retain its traditional markets, the U.S. implemented the Export Enhancement Program [EEP] to match foreign subsidies. While we have succeeded in regaining markets for our exports, the cost has been a war of subsidies with other nations. This war has helped reduce farm prices to the lowest levels in decades, benefiting neither our farmers or theirs. But despite these costs, the EEP has helped keep our farmers competitive in world markets, and having the option to expand the program is valuable.

The damage from the price war is visible everywhere. Farmers' cash receipts from the market for food, feed grains, and oilseeds reached a 25-year low in 1987. Wheat and rice—food grains—farmers received only $4.2 billion from the market—less than half of the average for the years 1960 through 1987.

The American farmer needs a fair chance to compete in world markets. To gain that opportunity, farmers need a GATT agreement which will limit subsidies in many countries. While it is naive to believe that Europe and Japan will eliminate all subsidies to agriculture, it is possible to structure the subsidies in such a way that they do not encourage surplus production.

In addition, it is important that the producing nations and developed nations share the cost of a world food reserve. The United States has often carried the major share of such reserves—a critical and costly necessity which should be the responsibility of all developed nations. Currently, only U.S. farmers cut back during periods of surplus. We have taken nearly 80 million acres out of production this year to reduce the world's surpluses. Again, the U.S. farmer and his suppliers are asked to bear the burden of reducing global commodity surpluses, while other producers enjoy the price benefits of our production cutbacks. The U.S. farmer and taxpayer should not be required to bear this double burden of providing a food reserve and managing the world's grain stocks alone.

Mr. President, I strongly support the trade bill and have cited many of its constructive features. However, we should harbor no illusions that this legislation can solve the problem of our massive trade imbalances. In a world in which the dollar is allowed to float freely, the major force determining the value of that dollar is how real rates of interest in the United States compared with the rest of the world. In the early 1980's, the real rate of interest in the United States was pushed to historic highs by the combination of massive budget deficits and restrictive monetary policy. As a consequence, the dollar appreciated by nearly 70 percent between 1979 and 1985, stifling exports of agricultural commodities, manufactured goods, and other U.S. products. The overall trade balance, which had been in surplus in the late 1970's, swung to record deficits in the 1980's—reaching $156 billion in 1986 and $171 billion in 1987. And agricultural trade, which has consistently showed large surpluses, slid into deficit during the summer of 1985 because of the overvalued dollar.

These policy mistakes have driven farmers off the land and small businesses into bankruptcy at the highest rates since the Great Depression. Tens of thousands of hard-working Americans have lost their jobs as their factories closed. We cannot let this happen again.

The omnibus trade bill should help to make our trading system fairer—and that's very important. Some countries have unquestionably engaged in unfair trading practices; some of our competitors have not respected the rules. But the United States has been running trade deficits with virtually all of its major trading partners. What changed dramatically in the 1980's was macroeconomic policy—not the trading practices of other countries. We won't succeed in turning the trade deficit around unless we attack the roots of the problem.

To begin with, we need a much more ambitious plan for reducing the budget deficit. The savings achieved through last years' budget summit agreement were simply inadequate. We need to reverse the mix of overall economic policies—to combine fiscal restraint with an easier monetary policy. But that won't happen, in my view, until we demonstrate that budget deficits are steadily declinning—on a year-to-year basis.

Exchange rates are more favorable now than they were in 1985, thanks to coordinated actions on monetary policy by the developed countries. But there's room for future improvement: The dollar has not declined much relative to the currencies of most of the newly-industrialized countries—or some of our leading agricultural competitors. Although the trade deficit should decline in response to the depreciation in the dollar that's already occurred, it will not be possible to achieve a balance at present exchange rates. Continued easing of monetary policy is what we need—but we won't get it without convincing action to reduce the budget deficit. Instead, under current policy, we're running the risk of higher interest rates and repeat of the misguided effort to prop up the dollar that preceded the stock market crash last fall.

Mr. President, flawed economic policies, high real interest rates, and unfavorable exchange rates have clobbered our Nation's farms and many of its industries. While this trade bill addresses parts of the problem, the larger task of reducing the deficit and reshaping overall economic policy lies ahead. We must turn to these problems with the same energy and persistence that has brought this landmark trade legislation to the point of final passage.

UNITED STATES POLICY IN PANAMA

Mr. SIMON. Mr. President, I want to address the problem of Panama. I think we have to recognize that our policy toward Panama is a flawed policy, and the sooner we recognize that the better. Panama was created by the United States of America. There is no other country about which we can say that. Panama uses the American dollar. They do not have their own currency. Panama really is a creature of the United States, and so we have some special responsibilities there.

The leader of Panama, General Noriega, is a dictator whose suppression of human rights was ignored for much too long a time and whose drug dealings we tolerated because he was helping the Contras. Then he was indicted, and we said there has to be a change.

Frankly, we were too heavyhanded about it. What is happening now is that we are hurting the people of Panama and we are not doing anything that is causing the removal of that military dictator.

It is probable, or at least possible, that had we kept our hands out after he was indicted, the people of Panama would have taken care of it themselves. But that has not happened, and it is time to recognize that our policy has to change because we are hurting ourselves mightily, we are hurting the people of Panama in the short range, and we are doing some devastating long-term damage to the economy of Panama.

The other day I called Archbishop Marcus McGrath, the Roman Catholic Archbishop of Panama. I have had the opportunity of getting acquainted with Archbishop McGrath and have learned to have great respect for his judgment. I asked him about policy. He said as a matter of fact that afternoon the 11 Roman Catholic bishops of Panama were issuing a statement on the situation in Panama. In that statement they talk about the military dictatorship, and they use that phrase, not an easy thing to do when you are living under a dictatorship.

In the statement, however, they also have this to say:

> The crisis struck the economy again when the Government of the United States of America increased considerably the economic sanctions already in effect against the

country. These have affected the functioning of the government structure and have dealt a strong blow to all the people especially the most poor and needy.

As church and as Panamanians we reject these measures which violate national sovereignty. We consider that, given the dependent structure of our economy, these exceed any strategy of political pressure and become a threat to the life of our people. They are, therefore, morally unjust. For that reason, we demand that they be suspended immediately. In the same way reject all forms of military intervention.

I ask unanimous consent, Mr. President, to insert in the RECORD the full statement of the Panamanian Episcopal Conference, a statement of 11 Roman Catholic bishops criticizing the military dictatorship of Panama but also criticizing United States policy toward Panama.

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

PASTORAL MESSAGE OF THE PANAMANIAN EPISCOPAL CONFERENCE

To our brothers and sisters in the faith, to all Panamanians, to men and women of good will who reside in our country, peace and benediction.

Deeply concerned, but full of hope in the Lord of life, we address ourselves to all of you in view of the critical situation the country is going through:

I. LET US OBSERVE THE PANORAMA:

1. The universities are making an effort to open, while the schools remain closed. Health centers are running out of medicines and medical supplies. The banks have opened only to receive deposits, but not for withdrawals or financing for the people. A high percentage of industry and commerce has declared itself bankrupt. The number of unemployed in the private and public sectors mounts to tens of thousands, while the work stoppage continues to increase. Agricultural production is beginning to diminish and there is not sufficient planting being done for the future. The lack of currency is bringing thousands of Panamanians to misery and desperation and the number of Panamanians leaving to other countries is beginning to take on disquieting dimensions. Meanwhile delinquency in our cities is increasing at an alarming rate.

All this has motivated a series of diverse reactions, above all in political sectors, both of patriotic ideals and of excessive ambitions; of generous desires of struggle for liberation and of sectarian party passions; of doubts and mutual misgivings, even of hatreds and reprisals, which would make of our country a sinister battlefield.

2. We cannot continue like this. We are brothers, living together and sharing, by the Grace of God, a sky and land that configures one same country for all. For that reason we direct our urgent call to the government and to the opposition, to civilians and military, to all honest men and women, to share a same common patriotic concern in searching for a rapid solution to the grave crisis that has prostrated the nation in a state of agony.

The most serious part of the situation is that there is no glimmer of a solution, nor is there a properly integrated dialogue that can offer real hope. And there begins to be dramatic talk of an authentic catastrophe, of the slow death of the nation . . .

3. As pastors and spiritual guides, individually and in consultation with the clergy, Religious and lay people, and also collegially through the Panamanian Episcopal Conference (CEP), we have frequently addressed ourselves to "all men and women of good will who live in Panama with us, to bring a message of faith and reflection in view of the diverse problems that we have shared together" (Pastoral Letter of the CEP, Feb. 5, 1988).

Some public moments have demanded special attention of the Conference. Such it was as in the case of the signing of the Canal Treaties—when the Bishops achieved wide moral support in favor of Panama's rights—that the CEP issued a long letter about the necessary return to a real democracy (Pastoral Letter: "The Situation of the Country," June 29, 1978). In the same line, and in a more detailed manner, on the eve of the first direct presidential elections since the military coup of 1968, the CEP published a Pastoral Letter, "About the Present Moment" (Feb. 5, 1984). Likewise, within the framework of these and other similar orientations, the study on poverty in Panama, "Toward a More Human Economy," promoted and realized by the Church, takes on great significance (May 1, 1985).

All these documents reflect the great desire of this Panamanian Church to offer the light of the social doctrine of the Church, to illumine with the depth of faith and the Word of God the particularly conflictive situations of our people (see *Puebla*, No. 470).

4. Despite all this, our voice has not always been heard. For that reason, today we once more raise our prophetic cry before the relentless persecution suffered by all the people, victims of external pressures and internal intrigues, to say to all Panamanians: For the love of God and neighbor, the supreme law of the Lord, let us put a stop to the fights and animosities that are destroying the heart of the nation! Enough of ambitions and political protagonisms that are destroying the country! The nation is in danger! Let us save Panama!

Before a situation of such urgency no Panamanian can idly shrug his shoulders nor exempt himself of responsibility.

5. The first reaction of the Church as a people has been to go to the help of the most needy, particularly through CARITAS in the various Dioceses. This gesture has proven once more that a shared need is sign of the most genuine solidarity.

The action of the Church, united to the efforts of civic groups, entities and persons, has helped to humanize the crisis and to not lose hope in a just solution.

The simple faith of the people, on the other hand, has reacted to the crisis with prolonged manifestations of prayer and penance, crying to heaven with full conviction that the Lord is present in the midst of a suffering people.

This devout spirit, expressed strongly during Lent and Holy Week, continues full of fervor in the midst of paschal joys and offers us the keynote of brotherly and national reconciliation as the only effective way out of the crisis that we are suffering.

II. CAUSES OF THE NATIONAL CRISIS

6. The principal causes of the national crisis are:

a. A capitalist economy, alien to the basic needs of the immense majority of the people.

b. The intervention of foreign powers and their economic domination, with the resultant dependency that impairs national sovereignty and identity.

c. Official repression and military and paramilitary action in repeated violation of human rights.

d. Widespread corruption in public and private sectors.

7. All these causes have converged with force around the political problem that the nation has been experiencing since the elections of 1984. The very serious accusations of Retired Col. Roberto Diaz Herrera made this problem worse in June 1987 and motivated frequent popular protests of a peaceful nature which were severely repressed.

From the very beginning, the political problem had serious repercussions in the economic life of the nation, above all on the stability of the banking system. The banks were able to partially recover, and the year ended with relative normality.

8. In the first months of this year, the political problem worsened considerably because of the crisis of constitutionality brought about by the forced separation of President Eric Arturo Delvalle from his position, after his having attempted to separate from his position the Commander of the Defense Forces. The most serious aspect of the political crisis became evident then: the predominance of the military in almost all aspects of national life, including the social communication media, and many political and popular organizations of the nation, as well as the lack of subordination of the Defense Forces to civil authority. All this, under the protection of Law 20 of 1983, is a clear manifestation of a de facto military dictatorship.

It is necessary to emphasize the importance that the Defense Forces have and the respect that they merit as a highly trained professional body for the defense and security of citizens. The military are as much "of the Panamanian people" as are the rest of the citizenry. As pastors of them also we remind them that they owe their loyalty to God, to the nation, and to the Armed Forces in that order.

9. The crisis struck the economy again when the government of the United States of America increased considerably the economic sanctions already in effect against the country. These have affected the functioning of the government structure and have dealt a strong blow to all the people especially the most poor and needy.

As Church and as Panamanians we reject these measures which violate national sovereignty. We consider that, given the dependent structure of our economy, these exceed any strategy of political pressure and become a threat to the life of our people. They are, therefore, morally unjust. For that reason, we demand that they be suspended immediately. In the same way we reject all forms of military intervention.

This crisis confirms the need to examine the Panamanian economic model, as we Bishops have expressed on various occasions, giving priority to an economy which is more favorable to the majorities of the needy. But at the same time it has produced a general restlessness expressed in attempts at peaceful protests that have always been strongly repressed; besides having limited the freedom of expression and legal protection against arbitrary detentions.

10. We repudiate the fact that those in power manipulate the concept of national sovereignty and the defense of our rights over the Canal, as if they were the only ones responsible for the country or who identify with it, excluding other citizens

whom they classify as traitors and as bad Panamanians. The country is not only the government; the country is all of us!

We denounce the apathy and incompetence of many government organisms, national as well as local, in face of the prolonged agony of the people and the rapid deterioration of all our institutions.

We are troubled by the attitude of certain functionaries and consultors of the government, radicalized in their positions, whose statements and activities seem to seriously go against the democratic institutions of the nation. In this context we are concerned about the increased militarization of civil groups and the creation of the "national system of information."

11. In regard to the groups of opposition, we recognize the merit of their struggles in defense of human rights and the restoration of democracy; however we note that at times they have aggravated the crisis by certain intransigence for dialogue, for party or personal interests, or by their lack of programs of clear social content.

III. CONCLUSION:

12. The basic issues of the crisis demand, for their careful and adequate evaluation and solution, a true National Dialogue, which we have proposed many times. This should be done with time, and with the free and effective participation of all, especially of the popular sectors.

13. On the other hand, the concrete response to the present crisis requires effective consultations and decisions on a much shorter term. It cannot wait. For this reason, the principal political forces of the government and of the opposition should sit as soon as possible at the table of dialogue. No one should postpone, for personal or party interests, the true welfare of the Panamanian people.

14. To facilitate this so needed dialogue, a group of prominent statesmen of Latin America and Spain proposed a mediator in the person of the Archbishop of Panama, of whom they asked this service. After consulting the Episcopal Conference and counting with its support, the Archbishop expressed his willingness, conditioned to the acceptance of this mediation by both sides. In effect, both sides have written to request his mediation.

Nonetheless, it has still not been possible to initiate formal conversations, for reasons that have been made known to the public. An important part of the problem arises from the frequent and offensive attacks on the Church and on the Archbishop, particularly on the part of the social communication media inclined toward the government and obviously opposed to this dialogue becoming really effective.

The Archbishop of Panama remains willing to promote this dialogue, in the capacity of mediator, as has been requested; yet happily accepts that this task be done by whomever can do it best. The important thing is that both sides really come together, with genuine interest and commitment, that they do it soon, and that appropriate conditions for the dialogue be created.

15. In effect, true and civic dialogue requires an atmosphere of freedom. For that reason it is essential that Panamanians' citizens' rights be respected, especially the right of free expression (Article 37 of the National Constitution), of free meeting or protest (Article 38), and a personal freedom against all arbitrary detention (Article 21).

16. Can we continue insisting on dialogue, prompt and effective, as an initial solution to the crisis that we are experiencing? We believe so, and that working for dialogue is the Christian duty of those who work for peace (cf. Mt. 5:9).

How can we help? By insisting through prayer and penance before God—in homes, parishes and movements—as well as among ourselves and with others, through meetings and pastoral assemblies of reflection about the Church and the national reality. This Pastoral Message, as well as the principal recent documents of the Church, can be helpful reading. We have to fully inform ourselves, not only about the actual situation, but also about the social and moral doctrine of the Gospel and of the Church that must guide us toward a renewed Panama, that can be just and fraternal, in true solidarity.

17. As pastors of the Church and in reference to our public actions we have received criticisms and recommendations, many times made with honest and positive criteria. We sincerely recognize our weaknesses and deficiencies and we ask the favor of your prayers for a witnessing and active commitment in order to correct our wrongs, and inspire more and more solidarity, freedom and justice for all, especially the poor and marginated.

18. We request the solidarity of the people of Latin America and of the whole world, with our people who today suffer a double oppression, external and internal, in the search for a more just, democratic and free society. In this spirit we make our own the prayer of Pope John Paul II in his recent encyclical: "The Social Concern of the Church": "Oh God, who gave origin to all peoples and wished to form them in one family in your love, fill our hearts with the fire of your love and awake in all men and women the desire for a just and brotherly/sisterly progress so that each may be realized as a human person and equality and peace may reign in the world. Amen."

PANAMA, *April 20, 1988.*

Mr. SIMON. Then, Mr. President, I also ask unanimous consent to enter into the RECORD an article from Newsweek of April 18. I will read two sentences from that article and then I would like to insert the full article in the RECORD. It says:

Any attempt to drive Noriega from power through force might inflame anti-American sentiment throughout Latin America. But a continuing squeeze on the country's once thriving economy runs the risk, as one senior administration official mordantly noted last week, of destroying the country in order to save it.

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

BACKWARDS STRATEGY—THE CAMPAIGN AGAINST NORIEGA MISFIRES

A key leader of the Panamanian opposition summed the situation up last week. After one month of American economic pressure and a general strike, said Eduardo Vallarino of the National Civic Crusade, "we're faced with the worst scenario: the destruction of the financial center and Noriega still here." The United States "has not contributed anything except to attack our banking system," he said. "We wanted that, but we didn't want just that."

The Reagan administration's campaign against Panamanian strongman Gen. Manuel Antonio Noriega seems to be at an impasse. Any attempt to drive Noriega from power through force might inflame anti-American sentiment throughout Latin America. But a continuing squeeze on the country's once thriving economy runs the risk, as one senior administration official mordantly noted last week, of "destroying the country in order to save it." And if Noriega survives, U.S. prestige and influence in the region will take a severe beating. How did the United States get into such a fix? Last week administration officials engaged in a bitter round of recriminations as they sought, through leaks and background briefings, to explain. The story that emerges is a case study in how not to conduct foreign policy.

The first miscalculation came even before a federal grand jury in Miami indicted Noriega on drug-trafficking charges last Feb. 4, sparking the U.S. demand for his ouster. The indictment actually gave the general an incentive to stay put in Panama; there, at least, he was safe from extradition. But at interagency meetings on the issue before the indictments, no one from the White House made this obvious argument. Why? Fear of leaks, explained one participant: no one wanted to look soft on drug dealers in the newspapers the next day.

At the same time, there was no strategy for toppling the dictator. "We announced a result—that Noriega must go—and then started thinking about how to make it happen," says a senior White House official. "That's completely backwards." After legal maneuvers by Panamanians in Washington dried up the country's cash supply, Assistant Secretary of State Elliott Abrams blithely began predicting the Noriega would fall within days. He was counting on a coup attempt by the Panamanian Defense Forces (PDF), and he got one—but it quickly turned into a scene out of an opéra bouffee. On the morning of March 16, Col. Leonidas Macías arrived to seize the Panamanian Defense Force's main garrison in Panama City. According to administration sources, the coup plotters accidently locked the door behind then, trapping themselves in the building. They were promptly arrested and handied over to Noriega.

In his years as head of the National Security Council, Henry Kissinger used to tell his staff always to ask "What next?" If plan A fails, there must be a plan B. But in the case of Panama, the administration was sharply divided over the next move. At State, Abrams suggested using force—either a covert operation to abduct Noriega or the use of U.S. troops to overthrow him. The PDF, he argued, would fall "like a house of cards." The Pentagon, however, feared bloodshed, civilian as well as military, and a wave of Yankee-go-home rioting throughout the region. "State always talks about 'surgical' military operation," said one senior Army officer. "There is no such thing." The Joint Chiefs of Staff also fretted about a successful overthrow: if other foreign leaders saw Uncle Sam disposing so quickly of an erstwhile ally, they might be less willing to accommodate U.S. military bases on their own soil. The Pentagon promptly leaked Abram's plan in order to kill it.

While State and Defense bickered, Noriega dug in, purging the PDF and forcing some businesses to reopen. Once considered a useful asset by the CIA, the corrupt soldier U.S. officials dubbed "rent-a-colonel" turned to Cuba for help. He imported three planeloads—48 tons—of weapons from Fidel Castro and surrounded himself with Cuban advisers and Israeli-trained bodyguards. State Department officials fear that the longer the United States waits to move

against Noriega, the harder it will be to dislodge him. They privately hope for an incident—such as an attack on U.S. citizens in Panama—to provoke President Reagan into military action.

FACE SAVING

More in desperation than in anger last week, President Reagan invoked the International Emergency Economic Powers Act and blocked U.S. companies and citizens from making further payments to Noriega. But the opposition within Panama shows signs of splintering. President Eric Arturo Delvalle is demoralized and in hiding; Noriega is threatening to arrest him and seize his family's rich assets, including the largest sugar mill in Panama.

The administration may still be able to work out a face-saving deal with Noriega. But even if the dictator accepted exile with a grant of immunity from extradition, the corrupt PDF may still hold power—with no guarantee that Colombian drug lords would not continue to use Panama to launder money. Indeed, some administration officials speculate that Noriega is afraid to leave Panama because he fears assassination by the Medellin cartel, to which he is said to owe substantial sums. That Noriega should fear drug dealers more than the United States is a measure of American influence in the region.—DOUGLAS WALLER *and* JOHN BARRY *in Washington with* CHARLES LANE *In Panama*

Mr. SIMON. After talking to Archbishop McGrath, I also called President Carter. President Carter knows more about Panama than probably any President of the United States has known since Theodore Roosevelt, and perhaps he knows more about it than Theodore Roosevelt knew. I do not know. But there is no question that Jimmy Carter is very knowledgeable. He had an article in the Washington Post, an op-ed piece. He said it is the second op-ed piece he has written since he retired as President. It is called "Let's Use a Little Diplomacy in Panama."

Let me read just three paragraphs from that article:

During the debate on the canal treaties, several senators felt that we should insert an amendment that permitted the United States to intervene in Panama's internal affairs. This effort met with vigorous opposition from all Panamanians and was rejected by me and the U.S. Congress. Panama does not belong to the United States. It is a sovereign country, and our relationship should be built on that premise.

Our pledge not to intervene in its internal affairs does not mean that we should be unconcerned about human rights and democracy in Panama. Quite to the contrary, we are legitimately concerned that the human rights of the Panamanian people have been systematically violated under the present government.

Then the final paragraph and conclusion in President Carter's article:

Ultimately, Noriega is more likely to give up his authority as a result of unpublicized pressures and enticements than through public challenge and sustained punishment of the citizens of his country. The United States will be better served if we work with our Latin American friends rather than unilaterally confront the small country.

I ask unanimous consent to enter the full President Carter article in the RECORD.

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

LET'S USE A LITTLE DIPLOMACY IN PANAMA

(By Jimmy Carter)

Ten years ago, the Senate ratified the Panama Canal treaties, which guaranteed that the canal would stay open and that Americans and Panamanians would operate the waterway together until the end of the century. After the year 2000, the United States reserved the right to defend the canal against external threats and to have priority in using the waterway during times of emergency. Latin America was united in its support of Panama's legitimate request for a new relationship with the United States, and I realized that the best way to secure the canal was by new treaties that would protect our nation's interests and transform a resentful neighbor into a cooperative partner. Sixty-eight senators agreed.

Today, despite the turmoil in Panama, the canal continues to operate smoothly. Problems that have emerged in the normal operation of the canal continue to be resolved by Panamanians and Americans. There have been attempts to politicize the canal by both governments; these have been shortsighted and, "we can be thankful, have been raised effectively by the canal's professional managers. It is a serious mistake to withhold the collected fees or allocate them in any way that violates the treaties.

During the debate on the canal treaties, several senators felt that we whould insert an amendment that permitted the United States to intervene in Panama's internal affairs. This effort met with vigorous opposition from all Panamanians and was rejected by me and the U.S. Congress. Panama does not belong to the United States. It is a sovereign country, and our relationship should be built on that premise.

Our pledge not to intervene in its internal affairs does not mean that we should be unconcerned about human rights and democracy in Panama. Quite to the contrary, we are legitimately concerned that the human rights of the Panamanian people have been systematically violated under the present government.

I told Omar Torrijos, who was then head of Panama's government, of my hope for democracy for his country and that the partnership between our nations could be strengthened only if Panama were to become a democracy. He pledged his commitment to that goal and began to take steps toward reaching it. However, after his death, Panama's progress toward democracy was slowed and eventually halted.

It is clear that most of the people of Panama would like to replace the military dictatorship of Gen. Manuel Antonio Noriega with a democracy. His connection with international drug traffickers is a special embarrassment to his proud countrymen. The question for the United States is what is the best and most appropriate way to assist democratic Panamanians in this objective.

We should pause and consider three points. First, the United States should cease taking actions that focus suffering on the Panamanian people. If the U.S. government is correct about Noriega's character, he is unlikely to be moved by the damage we are inflicting on his fellow countrymen; moreover, he uses his control of the news media to lay maximum blame for their woes on the United States. Second, our highly publicized efforts to ratchet up the pressure only appear to be driving Noriega into a corner, when what is needed is a more diplomatic guide to an exit. Third, our attempts to damage the economy of Panama have alienated our Latin American friends. Recently, 22 Latin American governments concluded a meeting on Panama by condemning U.S. policy, not Noriega. Despite this, recent efforts by several leaders offer an alternative to Washington's heavy-handed tactics.

During the canal treaty negotiations, I relied on the advice of three incumbent presidents of democratic nations: Carlos Andes Perez of Venezuela, Daniel Oduber of Costa Rica and Alfonso Lopez Michelsen of Colombia. The treaties could not have been concluded without their help. Today these same three men are trying to help meditate the crisis in Panama. Instead of ignoring or undermining their efforts, we ought to be lending them our full support.

The movement of additional troops to Panama and the report of a firefight have raised tensions to a dangerous level. There is still time to defuse a potentially explosive confrontation. On behalf of the nation, the president should, first, reaffirm our intention to fully honor our obligations under the canal treaties. Second, we should stop punishing the people of Panama. Third, the president should appoint a competent and trusted representative to work with the Latin American and Panamanian leaders, including Gen. Noriega, to explore various ways to permit the general to save face and restore the nation's hope for democracy.

Ultimately, Noreiga is more likely to give up his authority as a result of unpublicized pressures and enticements than through public challenge and sustained punishment of the citizens of his country. The United States will be better served if we work with our Latin American friends rather than unilaterally confront the small country.

Mr. SIMON. What we are doing in Panama is, as I said, hurting particularly the very poorest of the people there. It is doing long-term harm to our own long-range political goal, and that long-range goal is stability in that area of the world. It is doing something that is extremely significant. It is reinforcing the image that we have in Latin America of Uncle Sam being a bully and an exploiter.

It is significant I think that not a single Latin American nation to my knowledge is supporting what we are doing in Panama. With so many people in Latin America privately saying Noriega should go, why is not a single country standing up and saying Uncle Sam is doing the right thing?

I think there are two reasons. One is they have to be saying if the United States is going do something like this to Noriega, with whom they have been dealing on Contras and everything else, they may try to do this with us.

The second thing is the United States, frankly, has not tried to work in concert with other nations on this whole problem. So I think we are making a great mistake in our policy there.

Now, the question comes then, what should we do? No. 1, we ought to ask someone like President Arias of Costa Rica to intervene in the situation to see what can be worked out. We already know that one country has publicly stated they are willing to take Noriega and to give him asylum. Another country, I have been told by responsible officials, is willing to do that. I do not know what the answer is, but let us let someone like President Arias do that.

I called President Carter after his article appeared, and he suggested three leaders of Latin America who might negotiate a way out of this thing. Let us try to do that.

Second, at the same time while we make clear our disapproval of the Government and their insensitivity to human rights, and particularly the drug problem, we cannot be dealing with drug dealers. That was a great mistake we made in our policy. We ought to at least partially rescind our economic sanctions toward Panama. Let us make clear we are not going to let the Panamanian Government get money from international agencies as far as the United States is concerned with our cooperation. But I think we ought to let the banking operation proceed normally. We ought to let other trade functions proceed normally if we are not just going to have devastation in that area.

Third, we ought to stand up consistently for human rights. There is a group called Americas Watch, which was reported in yesterday's New York Times in which they criticized this administration for not paying attention to human rights abuses when they occurred before.

I ask unanimous consent that the article from the New York Times entitled "Report Alleges Human Rights Abuses In Panama" be printed in the RECORD.

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

[From the New York Times, April 24, 1988]

REPORT ALLEGES HUMAN RIGHTS ABUSES IN PANAMA

WASHINGTON, April 23.—Panama's military-dominated Government has engaged in a widespread pattern of human rights abuses, including the beating and jailing of protestors and the mistreatment of prisoners, according to a report by a human rights group. The report was released today.

The report, prepared by Americas Watch, a private New York-based group, said Panamanian authorities have jailed political prisoners among violent criminals in substandard conditions and that the Government has engaged in vandalism and silenced opposition news organizations.

Discussing anti-Government demonstrations, the report said "hundreds of people appear to have been arrested solely for the nonviolent expression of their political beliefs."

The report said the abuses have been more severe since Panama entered a political crisis last June. It described the Reagan Administration's policy toward the reported repression as "uneven and often contradictory."

RECENT ABUSES CITED

The report was written by Jose Zalaquett, a consultant to Americas Watch, after a visit to Panama in September. Some of the abuses described in the report took place in recent weeks.

Last Wednesday, the Panamanian Government lifted a "state of urgency" imposed after a failed coup attempt a month ago.

Under the crackdown, the Government suspended civil liberties, including freedom of speech and assembly and some rights to private property.

NORIEGA DEPARTURE SOUGHT

The report said some of the more flagrant abuses could be eliminated by the departure of Panama's military chief, Gen. Manuel Antonio Noriega, but that others would continue unless a new Government ended them.

Such a Government should guarantee that elections are fair and insure that the military does not interfere in politics, the report said. The report said United States policy in Panama "seems to have been dictated by constantly changing calculations about what best ensures stability in Panama."

U.S. STANCE IS CRITICIZED

For years, the report said, "the Reagan Administration chose not to criticize the regimes controlled by Noriega, even as the general consolidated his power and corruption reached new depths." General Noriega, who has headed Panama's Defense Forces since 1983, was indicted earlier this year by two Federal grand juries in Florida on drug smuggling charges.

The report said that even though the State Department knew that the 1984 presidential elections in Panama were rigged by the military, Secretary of State George P. Shultz gave his blessing to the process by attending the inauguration of the new president.

SHULTZ'S VISIT

Mr. Shultz said no such information was available at the time of the election. The report said the Administration, in Panama and elsewhere, was inconsistent on human rights.

"Concern for human rights violations and for a lack of democratic practices is too often voiced at the 11th hour, when the Administration faces a volatile situation with potential national security implications," the report said.

Mr. SIMON. Fourth, we should support and work with the people of Panama and not try to dictate to them. It is kind of fundamental. But it is the posture that we have not taken too much to a great extent.

Finally, we should work with the other countries of Latin America on an equal basis as brothers and sisters interested in human rights, interested in a healthy Latin America, interested in a healthy Panama. Our present policy is not hurting Noriega. He is living in style. He is eating whatever he wants and drinking whatever he wants. He is in part maintaining his power because he is saying that the big bully, the United States, is trying to push me out and I am going to stand up for Panama. What we are doing is hurting a lot of poor people in that country and for no purpose.

I think we have to reexamine our policy. The sooner we do it the better for the United States and for the people of Panama.

I yield the floor.

THE FRENCH ARRESTS

Mr. HELMS. Mr. President, in October 1987, the Norwegian state prosecutors accused firms from Japan, France, Germany, and Italy of conspiring with Kongsberg to ship, illegally, high-tech equipment to the Soviet Union. The French Government responded to these allegations immediately.

Since October, in fact, French officials have met with our investigator from the Foreign Relations Committee on a number of occasions, both in Washington and in Paris. It has been made clear all along that the French Government was taking the Norwegian accusations very seriously.

This past Thursday, Mr. President, the French struck and they struck hard. The chairman of the largest machine tool company in France was arrested. The president of its biggest subsidiary, the Forest-Line firm, a retired French Air Force general, was arrested. Two other high officials of the French firm were arrested. All four are now in jail.

According to the French Embassy, the French machine tool company is accused of sending multi-axis machine tools to the Soviet Union to produce the turbine blades for jet aircraft. As the investigation unfolds, it will be interesting to see if this includes the Blackjack and Backfire bombers.

The French could have charged the tool company officials merely with customs fraud. Instead, the officials have been charged under article 80 of the French Penal Code—espionage. In France, espionage caries a maximum penalty of 20 years in prison. In essence, the French Government has treated them precisely the same as the United States treated the Walker family spy ring.

Mr. President, the French Government and its counter-espionage agency, the DST, deserve our heartiest congratulations and gratitude. They were persistent and they refused to be intimidated by the high economic or social positions of the accused. A clear message has gone out to potential diverters in France that there are severe penalties in store for those who betray France and the free world.

One of the free world's main lines of defense is the system of export controls known as Cocom. It is composed of sixteen countries—NATO minus Iceland and plus Japan. Like a chain, this system is only as strong as its weakest link. The French have proved that their link is strong. Other links

may have to be reforged. Faced with the same kind of problem the French have, the Japanese court, in the Toshiba case, decided to mete out very weak punishment—two suspended sentences and a $15,000 fine, a wholly unsatisfactory response.

Mr. President, I ask unanimous consent that an April 21, 1988, article by Agency French Press reporting on the French Government actions be printed in the RECORD.

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

FOUR FRENCH EXECUTIVES ARRESTED FOR SHIPMENTS TO MOSCOW

PARIS, April 21 (RFP).—The heads of two major French machine-tool firms, one of them a general, have been jailed on charges of delivering sensitive advanced-technology equipment to the Soviet Union, reliable sources said here Thursday.

Louis Tardy, 63, chairman of Machines Francaises Lourdes (MFL), and General Jean-Paul Chanouton, 60, head of Forest-Line, were charged and jailed on Wednesday, the sources said.

Two other senior executives of the firms, identified only as Borgniet and Loboukhine, here also jailed for allegedly passing "intelligence to agents of a foreign power", the Soviet Union in this case.

The charges follow a long investigation by the French counter-espionage agency, the DST, the sources said.

Forest-Line, which became an MFL subsidiary in 1982, reportedly began delivering sensitive equipment to the Soviet Union as early as 1970.

The sales were said to have continued until at least 1986, and perhaps 1987, in violation of the rules of the Coordinating committee for Multilateral Export Controls (COCOM), which monitors Western Exports to Communist countries.

The Paris-based committee, established in 1950, seeks to prevent exports to Communist countries of high-technology civilian products that might be used for military purposes.

Following a scandal involving shipment to the Soviet Union of machine tools by Japan's Toshiba Machine Company, the Japanese firm accused Forest-Line in September of having supplied Moscow with technology used in making silent propellers for nuclear-powered submarines.

MFL filed for bankruptcy last November.

In January, five Frenchmen were charged with illegal deliveries to the Soviet Union of strategic equipment made by a West German firm.

PASSING OF MRS. ARMISTEAD I. SELDEN

Mr. HEFLIN. Mr. President, it is with much sadness that I rise, today, to inform my colleagues of the passing of Mary Jane Selden on April 19, 1988. Mrs. Selden was the wife of my good friend, the late Armistead Selden, Jr., who served for many years in the United States House of Representatives and who served as the United States Ambassador to New Zealand.

Mary Jane Selden was a delightful, lovely, and gracious lady, who was active in church and civic affairs wherever she and Armistead lived. She freely contributed her time and efforts to so many worthy endeavors, while also raising a fine family, the members of which continue to serve Alabama and America in the same outstanding tradition of their mother and father.

I wish to take this opportunity to express my condolences to the Selden family, and ask that a newspaper article announcing Mrs. Selden's passing be printed in the CONGRESSIONAL RECORD.

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

[From the Birmingham (AL) News, Apr. 22, 1988]

WIDOW OF FORMER REP. SELDEN DIES

Mary Jane Selden. 61, the widow of former U.S. Rep. Armistead Selden of Alabama, died in Birmingham Tuesday.

Mrs. Selden, a Talladega native and University of Alabama graduate, had lived in Birmingham since shortly after her husband's death in November 1985.

She married Selden after World War II and went with him to Washington, D.C. when he won a seat in the U.S. House of Representatives in 1952. Mrs. Selden was active in church and civic affairs in Washington.

She later moved with her husband to New Zealand, where he served as the U.S. ambassador to that country and to Tonga, Fiji and Western Samoa from 1974 to 1979.

The funeral will be at 3 p.m. Saturday at St. Paul's Episcopal Church, Greensboro, with burial in Greensboro Cemetery, Johns Ridout's—Southside directing.

Survivors include two daughters, Mrs. James Hewitt, Birmingham, Mrs. Lawrence Ezell, Hawaii; three sons, Jack Selden, A. Inge Selden III, and Thomas L. Selden, all of Birmingham; a sister, Sue Nicholls, Talladega; and a brother, Jack L. Wright, Talladega.

The family suggests memorials be made to either the American Cancer Society, the Armistead Selden Jr. Scholarship Fund at the University of the South in Sewanee, Tenn., or the Corpus of the Cathedral Church of the Advent.

TRIBUTE TO CLOPPER ALMON

Mr. HEFLIN. Mr. President, it is with deep sorrow that I rise, today, in tribute to my good and longtime friend, Clopper Almon, of Tuscumbia, AL, who passed away on April 10, 1988. Clopper Almon was a true gentleman. His gracious and caring manner touched all he knew. He was also a man who throughout his life was absolutely dedicated to public service through the efforts of his profession, or through other important endeavors. I know that all who were privileged to know him share in my sorrow and join me in paying this tribute to his memory.

Clopper Almon's forebearers were among the first settlers of Alabama. His father ably served for many years in the Congress. The Almon family's reputation ranks among the finest in our State, and Clopper enhanced what was already an outstanding reputation.

"Mr. Clopper," as he was affectionately called by young lawyers, demonstrated early in life the level of accomplishment and deep convictions of public service that marked his efforts throughout his lifetime. He graduated from Vanderbilt University, answered our Nation's call of duty in the First World War, and earned a law degree from Georgetown University before joining a law firm and beginning the practice of law in 1921.

Clopper Almon was well qualified to practice law by knowledge, intellect, demeanor, and personal drive. Thus, in his practice of the law, Clopper set an example of excellence and professionalism which remains today as the standard to which lawyers in the State continue to aspire. His name and the memory of his accomplishments have been highly regarded by all for many, many years. Perhaps a good indication of his accomplishments in his career is the esteem and respect with which he was regarded by his colleagues. Mr. Almon was recognized throughout the State of Alabama for his outstanding knowledge and ability in the practice of law, and served as president of the Alabama State Bar in 1960. It was my high honor to make the nomination speech for his election. The lawyers of the Shoals Area always considered him to be "the lawyer's lawyer."

Clopper Almon never stopped working to serve his community, my State, and our Nation. After his service on behalf of our country in World War I, it seems he was more determined than ever to do all he could to benefit the people of my State and our Nation. I suspect that he believed that he could never do enough to fulfill the debt which, in his mind, is owed by all citizens to our society. In addition to the contributions Clopper made to the law, he served as chairman of the Sheffield Board of Education from 1939 to 1953, and was on the Board of the Muscle Shoals Regional Library System. During World War II he volunteered on behalf of our country in a different way, serving as chairman of the Colbert County American Red Cross, and working with the county draft board.

Nathaniel Hawthorne once wrote of Herman Melville:

> A very high and noble nature, and better worth immortality than most of us.

Such a noble nature was one of Clopper Almon's many possessions. Among his other possessions were an easy manner, a quiet way, an unrivaled graciousness, a kind and loving heart, an undying loyalty to his family and friends, a strong character, and impeccable integrity.

Mr. President, people often lament the passing of an era. They often comment about how the people of the

"good old days" were more noble, more dedicated to the public good, or more willing to serve others. I cannot help but feel that, with the passing of Clopper Almon—A man who, through his manner, attitude, integrity, and service on behalf of others, was the embodiment of this era of nobility—there was the passing of an era.

It is my sincere hope that all will survey the contributions, the efforts, and the attitudes—that they will examine this nobility—which Clopper Almon exhibited, demonstrated, and embraced during his life, and that they will carry forth the outstanding pursuits and attitudes to which he devoted himself through the efforts of his life. In this way, the memory of and appreciation for Clopper Almon's service and accomplishments will live on and will be passed from one generation to the next. More importantly, in this way, the lives and conditions of the people of our communities, our States and our Nation will be enhanced and improved.

Finally, Mr. President, I ask unanimous consent that an article from the Times Daily regarding the passing of Clopper Almon be printed in the CONGRESSIONAL RECORD.

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

SERVICE TODAY FOR SHEFFIELD ATTORNEY CLOPPER ALMON

SHEFFIELD.—The graveside service for Clopper Almon, 92, 820 River Bluff Drive, will be at 2 p.m. today at Sheffield Oakwood Cemetery, with the Rev. Jack Hennings officiating. Morrison Funeral Home, Tuscumbia, will direct.

He died Sunday, April 10, 1988, at Shoals Nursing Home, Tuscumbia.

Almon was a native of Tuscumbia and a veteran of World War I. He was a lawyer and a member of the Alabama Bar Association, of which he was president, 1960-61. He graduated from Brannam and Hughes School, Vanderbilt University and Georgetown University Law School. In 1921, he joined the law firm of Andrews and Peach, which later became Andrews and Almon and is now Almon, McAlister, Ashe, Baccus and Tanner in Tuscumbia. He represented Reynolds Metals Co. from the time it first looked for a site in the Shoals until his retirement at 85 and served as city attorney for Sheffield.

He served as chairman of the Sheffield Board of Education, 1939-53 and on the board of the Muscle Shoals Regional Library System. During World War II, he was chairman of the Colbert County American Red Cross and worked with the county draft board. He was a member of the Kiwanis Club and Grace Episcopal Church.

He married the late Louise Howell of Nashville, Tenn., in 1925 and, after her death, married the late Martha Nathan Drisdale of Sheffield in 1953. He was the father of Edward Almon, who died when an infant.

Survivors include his wife, Mrs. Katharine G. Almon, Sheffield; son, Clopper Almon Jr., College Park, Md.

The family requests no flowers. Memorials may be made to the Sheffield Public Library.

FARMERS ARE SMILING AGAIN

Mr. COCHRAN. Mr. President, there is encouraging news for America's farmers this year at planting time. The outlook is bright for increased exports, higher prices, and more profits for producers.

Staying the course with the 1985 Food Security Act is paying off. A recent article in the Memphis Commercial Appeal describes the favorable conditions for improved performance in the agriculture sector of the economy.

I ask unanimous consent that a copy of this April 19, 1988, article by Laura Coleman be printed in the RECORD.

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

[From the Memphis Commercial Appeal, Apr. 19, 1988]

IT'S YEAR TO SMILE, FARMERS ARE TOLD

(By Laura Coleman)

After a seven-year winter, spring has finally arrived on farms in the Mid-South and across America.

And the newly broken soil of Jackie Hunt's Chester County, Tenn., cornfields has seldom smelled sweeter.

For the first time since 1980, farmers like Hunt are beginning their seasons with all the right conditions, according to agriculture specialists with the government and private industry.

"As long as no major catastrophe happens this year, it appears that American agriculture will heal itself this year," said Jim Ryan, agricultural economist with the U.S. Department of Agriculture in Washington.

Among the combination of favorable conditions:

Predictions that exports of all major crops will rise significantly this year.

Projections that production of most of those crops is expected to increase this year.

The lower relative value of the U.S. dollar that is making American-grown agricultural products a bargain on international markets.

The rising value of American farmland, which gives farmers added financial strength.

And decisions by lawmakers in Washington that have made it easier for farmers to get credit and stay in business.

"Farmers in the United States have their own fate in their hands," declared Richard Bell, president of the farmer-owned Riceland Foods Inc. of Stuttgart, AR. "They've got money in their pockets for a change."

With the encouraging numbers is coming the biggest lift to the farmers' spirits since the boom times of the 1970s, according to specialists on and off the farm.

"You have to know farmers to understand it," said Hunt, who grows 1,100 acres of corn, soybeans and cotton in Chester and Madison counties in West Tennessee. "It don't seem like they have the blues hardly as bad."

An expanded world market for U.S. agricultural goods is cited by those interviewed as the primary reason for the improved situation.

The value and volume of U.S. agricultural exports is up 20 percent over last year, said Stephen MacDonald, an economist in the USDA's Economic Research Service in Washington.

Reasons for that range from the weather in India to the eating habits in China, MacDonald said. In India, Thailand, southeast Asia and South Africa, dry conditions have caused those countries to demand more from the United States.

In Zhoujiadian, China, and neighboring towns in the beef-raising section of rural China, incomes have risen enough that the Chinese people can afford to eat the beef, MacDonald said. For the first time in five years, those farmers are demanding American grain to feed their beef cattle.

Corn farmers have particularly benefited from the Chinese business. MacDonald said that from 1982 to 1987 the Chinese bought no corn; last year they bought $82 million worth of corn, and that level is expected to remain this year.

And that is part of the reason Hunt, 40, is planting his corn with renewed, yet cautious, optimism.

"I'm not going to jump the gun or anything," he said. "I've been through too many bad years to do that."

The USDA predicts these increases in exports from last year:

Wheat: from $3.1 billion to $4.4 billion.

Corn: $3 billion to $3.7 billion.

Soybeans and soybean products: $6.5 billion to $7.4 billion.

Cotton: $1.4 billion to $2.2 billion.

Rice: $.6 billion to $.9 billion.

With the increased exports comes increased production in some crops.

Officials say decreases in acreage in crops like soybeans and grain sorghum are made up in the increases in cotton and corn planting.

For Jimmy Morrison, owner of Fayette Equipment Co. in Somerville, Tenn., the production and export figure translate into a demand for new tractors he has not seen since before 1980.

"There's no comparison to last year," said Morrison.

"You could say I'm a little bit enthused. This year has done wonders for us."

The demand for new equipment has created a five-week wait, said Morrision.

Less-obvious signs of improvements in U.S. agriculture are in land values and the level of debt faced by farmers.

USDA's Ryan said land values are creeping up, although more slowly in the Southeast than in the upper Midwest.

"There are no phenomenal increases," Ryan said. "They're up about 10 percent in the upper Midwest, and that's very encouraging."

Ryan ties the land values in with the effort to keep more farmers in business. Late last year, Congress passed the Farm Credit Reform Act, which requires restructuring of delinquent loans and a variety of other measures aimed at keeping farmers on their land.

"With the new legislation, it doesn't look like we'll see a mass exodus of farmers because they're driven away by lenders," Ryan said.

The recent economic crisis in agriculture has taught farmers and lenders alike a lesson they did not understand during the successful years prior to 1980, Ryan said. And that, he said, is the lesson about expanding too quickly.

"There's not going to be a lot of charging off and expanding," Ryan said. "All in all, the farmers and lenders will start conducting themselves more rationally. They're just relieved that the worst is over."

WHAT THE CONSTITUTION MEANS TO ME

Mr. PRESSLER. Mr. President, one of my constituents, Irene Vick of Brookings, SD, has written an excellent essay on "What the Constitution Means to Me." During our celebration of the Bicentennial of the U.S. Constitution it is good to know that citizens like Irene are taking the time to reflect on this important document. I was very touched by Irene's essay and would like to share it with our colleagues.

The essay is as follows:

WHAT THE CONSTITUTION MEANS TO ME

(By Irene Vick)

The Constitution of the United States is the oldest federal constitution on earth still in use by a nation.

I am a senior citizen. I live in the United States. I am governed by this time-honored document. It is appropriate for me to think about and share what the Constitution means to me.

The Constitution means freedom to me, freedom from fear, want, domination, injustice. I am free to think, act, carry out good to my neighbor, fellow worker and those in authority over me. I am free to comment—good or bad—on public officials. I am free to worship at the church of my choice. I am free to seek legal counsel and, if necessary, to expect a fair trial.

The Constitution means that I also have responsibility. The Constitution sets forth for me laws that I must obey. Within the right of free speech, free press and individual religious choice afforded each and every U.S. citizen, I must obey the laws that give me, and everyone these rights.

The Constitution affords me freedom to enjoy the music, drama, books, newspapers, programs of my choice.

The Constitution means to me that numberless people struggled through countless hours of drafts, word changes, inclusions, deletions, rejections, reading, debates, attacks, compromises, proposals, criticisms, deliveries, walk-outs, arguments and votings to arrive at the right word, the right word to make this historic document "for the people, by the people." Nowhere in the world has a document stood the test of time and trial like the Constitution. Yet, because of the Constitution, freedom is a reality for me and will be for my grandchildren, Michael and Sarah, too.

I, we, live in a better world because of the Constitution's flexibility, adaptability, and foresight to the past, present, and future.

EXTENSION OF NATIONAL EMERGENCY WITH RESPECT TO NICARAGUA—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Nicaraguan emergency is to continue in effect beyond May 1, 1988, to the *Federal Register* for publication. A similar notice was sent to the Congress and the *Federal Register* on April 21, 1987, extending the emergency beyond May 1, 1987.

The actions and policies of the Government of Nicaragua continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. If the Nicaraguan emergency were allowed to lapse, the present Nicaraguan trade controls would also lapse, impairing our government's ability to apply economic pressure on the Sandinista government and reducing the effectiveness of our support for the forces of the democratic opposition in Nicaragua. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed in the process of dealing with the situation in Nicaragua.

RONALD REAGAN.

THE WHITE HOUSE, *April 25, 1988.*

MESSAGES FROM THE HOUSE

At 4:38 p.m., a message from the House of Representatives, delivered by Mr. Hayes one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3971) to establish procedures to implement the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 434. A resolution relative to the death of the Honorable MELVIN PRICE, a Representative from the State of Illinois.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3098. A communication from the Comptroller General, transmitting, pursuant to law, a report concerning the federal milk marketing order program and its impact on dairy surpluses, as well as regional issues; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3099. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on Allied Contributions to the Common Defense; to the Committee on Armed Services.

EC-3100. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notification of a proposed foreign military sale to Korea; to the Committee on Armed Services.

EC-3101. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on Standardization of Equipment Within NATO; to the Committee on Armed Services.

EC-3102. A communication from the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs), Department of the Army, transmitting, a draft of proposed legislation "to amend titles 5, 10, 37, and 38, United States Code, to provide members of the Senior Reserve Officers' Training Corps coverage for adequate medical care and compensation for disabilities incurred during training;" to the Committee on Armed Services.

EC-3103. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on performance by contract concerning the Public Work functions at Naval Air Station, Jacksonville, Florida; to the Committee on Armed Services.

EC-3104. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation "to establish an adviator continuation pay system for members of the military departments;" to the Committee on Armed Services.

EC-3105. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation "To authorize appropriations for the fiscal year 1989 amended budget request for military functions of the Department of Defense and to prescribe military personnel strengths for such Department for fiscal year 1989, to amend the National Defense Authorization Act for Fiscal Years 1988 and 1989 and for other purposes;" to the Committee on Armed Services.

EC-3106. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation "To authorize the acquisition, upgrade and disposal of stockpile materials;" to the Committee on Armed Services.

EC-3107. A communication from the President of the Export-Import Bank, transmitting, pursuant to law, a report on measures adopted to enhance the competitiveness of the medium-term financing program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3108. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the United States Travel and Tourism Administration; to the Committee on Commerce.

EC-3109. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation, "To authorize appropriations for the fiscal years 1989 and 1990 for the Office of Commercial Space Transportation of the Department of Transportation, and for other purposes;" to the Committee on Commerce, Science, and Transportation.

EC-3110. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the third annual summary on coal imports; to the Committee on Energy and Natural Resources.

EC-3111. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management

Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3112. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain oil and gas leases; to the Committee on Energy and Natural Resources.

EC-3113 A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-3114. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 1987 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated; to the Committee on Energy and Natural Resources.

EC-3115. A communication from the Secretary of the Interior, transmitting, pursuant to law, the financial exhibits of the Colorado River Storage Project and Participating Projects for fiscal year 1986; to the Committee on Energy and Natural Resources.

EC-3116. A communication from the Deputy Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "Kansas City, Missouri, to Shreveport, Louisiana, Multi-State Highway Feasibility Study;" to the Committee on Environment and Public Works.

EC-3117. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services on Medicare for fiscal year 1985; to the Committee on Finance.

EC-3118. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Social Security Client Satisfaction: Fiscal Year 1988"; to the Committee on Finance.

EC-3119. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on a request regarding foreign military sales funds; to the Committee on Foreign Relations.

EC-3120. A communication from the Acting General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation "To provide for participation of the United States in a capital increase of the International Bank for Reconstruction and Development and a replenishment of the African Development Fund, and for other purposes;" to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 1476. A bill to designate the Federal Record Center at 9700 Page Boulevard, Overland, MI, as the "SSG Charles F. Prevedel Building."

S. 1736. A bill to designate the Federal Building located at 1801 Gulf Breeze Parkway, Gulf Breeze, FL, as the "Bob Sikes Visitor Center."

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2156. A bill to amend the national School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Managmeent and Budget.

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. EXON (for himself and Mr. LAUTENBERG):

S. 2320. A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ (for himself and Mr. ADAMS):

S. 2321. A bill to amend the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EVANS (for himself and Mr. ADAMS):

S. 2322. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. BOND, Mr. BOSCHWITZ, Mr. BRADLEY, Mr. BURDICK, Mr. CHAFEE, Mr. CHILES, Mr. COCHRAN, Mr. CONRAD, Mr. DANFORTH, Mr. DIXON, Mr. DOLE, Mr. DURENBERGER, Mr. FORD, Mr. GARN, Mr. GLENN, Mr. HEFLIN, Mr. JOHSTON, Mr. KASTEN, Mr. LEVIN, Mr. MATSUNAGA Mr. MCCAIN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. QUAYLE, Mr. SANFORD, Mr. SHELBY, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, Mr. WEICKER, and Mr. WILSON):

S.J. Res. 302. A joint resolution to designate October 1988 as "National Down Syndrome Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. DIXON (for himself and Mr. SIMON)):

S. Res. 419. A resolution relative to the death of the Honorable Melvin Price of Illinois; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD:

S. 2319. A bill to establish a series of 10 Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on Rules and Administration.

REGIONAL PRESIDENTIAL PRIMARIES ACT

Mr. PACKWOOD. Mr. President, I am today introducing legislation which would establish 10 regional Presidential preference primaries. This legislation is designed to replace the present mismash of Presidential extravaganzas which leave the candidates tired and broke and leave the public bored, bewildered and—far too often—disgusted. Voters understandably ask, "When is this nonsense coming to an end?" In the process, the candidates lose their credibility and the office loses its dignity.

Credibility must be restored to the candidates because, without it, dignity cannot be restored to the most important office in the world. A plan must be devised that somewhat dramatically improves the traveling sideshow of our current system.

Congress must meet its responsibility of providing a vehicle for the American people to select the nominee of their party from a wide range of candidates.

The legislation which I am introducing will, I believe, restore credibility to the candidates and dignity to the office they seek. It would establish a system of 10 regional primaries throughout the Nation. Every State is included in one of the following 10 regions:

First. Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Second. Connecticut, New Jersey, and New York.

Third. Delaware, District of Columbia, Kentucky, Maryland, Pennsylvania, Virginia, and West Virginia.

Fourth. Florida, Georgia, the Commonwealth of Puerto Rico, North Carolina, South Carolina, Tennessee, and the Virgin Islands.

Fifth. Alabama, Arkansas, Louisiana, Mississippi, and Missouri.

Sixth. Indiana, Iowa, Illinois, Michigan, Minnesota, Ohio, and Wisconsin.

Seventh. Colorado, Kansas, Nebraska, North Dakota, and South Dakota.

Eighth. Arizona, New Mexico, Oklahoma, and Texas.

Ninth. California, Guam, Nevada, Utah, and the Canal Zone.

Tenth. Alaska, Hawaii, Idaho, Montana, Oregon, Washington, and Wyoming.

Each year, the Federal Election Commission would decide by lot the actual order of the regional primaries. Under my proposal, candidates would not know where the first regional primary would be held until 70 days prior to it. This procedure would be repeated for each of the remaining regions. In this way, the order of the primaries would not be known in advance. Under the current system, some candidates begin their campaigns for nomination almost 2 years prior to the Presidential election. They are able to do this

because certain States have a set primary date and the result is that all of the candidate's money, energy, and talent are focused on those particular States.

Under my proposal, the first regional primary would be held on the first Tuesday in March and the remaining primaries would take place on alternate Tuesdays thereafter. Practical politics would dictate that candidates spend most of their available time in the region holding the next primary. In conducting primaries in this organized manner, we will avoid the whirlwind approach of our current system which fatigues the candidates, sours the voters, and badly erodes confidence in Government.

My bill does not attempt to regulate the national convention and delegate selection procedures. These procedures should rightfully be left to the States and political parties. Neither does my bill dictate what form a State's primary should take, that is, whether it should be open or closed. If a State provides for an open primary whereby those persons not registered in a particular political party may vote in a party's primary, the State would be able to continue to do so. Furthermore, only those States which have a primary will be required to participate in the regional primary plan.

A regional primary would allow candidates to spend a relatively small amount of time and money in order to determine whether they had widespread support. If candidates did well in the first primary, they would be off and running. If they did poorly, they could avoid the embarrassment and expense of hopelessly campaigning nationwide. It would also give supporters and contributors a chance to become involved with a more viable candidate. Candidates could enter their first primary and if they did well could marshall the organizational and financial backing necessary to garner additional support. Their candidacies would have the chance to catch fire and gather momentum. In short, regional primaries would allow candidates to gracefully withdraw if their campaigns failed to catch fire. By the same token, regional primaries would also allow a smoldering ember to be built into a blazing bonfire.

Under my measure, moreover, the voters would have a better chance to judge a candidate's true qualifications. "Madison Avenue" would be shelved. A more personal and direct approach would result. Rather than the trademarks of image and style characteristic of our present system, the trademarks of a regional primary would be issues and answers.

If we are to return Government to the people and restore confidence in that Government, we have that opportunity through the regional primary concept. The regional Presidential primary offers the best hope of returning credibility to the candidates and dignity to the Presidency.

By Mr. EXON (for himself and Mr. LAUTENBERG):

S. 2320. A bill to amend the Rail Passenger Service Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AMTRAK AUTHORIZATION ACT

● Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I take pleasure in introducing legislation to reauthorize our National Rail Passenger Corporation [Amtrak] for fiscal years 1989, 1990, and 1991. The authorization levels in this bill take into account projected inflation during this time. This bill would also modify the Rail Passenger Service Act insofar as it subjects Amtrak to Freedom of Information Act requirements when records are requested for commercial use or in connection with litigation or legal proceedings.

I regret that the President's budget—for the fourth time in the last 4 years, recommends a zero appropriation for Amtrak. Each year Congress has had the wisdom and foresight to reject the administration's proposal to totally eliminate Federal funding for Amtrak.

Though I consider the need to balance the Federal budget a most important one, I also believe this country needs a national rail passenger system. For this reason, I support Federal funding for Amtrak at a level which will allow it to continue operating the present system as well as increase its emphasis on capital investment. A close examination of Amtrak's annual appropriation will show that it accounts for only 2 percent of the U.S. Transportation budget. Furthermore, Amtrak has steadily increased its revenue-to-cost ratio. The proportion of Amtrak's total operating costs covered by its own revenue in 1981 was 48 percent. Amtrak has raised this level to 65 percent in 1987, and maintains a 70-percent goal by 1990.

Amtrak is a system which has served over 21 million passengers annually and increased ridership to over 30 million last year with the addition of several commuter service operations. The corporation also employs 22,400 Amtrak and 600 other railroad workers in 44 States. I commend both labor and management for working cooperatively to help ensure Amtrak's efficient operation and to reduce its dependence on Federal financial support.

I look forward to continued improvement in the Amtrak system, and pledge my commitment to working toward this end. I am especially pleased that Senator LAUTENBERG has joined me as a primary cosponsor of this legislation.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague, Senator EXON, in introducing a bill to reauthorize the National Railroad Passenger Corporation; better known as Amtrak.

For years now, Amtrak has been the subject of debate between the Congress and the administration. Year after year, this administration has sought to abandon Amtrak. This is a shortsighted ill-advised policy that ignores the importance of Amtrak, and the role it plays in a balanced national transportation network. But Congress has refused to go along; and has maintained its commitment to Amtrak.

Mr. President, on many occasions I have risen in support of Amtrak. That record of support is clear. Today, Amtrak is stronger than ever. It's serving more people, and doing it with less dependence on the Federal Government. Under the leadership of Amtrak president Graham Claytor—and with pressure from the Congress—that trend is sure to continue.

But, as every other industrialized western nation has found, Government support of nationwide passenger rail service is a necessity. This bill recognizes that, and reaffirms the Congress' commitment to a balanced national transportation network, of which Amtrak is a vital part.

Let's look at the importance of Amtrak. It provides service to 21 million passengers in 44 States over a 24,000-mile system. A record 5.2-billion-passenger miles were generated last year. Additionally, approximately 175,000 commuters in a number of States depend on Amtrak's rails each and every day.

In my region, Amtrak is of particular value. Half of its passengers travel in the Northeast corridor. In 1987, Amtrak carried more passengers among the points between Washington and New York than all the airlines combined. Providing service to 3,800 passengers each day, Amtrak has become the single largest provider of point-to-point service between Washington and New York.

In New Jersey, thousands of commuters rely on Amtrak service and facilities each day. Without Amtrak, New Jersey commuters would face major disruption of service; or fare increases that would put rail travel beyond the reach of those who need it most.

Amtrak service is an indispensible asset. Our roads and airways simply could not absorb the passenger load if Amtrak were eliminated, as proposed by the administration. For example, it would require an additional 54 flights each day between Washington and New York to handle those now using

Amtrak. It's clear that capacity just doesn't exist.

But, Mr. President, Amtrak isn't just important to the Northeast. In many areas of the country; it's the principal public transportation link with the rest of the country. And to paraphrase a former colleague, a Republican from the Great Plains, "When the snow's blowing sideways, the trains are the only things that run."

In recent years, Amtrak has improved its financial condition considerably. Its growth and success has come in the face of major budgetary constraints. Between fiscal years 1981 and 1988, Federal support for Amtrak fell from $896.3 to $580.8 million, a 50-percent reduction in constant dollars.

This bill sets authorization levels of $630 million, $656 million, and $681 million over the next 3 fiscal years. As chairman of the Transportation Appropriations Subcommittee, I'll work to meet those goals. However, Mr. President, in the face of administration opposition, that won't be easy.

It's essential that we keep Amtrak on course. This bill would lay the track to keep it running, and I urge my colleagues to support it.●

By Mr. HEINZ (for himself and Mr. ADAMS):

S. 2321. A bill to amend the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT FINANCE EXPANSION ACT

Mr. HEINZ. Mr. President, the United States has chalked up another record trade deficit in 1987. We bought $170 billion more goods than we sold, further mortgaging America's future prosperity. We are courting economic disaster unless we find a way to sell more goods overseas and put our economy on a pay-as-you-go basis.

Prospects for bringing U.S. trade back into balance in the near-term are bleak. We continue to set deficit records despite 3 years of decline in the value of the dollar. Major trading partners in Europe, Japan, and Latin America show no signs of absorbing the large volume of imports needed to restore U.S. balance.

Most troubling of all, in LDC markets where competition is keenest, our exporters are losing sales for lack of export financing or because of mixed credit offers. While their competitors enjoy ready access to official and commercial export financing on competitive terms, U.S. banks are reducing exposure in key U.S. export markets, and our export-lender of last resort, the Export-Import Bank, is underfunded and "on the ropes."

Unless we take action, our much-needed export drive will fail for lack of trade finance. Therefore, today I, along with the Senator from Washington [Mr. ADAMS], am introducing legislation to keep the trade lines open. This bill would put the Eximbank on a sound financial footing, provide a sensible basis for future funding, make the bank's guarantee a "reserve currency" that will keep commercial banks in export financing, and extend the life of the mixed credit warchest.

The first element of the bill is intended to preserve the bank's capital base by permitting the bank to refinance old debts with the Federal Financing Bank without paying out its capital in prepayment penalties. In the late 1970's and early 1980's, the Bank made loans at relatively low-interest rates necessary to meet foreign competition while borrowing at record rates from the Treasury. The Bank is now being rapidly decapitalized as it repays old loans. Meanwhile, the FFB records a "paper" profit as Exim pays interest far in excess of the FFB's borrowing costs.

Our bill would eliminate this nonsense by permitting the Bank to refinance its debt, while protecting its capital from refinancing penalties charged by FFB. The Secretary of the Treasury would be required to buy additional Bank stock to compensate for any losses in capital arising from the penalties. The net transfer of Bank capital to the FFB would stop. Similar language was reported by the Banking Committee and adopted by the Senate in the 1986 budget reconciliation legislation.

The second element of the bill would put the Bank on a pay-as-you-go basis through annual appropriation of the subsidy cost of its programs. This goal would be more appropriately achieved through comprehensive credit reform that funds all programs based on subsidies. I proposed such an approach in my bill S. 218; the Senate adopted a similar proposal in 1987; the President's 1989 budget adoptes the concept; and I am hopeful of its early adoption.

In the meantime, this bill would authorize annual subsidy appropriations and require that the portion of funds provided in annual appropriations equal to the subsidy be added to Bank capital. This will make clear just how good a value the Bank is, with benefits far in excess of its modest subsidies. In addition, the Bank will be able to pursue its export mission without worrying about its capital base.

Our bill would also ensure that Bank guarantees are a cost-effective instrument of export financing in all U.S. markets. The bill would require coverage of 100-percent of interest and principal where necessary to keep commercial financing available in all markets where the Bank is open for business. It would also encourage the marketing of pooled, guaranteed loans so that a secondary market in export paper is developed as soon as possible. This provision will ensure that Eximbank can step in and expand credit in cases where commercial banks have become excessively cautious in lending to key U.S. markets.

Finally, our bill would extend the life of the mixed credit warchest for 2 years to permit utilization of more than $200 million of authorized funds that have not yet been used. The warchest was intended to force a reduction in use of mixed credits by other countries, and an agreement was reached in the OECD last year. However, the deal is less than we hoped for and only becomes effective in July. We have to keep a "cop on the beat" to enforce the new rules.

Adequate export financing should be no less a national priority than affordable housing credit or a viable farm credit system. The Export-Import Bank must have the tools to put the full faith and credit of the U.S. Government behind our export drive. I ask your support in restoring the health of the Bank and returning the U.S. economy to a self-financing basis.

By Mr. EVANS (for himself and Mr. ADAMS):

S. 2322. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT AUTHORIZATION

Mr. EVANS. Mr. President, I rise today to introduce legislation, along with my colleague from Washington, Senator ADAMS, to authorize a comprehensive solution to the severe water crisis in the Yakima River Basin in Washington State. Congressman SID MORRISON, in whose district this project lies, will be introducing an identical version of this bill today in the House of Representatives as well.

The introduction of this bill today is significant in many respects. Ten years ago, our predecessors in this body sought the support of their colleagues to begin the process to provide some remedy for the critical water shortages they were experiencing in the Yakima River Basin. Ten years later, the cycle of drought has brought us back to nearly the same place we were then. Senators Magnuson and Jackson initiated the Yakima River Basin Water Enhancement Project. Today, we seek to bring a final resolution to that process.

Since the initiation of the Yakima Enhancement Project, a tremendous effort has evolved in the Yakima Valley. It has involved numerous State agencies, the Yakima Indian Nation; individual farmers, irrigation districts, environmental organizations, and the Federal Government. The combination of this tremendous effort as well as the crisis faced in common by all residents of the Yakima Valley, has

forged a stronger desire for resolution of this issue than has ever existed.

This is not to say that all of the interested parties will embrace this bill in its every word. The introduction of this bill is a solid beginning of what I know will continue to be an intense debate. This legislation is intended to initiate serious discussion and negotiations for a workable compromise package. There are many who have been involved with this issue for a long time who are still reviewing this bill.

Importantly, this package contains the elements that those most closely involved in the process have agreed are needed for a comprehensive solution. These elements evolved out of the policy recommendations resulting from the working groups that were formed to analyze specific aspects of the water problem in the basin. I recognize the need for and welcome the continuing dialog that I know will ensure upon introduction of this bill.

This bill forges together a unique package of ideas to resolve the water shortages in the Yakima Basin. Specifically, this bill would authorize projects to increase the efficiency of the Yakima enhancement project, additional storage capacity at the existing Bumping Lake project, a comprehensive water conservation plan, temporary subordination of the Naches hydroelectric facility. The bill also includes provisions through which the United States can fulfill the off-reservation treaty rights reserved by the Yakima Indian Nation in its treaty of 1855. In total, this project could make available more than an additional 500,000 acre-feet of water in the Yakima Basin.

This bill makes an important advance in the effort to refocus water supply solutions on conservation and the efficient use of the scarce water that is available. The bill authorizes a comprehensive conservation and water use efficiency study. The study will analyze operational and physical means by which the irrigation districts can use water more efficiently. It also requires the Secretary to examine institutional and economic incentives that may be used to promote the conservation of water, particularly in drought years such as this. The Secretary is authorized to implement measures that are recommended in the study. It is anticipated that over 100,000 acre-feet of water can be made available through conservation and water use efficiency measures.

The improvements to the existing Yakima project include the modification of existing radial gates at Cle Elum Dam, the construction of a reregulating reservoir within the Roza irrigation system, facilities to automate and improve canal operations of the Sunnyside Division to reduce irrigation diversions, and system improvements to save water on the Wapato irrigation project. These facilities will reduce the average annual diversions by 72,000 acre-feet of water.

The bill authorizes the subordination of hydroelectric power generation at the Federal Roza and Chandler powerplants on a permanent basis and the subordination of the Naches hydroelectric facility as an interim measure until additional storage can be constructed on the Naches River. Subordination would result in the suspension of power generation during periods of low river flows to increase instream flows for anadromous fish resources. The bill authorizes electrification of the hydraulic powerpumps at the Sunnyside Division and at Chandler powerplants, which will result in a decrease in the use of water for those plants.

The bill authorizes additional storage capacity at the existing Bumping Lake project. This would increase the present reservior to 458,000 acre-feet. The primary use of this additional water will be to insure adequate instream flows for the anadromous fish resource. Through the efforts of the Pacific Northwest Power Council, the Yakima Indian Nation, and State and Federal fisheries agencies, the fisheries resource is slowly coming back. In the Yakima River Basin, by far the limiting factor to the enhanced recovery of the anadromous fish resource is the unavailability of water.

More importantly, the additional water from the Bumping Lake enlargement would provide a substantial portion of the package to fulfill the treaty rights of the Yakima Indian Nation under its treaty of 1855 with the United States. The Yakima Indian Nation claims water for instream flows to protect Yakima River fishery resources as well as water needed for irrigation purposes on the Yakima Indian Reservation.

In 1855, the Yakima Indian Nation signed a treaty with the United States under which the tribe reserved for its exclusive use approximately 1.3 million acres of land to which it held aboriginal title. The tribe surrendered title to the remainder of its aboriginal homeland, but reserved for its members the right to continue fishing at all usual and accustomed places within the ceded area. It seems clear from the relevant case law that the Yakima Indian Nation also reserved water to accomplish the purposes for which it reserved land and off-reservation fishing and hunting rights.

The full extent of the water rights reserved by the Yakima Indian Nation has not yet been determined. The Federal courts have ruled that a purpose for the Yakima Indian Reservation was the establishment of an agrarian economy for Yakima tribal members. Consequently the courts have established that the Yakima Indian Nation has a reserved right to water for agricultural purposes. More recently, the court recognized that the Yakima Indian Nation has a water right for protection of treaty fishing activities. The courts have not yet decided, however, how much water was reserved by the Yakima Indian Nation, nor have they decided precisely which water resources within the Yakima River system are subject to tribal claims.

The Yakima enhancement project authorization bill purports to satisfy Indian treaty rights by ensuring adequate water from the Yakima project for the protection and enhancement of fish and wildlife resources in the Yakima Basin and by providing sufficient irrigation water from off-reservation water resources to meet the needs for on-reservation agricultural development.

Unquestionably, the additional capacity provided by this bill is long overdue. There are many in the Yakima Valley who have been anticipating additional storage in the system since the 1940's. The Yakima enhancement project is an equitable sharing of costs between the Federal Government and the non-Federal beneficiaries of the project. The development of this project will assure the delivery of irrigation water for one of the Nation's most productive agricultural areas. It assures the continued restoration of a tremendous natural resource of the Pacific Northwest—its anadromous fishery resource. Finally, it will at long last provide for the fulfillment of treaty obligations of the United States to the Yakima Indian Nation.

Mr. President, I urge my colleagues in this body to recognize the urgency of finally resolving the water crisis in the Yakima River Basin and join in support of this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2322

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR EARLY IMPLEMENTATION PROJECTS.

(a) That for purposes of protection and enhancement of fish and wildlife, satisfaction in significant part of the instream flow and irrigation rights of the Yakima Indian Nation reserved under the Treaty of 1855 with the Yakimas, providing supplemental irrigation to presently irrigated lands, and water conservation, the Secretary of the Interior (hereafter, the Secretary) acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and consistent with the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) is authorized to design, construct, operate and maintain the following facilities:

(1) modification of existing radial gates at Cle Elum Dam; a reregulating reservoir to increase water-use efficiency of the Roza Division; facilities to automate and otherwise improve canal operations of the Sunnyside Division; facilities to automate the headgate, wasteways and trashrack of the Chandler, Power Canal to maintain operating controls for the Kennewick Irrigation District; and

(2) facilities to automate and otherwise improve canal operations of the Wapato Indian Irrigation Project; and

(3) electric pumping facilities to replace existing hydraulic pumps at the Chandler Diversion and at facilities within the Sunnyside Division.

(b) The Secretary is authorized to accept funds from any entity, public or private, to design, construct, operate, and maintain facilities authorized by this Act.

SECTION 2. AUTHORIZATION FOR ADDITIONAL STORAGE AT THE BUMPING LAKE PROJECT.

(a)(1) That for purposes of protection and enhancement of fish and wildlife, satisfaction in significant part of the instream flow and irrigation rights of the Yakima Indian Nation reserved under the Treaty of 1855 with the Yakimas, providing supplemental irrigation to presently irrigated lands, water conservation, and to the extent compatible with the foregoing purposes, flood control and recreation, the Secretary, acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplementary thereto) and consistent with the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) is authorized to construct, operate and maintain the Bumping Lake Enlargement storage facility not to exceed 458,000 acre-feet and substantially in accordance with the recommended plan presented in the Bumping Lake Enlargement Yakima Project, Washington, joint feasibility report dated August 23, 1979, as updated and revised pursuant to section 2(a)(3).

(2) The principle works of the Bumping Lake Enlargement shall consist of:

(A) a replacement dam downstream from the presently existing dam structure;

(B) other facilities as may be required for the operation of the replacement dam.

(3) The Secretary is directed to update and complete all project reports including the joint feasibility report and environmental impact statement in accordance with the purposes of this Act and shall submit such reports to Congress within three years of the date of enactment of this Act.

(4) This Act constitutes an affirmative authorization by Congress for construction in a navigable water course of the United States.

(b) The Secretary shall not undertake the construction of the Bumping Lake Enlargement until completion of a plan to mitigate and enhance resources including, but not limited to:

(1) fisheries resources;

(2) wildlife resources;

(3) old growth forest resources; and

(4) recreational resources

that will be impacted by the construction and operation of such facility. Such mitigation and enhancement measures shall be implemented concurrently with construction of the enlarged storage facility. Such plan shall be undertaken in consultation with the U.S. Forest Service, Washington Departments of Ecology, Wildlife and Fisheries, the Fish and Wildlife Service, the Pacific Northwest Power Planning Council, and the Yakima Indian Nation. Upon completion of said mitigation and enhancement plan notice shall be given to the public with opportunity for review and comment.

(c) The Secretary shall not undertake construction of the Bumping Lake Enlargement or initiate delivery of water for the purposes of irrigation from the Bumping Lake project until:

(1) completion of the Yakima Water Study authorized by Section 3 of this Act; and

(2) the Secretary enters into appropriate agreements for the implementation of the recommendations made by the Yakima Water Study.

SECTION 3. YAKIMA RIVER BASIN CONSERVATION AND WATER USE EFFICIENCY STUDY.

(a) For the purposes of improving the availability and reliability of water supplies for irrigation and the protection and enhancement of the fish and wildlife resources of the Yakima River Basin and in cooperation with appropriate Federal, State, and local entities including, but not limited to, local irrigation districts, the Washington Departments of Ecology and Agriculture, the Yakima Indian Nation, and other interested parties, the Secretary shall undertake the Yakima River Basin Conservation and Water Use Efficiency Study (hereinafter, the Yakima Water Conservation Study) to investigate the feasibility of reducing or otherwise altering the diversion of irrigation water supplies provided by the existing Yakima project and the Yakima Enhancement Project and delivered pursuant to contracts with the Secretary.

(b) The Yakima Water Conservation Study shall include—

(1) an analysis of physical, structural and operational methods to improve water use efficiency including, but not limited to, the lining or piping of canals and laterals, vegetation management, rotation of water use, conjunctive management of surface and groundwater resources, underground storage, improved on-farm irrigation facilities and water management, the location of points of diversion and times of diversions, and the reintroduction of return flows; and

(2) an analysis of the institutional and economic incentives that may be utilized to increase conservation and the efficient use of water or otherwise alter the diversion of water in the Yakima River Basin including, but not limited to, water banking, payment for the temporary diversion of water, and the ability to implement such methods under Washington State law. Such analysis shall incorporate to the greatest extent possible the results and recommendations of the Washington State Water Use Efficiency Study.

(3) The analysis of each method shall include an estimate of:

(A) the cost-effectiveness of implementing the proposal including a comparison of the costs associated with each method and the incremental costs associated with the water supplied through the Bumping Lake Enlargement;

(B) the extent to which the method contributes to the availability and reliability of the Yakima River Basin water supply, including enhanced irrigation water supplies and improved water supplies for anadromous and resident fisheries;

(C) the timeliness of implementation;

(D) the acceptability of the method from social, environmental, and institutional perspectives; and

(E) the impact on the operation of the Yakima River Basin Project.

(4) The study shall also contain the recommendations of the Secretary as to measures necessary to replace incidental fish and wildlife values foregone as a result of the implementation of water use efficiency measures.

(c) The Secretary shall transmit the study along with recommendations for implementation of conservation and water use efficiency measures to the Committee on Energy and Natural Resources of the Senate, and the Committee on Interior and Insular Affairs of the House of Representatives, and the Governor of the State of Washington and the Pacific Northwest Power Planning Council within three years after the date of enactment of this Act. For each recommendation for implementation, the Secretary shall substantiate the technical and financial feasibility of the proposal.

SECTION 4. IMPLEMENTIATON OF THE YAKIMA CONSERVATION AND WATER USE EFFICIENCY PROGRAM.

(a) Subject to the appropriations of funds, and the finding required in section 12(a) of this Act—

(1) one year after the submittal to Congress of the study authorized in section 3 of this Act, the Secretary is authorized to undertake the water use efficiency measures as recommended for implementation in the study where such measures are shown to be financially feasible: *Provided*, That prior to implementation of the recommendations of the study related to water diversion works or distribution systems, or portions thereof, the Secretary shall enter into contracts with the non-Federal entities owning, operating, and maintaining such facilities providing for the long term operation and maintenance of system improvements constructed pursuant to this section: *Provided further*, That prior to implementation of the recommendations of the study related to on-farm irrigation water management including improvement of related laterals, the Secretary shall have pursued completing voluntary cooperative agreement with the respective entities or groups of owners and in consultation with the appropriate irrigation district or the canal company providing for the implementation of said recommendations; and

(2) the Secretary is authorized to acquire on a temporary or a permanent basis, water rights from willing sellers, and to allocated water savings resulting from the acquisition of water rights to supplemental irrigation of off-reservation lands currently receiving deliveries of irrigation water.

SECTION 5. FULFILLMENT OF YAKIMA INDIAN NATIONAL WATER RIGHTS.

(a) Upon completion of the facilities authorized in this Act—

(1) The Wapato Indian Irrigation Project is hereby expanded to include those lands within the boundaries of the Yakima Indian Reservation which are generally depicted on the map entitled "Wapato Indian Irrigation Project, Modified" dated ———, 1988, and numbered ——, and is on file in the offices of the Secretary and the Yakima Indian Nation.

(2) The Secretary shall provide deliveries of water to the Wapato Indian Irrigation Project sufficient to meet the full irrigation needs of the Wapato Indian Irrigation Project as modified in subsection (a)(1). All waters provided for the beneficial use of the Yakima Indian Nation and its members within the boundaries of the Wapato Indian Irrigation Project shall—

(A) be available for irrigation purposes or for other purposes for which the Reservation was established;

(B) be delivered on a nonproratable basis; and

(C) shall have a priority date consistent with the date on which the Yakima Indian Reservation was established.

(3) The Secretary is authorized to design, construct, operate and maintain conveyance facilities sufficient to provide deliveries of water pursuant to subsection (a)(2).

(4) Operation and maintenance charges attributable to lands within the boundaries of the Wapato Indian Irrigation Project title to which is vested in the Yakima Indian Nation or its members or held in trust by the Secretary for the benefit of the Yakima Indian Nation and its members shall be nonreimbursable and nonreturnable.

(5) The Yakima Indian Nation is authorized to—

(A) contract with any other entity, on a voluntary basis, to limit or forego diversions to the Wapato Indian Irrigation Project, or

(B) to limit or forego diversion of water to the Wapato Indian Irrigation Project that benefit lands held by the Yakima Indian Nation or its members to allow for increased instream flows.

(b) Notwithstanding the provisions of subsection (c) of the Act of August 31, 1964 (P.L. 88-540; 25 U.S.C. 608(c)), and of section 203 of the Act of January 12, 1983, (P.L. 97-459; 96 Stat. 2517; 25 U.S.C. 2202), the Secretary is authorized to acquire and hold in trust pursuant to Section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465) for the Yakima Indian Nation land and interests in lands within the Yakima Indian Reservation presently held by the grantor in fee simple.

SECTION 6. OPERATION OF YAKIMA BASIN PROJECTS.

(a)(1) Except as provided in subsection (b), the facilities authorized by this Act and fish passage facilities authorized by the Acts of August 17, 1984 (98 Stat. 1933) and August 22, 1984 (98 Stat. 1369) shall be considered features of the Yakima River Basin Water Enhancement Project (hereafter, Yakima Enhancement Project), and their operation and maintenance shall be integrated and coordinated with other features of the existing Yakima Project. As appropriate, the Secretary shall enter into agreements to provide for the operation and maintenance of such facilities. The Secretary shall insure that such facilities are operated in a manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights recognized pursuant to State law, including the valid contract rights of irrigation users.

(2) The Roza reregulating reservoir shall become a feature of the Roza Division. Water savings resulting from contruction and operation of the Roza reregulating reservoir shall be available for use as supplemental irrigation water for currently developed lands within the boundaries of the Roza Division.

(3) The facilities to automate and otherwise improve canal operations of the Sunnyside Division shall become features of the Sunnyside Division. Water savings resulting from construction and operation of such facilities shall be allocated to the protection and enhancement of fish and wildlife.

(4) The modified radial gates at Cle Elum Dam shall become a feature of the existing Yakima Project. Additional water resulting from the modification of the radial gates shall be available in accordance with the Early Implementation Report dated February 1987. The Secretary shall operate and maintain such facilities in accordance with the existing Yakima Project.

(5) The Bumping Lake Enlargement shall become a feature of the Yakima Enhancement Project. The Secretary shall operate and maintain such facility in accordance with the purposes of this Act and shall allocate water stored in the Bumping Lake Enlargement according to the recommendations contained in the joint feasibility report referred to in section 2(a)(1) and 2(a)(3) of this Act.

(b) The facilities to expand deliveries of water, and to automate and otherwise improve canal operations of the Wapato Indian Irrigation Project shall become features of the Wapato Indian Irrigation Project. Water savings resulting from construction and operation of such facilities shall be available to the Yakima Indian Nation for irrigation purposes, for the protection and enhancement of fish and wildlife, and for other purposes for which the reservation was established. Except as provided for under section 5 of this Act, design, construction, operation and maintenance costs related to such facilities shall be reimbursable and returnable according to the provisions of the Leavitt Act (Act of July 1, 1932 (47 Stat. 564).

(c) The Secretary shall operate and maintain the existing Federal Chandler and Roza powerplants to help meet established instream flows and in a manner that provides priority for protection and enhancment of fish and wildlife. The Administrator of the Bonneville Power Administration shall make available power and energy from the Federal Columbia River Power System to the Secretary to meet contractual obligations entered into by the Secretary for the delivery of power and energy from the Chandler and Roza powerplants. Except as otherwise provided by this section, the Secretary shall offer to amend, without imposing any other requirement as a condition to such amendment, all existing contracts for the sale of power and energy from the Chandler and Roza powerplants to relieve any outstanding obligations for the repayment of construction costs for such powerplants allocated to irrigation.

(d) The Secretary shall allocate water savings resulting from installation of electric pumping facilities at the Chandler Diversion and at facilities within the Sunnyside Division to instream flows. The Administrator of the Bonneville Power Administration shall provide the additional power and energy that is required from the installation of the electric pumping facilities to the Secretary for operation of electric pumps at the Chandler Diversion and at facilities within the Sunnyside Division.

(e) The Secretary shall, in consultation with the state of Washington, the Pacific Northwest Electric Power Planning Council, and the Yakima Indian Nation, establish instream flows adequate to protect and enhance fish and wildlife for all reaches of the regulated portion of the Yakima River. Upon completion of the facilities authorized pursuant to this Act, the Secretary shall operate the Yakima Enhancement Project in a manner which maintains established instream flows. Upon enactment of this Act and until completion of the facilities authorized by this Act, the Secretary shall operate the Yakima Enhancement Project to maintain a minimum instream flow of 200 cubic feet per second at the Sunnyside Diversion gaging station.

SECTION 7. INTERIM SUBORDINATION OF NACHES HYDROELECTRIC PROJECT.

(a)(1) Not less than 90 days following enactment of this Act, The Administrator of the Bonneville Power Administration (hereinafter, the Administrator), and the Secretary shall enter into a Memorandum of Agreement (hereinafter, MOA) with the Pacific Power & Light Company, the Yakima Indian Nation, the City of Yakima, the Wapatox Ditch Company and other entities or persons with whom Pacific Power & Light Company has an existing contract to provide water for irrigation purposes, for the operation and maintenance of the Naches and Naches Drop Hydroelectric Projects (hereinafter, Projects) in a manner that provides priority for protection and enhancement of fish and wildlife until such time as the construction of the Bumping Lake Enlargement Project is completed.

(2) The Pacific Power & Light Company shall operate and maintain the Projects in accordance with the MOA: *Provided*, That nothing herein shall limit or affect the delivery of—

(A) flows up to 200 cubic feet per second through the Wapatox power canal needed by the City of Yakima to maintain the present quality and quantity of water for domestic uses; or

(B) flows needed by the Pacific Power & Light Company to maintain its present contractual deliveries of water to the Wapatox Ditch Company or any other person or entity for irrigation purposes.

(b)(1) To the extent operation and maintenance of the Naches and Naches Drop powerplants in accordance with the provisions of the MOA provided for in subsection (a) results in a reduction of power and energy generation at said Projects, the Administrator shall make available as compensation to Pacific Power & Light Company equivalent power and energy from the federal Columbia River Power System for such time as power generation is subordinated for the purposes of fish and wildlife in the manner provided for in the MOA: *Provided*, That the delivery of power and energy to Pacific Power & Light Company shall be in a manner approximating the power and energy generation reduction at the Projects.

(2) To the extent that the MOA requires the construction of capital improvements at the Projects to accomplish the temporary subordination of the powerplants for a fish and wildlife priority or operation of the powerplants to fulfill the requirements of the MOA results in increased operating costs of the powerplants, the Administrator shall also fully compensate Pacific Power & Light in either money or electric power and energy equivalent thereto calculated at the PF-87 Preference Rate or its successor.

(c) In the event of the MOA is not agreed to within 120 days after the enactment of the Act, the Secretary is authorized to acquire and to operate and maintain the Naches and the Naches Drop Hydroelectric generating facilities. The Secretary shall operate the projects to help meet established instream flows and in a manner that provides priority for protection and enhancement of fish and wildlife. The Administrator shall make available power and energy from the Federal Columbia River Power System to the Secretary to meet contractual obligations entered into by the Secretary as consideration for acquisition of the projects.

SECTION 8. AUTHORIZATION OF APPROPRIATIONS

There is hereby authorized to be appropriated to the Secretary, at July 1987 prices,

plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs indexes applicable to the type of construction involved herein—

(a) $23,400,000 for the planning, design, and construction of early implementation elements of the Yakima Enhancement Project authorized in section 1(a)(1);

(b) $20,000,000 for the planning, design, and construction of Wapato Improvement facilities authorized in section 1(a)(2);

(c) $158,000,000 for the planning, design, and construction of the Bumping Lake Enlargement facilities authorized in section 2;

(d) $2,000,000 for the Yakima Water Conservation Study authorized in section 3;

(e) $120,000,000 for the implementation of the water use efficiency measures authorized in section 4;

(f) $ for the planning, design, and construction of the Wapato Indian Irrigation Project facilities authorized in section 5; and

(g) $3,450,000 for the installation and operation of electric pumping facilities authorized in Section 1(a)(3).

(h) such sums as may be required—

(1) for the operation and maintenance of the three vertical feet enlargement of Cle Elum Lake;

(2) for the operation and maintenance of facilities authorized by Section 1(a)(2) and section 5;

(3) for that portion of operation and maintenance of other facilities authorized by this Act determined by the Secretary to be a federal responsibility pursuant to the agreements specified in section 6; and

(4) for the completion of the feasibility studies authorized by section 11.

(5) for the acquisition of the Naches and the Naches Drop hydrolectric facilities authorized in section 7.

SECTION 9. COST-SHARE AGREEMENT.

(a) The construction of facilities authorized by this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to find 35 per centum of the total construction cost of such facilities during such period of construction. The construction of facilities or other expenses incurred to enhance and improve the fish and wildlife resource in the Yakima River Basin by the Bonneville Power Administration shall be considered as part of the local contribution for purposes of the cost sharing agreement.

(b) If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to the providing of an appropriation of funds to the Secretary to construct the Yakima Enhancement Project, shares in the costs of or constructs any physical element of that project, the costs incurred by the State, the Yakima Indian Nation, or any other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given for any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary prior to its construction. The Secretary shall grant such approval, when requested by the State or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project.

SECTION 10. REIMBURSABLE AND NON-REIMBURSABLE COSTS.

(a) Design, construction, operation and maintenance costs of facilities that are features of the Yakima Project allocated to fish and wildlife shall be reimbursable and returnable according to the provisions of the Federal Water Project Recreation Act (79 Stat. 213), as amended: *Provided*, That design, construction, operation and maintenance costs of Yakima Project facilities related to anadromous fish shall be nonreimbursable and nonreturnable.

(b) Except as provided in section 5 and section 6(b), design, construction, operation and maintenance costs of facilities authorized by this Act allocated to irrigation and which are determined by the Secretary to be an irrigation obligation shall be reimbursable and returnable according to the provisions of section 9(d) of the Reclamation Project Act of 1939 (53 Stat. 1187). The Secretary shall offer to amend existing irrigation repayment contracts, without imposing any other requirement as a condition to such amendment, to provide for repayment of the irrigation construction costs of facilities authorized by this Act over a period of not more than forty years exclusive of any development period authorized by law.

SECTION 11. STUDIES AUTHORIZED.

(a) The Secretary, as part of the study authorized by the Act of December 28, 1979 (93 Stat. 1241), is directed to conduct a feasibility study of the following potential elements:

(1) Kittitas Valley irrigation system improvements;

(2) consolidation of the Selah-Moxee Irrigation District, Union Gap Irrigation District, Moxee Ditch Company, and Hubbard Ditch Company diversions from the Yakima River for delivery from the Roza Canal; and

(3) development of groundwater resources within the Roza Division for a supplemental irrigation water supply; and

(4) construction within the boundaries of the Yakima Indian Reservation of storage facilities and groundwater pumping facilities for the use and benefit of the Yakima Indian Nation: *Provided*, That the functions of the Bureau of Reclamation under this paragraph shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, 88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

(b) The Secretary shall complete the feasibility study and report the conclusions of the study to the Congress within three years following enactment of this Act.

SECTION 12. CONDITIONS ON AUTHORIZATION PERTAINING TO WASHINGTON STATE LAW AND THE YAKIMA INDIAN NATION.

The Secretary shall not undertake construction of the facilities authorized in this Act until—

(a) the Secretary finds that construction of the facilities and allocations of water authorized in this Act are consistent with the laws of the state of Washington; and

(b)(1) a determination has been made by the Yakima Indian Nation that the delivery of water to the Yakima Indian Reservation and the maintenance of instream flows pursuant to this Act will satisfy the needs of the Yakima Indian Nation for deliveries of water from off-reservation water supplies and the maintenance of instream flows from Yakima Project water supplies; and

(2) a stipulation has been filed by the Yakima Indian Nation, in the appropriate court, that, upon completion of the facilities authorized by this Act, including the construction of the Bumping Lake Enlargement storage facility, the maintenance of established instream flows, and the delivery of water pursuant to this Act, it will not assert additional claims—

(A) to off-reservation water supplies for delivery of water to the Yakima Indian Reservation; and

(B) to water stored in facilities that are features of the Yakima River Basin Water Enhancement Project for instream flows necessary for the protection and enhancement of fish and wildlife.

SECTION 13. SAVINGS PROVISIONS.

Except as specifically provided in Section 12(b), nothing in this Act shall be construed to—

(a) affect or modify any treaty or other right of the Yakima Indian Nation;

(b) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakima Indian Nation, or any other entity or individual;

(c) affect the rights or jurisdictions of the United States, the States, the Yakima Indian Nation, or other entities over waters of any river or stream or over any groundwater resource;

(d) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(e) alter, establish, or affect the respective rights of States, the United States, the Yakima Indian Nation, or any person with respect to any water or water-related right; or

(f) alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, the Yakima Indian Nation, or other entity, public or private.

● Mr. ADAMS. Mr. President, I rise as a cosponsor of the Yakima Enhancement legislation offered today by my senior colleague from Washington State, Senator EVANS.

This bill is an attempt to design a comprehensive solution for the water problems in the Yakima River Basin. These problems are extremely complex, and, quite frankly, we have a long way to go before we develop an approach that everyone can live with. I believe that in order for this process to continue the people in my State—growers, Indians, environmentalists—need to know that their representatives in Congress are committed to developing a comprehensive solution to the water problems in this basin. I am deeply committed to finding a solution to these problems, as are Governor Gardner, Senator EVANS, and Congressman MORRISON; and that is why I am cosponsoring this bill today.

Last summer, Senator EVANS and I introduced a bill on the Yakima Enhancement Project. That bill authorized a package of generally noncontroversial projects, including improvement of irrigation systems, subordination of power generation on the Yakima River in favor of in-stream flows, and authorization of a small storage facility at Cabin Creek. The bill was intended as an interim measure, a way to get moving on some agreed-upon projects while negotia-

tions continued on the shape of an overall solution.

Since then, significant progress has been made. Working groups representing all interested parties, including State officials under the leadership of Governor Gardner, the Yakima Indian Nation, the agricultural community, and the environmental community, have gathered information and made recommendations on such issues as water conservation, instream flows, storage site location, and relevant legal issues. Conflicts between water user groups have become less intense, as the people who live in the Yakima Basin have worked together to develop common goals. In the long run, solutions to these problems must come from the people of the Yakima Basin themselves, and I commend all those who participated in the work group process on their hard work and dedication to this effort.

In addition, a dry year last year, an even drier winter, and the prospects of a major drought this year have increased everyone's urgency to develop a solution to the water issues in the Yakima Basin.

As a result of the heightened concern about the need to develop a comprehensive solution, we have all worked together to develop this bill. I realize that some of its elements are controversial. I myself am not comfortable with everything that is in the package. But nothing is etched in stone. I view this bill as a vehicle for continued discussion; and it is for that reason that I am cosponsoring it today.

I support continued efforts to develop a comprehensive package because something needs to be done about the water supply in the Yakima Basin. The possible drought makes the problem immediate, but the real problem is that the Federal Government—through treaties with the Yakima Indian Nation and water supply contracts with irrigation districts—have made commitments to people in the Yakima Basin that water will be available for their needs. Right now there is not enough water in the Yakima Basin to fulfill these commitments. The result has been conflict and bitterness between water user groups, and general confusion about the nature and extent of water rights in the basin.

The information we have available to us indicates that increased storage needs to be part of a comprehensive solution, and the best way to get that storage appears to be by enlarging the existing reservoir at Bumping Lake. This proposal has been around for a long time, and is vigorously opposed by many of my friends within the environmental community. I share their concerns about the environmental impact of this enlargement.

Because I share some of those concerns, I have given a good deal of thought to this element of the bill. I am able to consider accepting the inclusion of the Bumping Lake enlargement only as part of an overall package that includes the following elements.

First, it must include a strong conservation program that ensures that conservation measures are a meaningful part of the overall project, and not just an appendage to storage. I believe the conservation study required by this bill takes significant steps toward that goal. I note, for instance, that this bill makes construction of the new dam at Bumping Lake contingent on completion and implementation of this study. It also provides for an ongoing analysis of the value of the Bumping Lake Dam compared with various conservation measures. This will help ensure that this dam is not built unless it is truly needed.

Secondly, this package must include a significant program for mitigating the effects of the Bumping Lake enlargement. The bill requires that such a program be developed prior to any construction, and that it be implemented concurrently with such construction. I would encourage my friends in the environmental community to be creative in proposing suggestions for possible mitigation measures. For instance, enlargement of Bumping Lake would innundate approximately 1600 acres of old growth timber. This timber is part of an overall stand of approximately 4000 acres, none of which is currently protected. Placing the remainder of this timber in wilderness designation might be a good starting place for discussions about mitigation measures.

Finally, this package must, to the greatest extent possible, contain mechanisms for fulfilling the existing treaty rights of the Yakima Indian Nation, and put some limits on the uncertainties concerning the nature of water rights in the basin. Further, all of the language in this bill should be carefully examined to ensure that there are no unintended impacts on the water rights of all water users in the Basin.

Water rights are an extraordinarily sensitive subject, but resolution as much as possible of the existing uncertainty is an irreplaceable aspect of the overall package. I believe the proposed language in this bill provides a framework for future discussion. In this context, I would like to commend the Yakima Indian Nation for their decision to support the introduction of legislation that proposes a mechanism for dealing in part with the water rights question.

In conclusion, Mr. President, this bill is yet another step on the long road toward development of a comprehensive solution to the water problem in the Yakima River Basin. I know that all interested parties have reservations about certain elements of this bill. I certainly do. But, on balance, I believe that this package will keep everybody with an interest in this project at the negotiating table. It is in the spirit of continued dialog and discussion about this issue that I join Senator EVANS as a cosponsor of this legislation.●

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HEINZ, the names of the Senator from Utah [Mr. GARN] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 684, a bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit.

S. 1522

At the request of Mr. BREAUX, his name was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 2032

At the request of Mr. BREAUX, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Virginia [Mr. TRIBLE], the Senator from Washington [Mr. ADAMS], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of S. 2032, a bill to authorize expenditures for boating safety programs, and for other purposes.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 2123, a bill to provide hunger relief, and for other purposes.

S. 2129

At the request of Mr. BAUCUS, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business.

S. 2206

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsors of S. 2206, a bill to amend the Controlled Substances Act to provide for the imposition of the death penalty for the intentional killing of a law enforcement officer and for certain continuing criminal enterprise drug offenses.

S. 2215

At the request of Mr. CHILES, the names of the Senator from Maine [Mr. COHEN] and the Senator from Delaware [Mr. ROTH] were added as co-

sponsors of S. 2215, a bill to amend the Office of Federal Procurement Policy Act to authorize appropriations for an additional 4 years, and for other purposes.

S. 2309

At the request of Mr. BREAUX, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 2309, a bill to protect the right to carry out a lawful hunt.

SENATE CONCURRENT RESOLUTION 103

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 103, a concurrent resolution expressing the sense of the Congress that the President should award the Presidential Medal of Freedom to Charles E. Thornton, Lee Shapiro, and Jim Lindelof, citizens of the United States who were killed in Afghanistan.

SENATE CONCURRENT RESOLUTION 107

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 107, a concurrent resolution calling for a consolidated investigation into the operation of Texas Air Corp. and Eastern Air Lines.

AMENDMENT NO. 1908

At the request of Mr. BENSTEN, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mr. ADAMS], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of amendment No. 1908 intended to be proposed to S. 2223, an original bill to promote and protect taxpayer rights, and for purposes.

SENATE RESOLUTION 419—RELATIVE TO THE DEATH OF THE HONORABLE MELVIN PRICE, OF ILLINOIS

Mr. BYRD (for Mr. DIXON, for himself and Mr. SIMON) submitted the following resolution; which was considered and agreed to:

S. RES. 419

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable MELVIN PRICE, late a Representative from the State of Illinois.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

AMENDMENTS SUBMITTED

COMPENSATION FOR CERTAIN VETERANS EXPOSED TO LOW-LEVEL IONIZING RADIATION

CRANSTON AMENDMENT NO. 1977

Mr. CRANSTON proposed an amendment to the bill (H.R. 1811) to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radiation-Exposed Veterans Compensation Act of 1988".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN RADIATION-EXPOSED VETERANS.

(a) PRESUMPTION.—Section 312 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) For the purposes of section 310 of this title, and subject to the provisions of section 313 of this title, a disease specified in paragraph (2) of this subsection becoming manifest in a radiation-exposed veteran to a degree of 10 percent or more within the presumption period (as specified in paragraph (3) of this subsection) shall be considered to have been incurred in or aggravated during the veteran's service on active duty, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1) of this subsection are the following:

"(A) Leukemia (other than chronic lymphocytic leukemia).

"(B) Cancer of the thyroid.

"(C) Cancer of the breast.

"(D) Cancer of the pharynx.

"(E) Cancer of the esophagus.

"(F) Cancer of the stomach.

"(G) Cancer of the small intestine.

"(H) Cancer of the pancreas.

"(I) Multiple Myeloma.

"(J) Lymphomas (except Hodgkin's disease).

"(K) Cancer of the bile ducts.

"(L) Cancer of the gall bladder.

"(M) Primary liver cancer (except if cirrhosis or hepatitis B is indicated).

"(3) The presumption period for purposes of paragraph (1) of this subsection is the 40-year period beginning on the last date on which the veteran participated in a radiation-risk activity, except that such period shall be the 30-year period beginning on that date in the case of leukemia (other than chronic lymphocytic leukemia).

"(4) For the purposes of this subsection:

"(A) The term 'radiation-exposed veteran' means a veteran who, while serving on active duty, participated in a radiation-risk activity.

"(B) The term 'radiation-risk activity' means any of the following:

"(i) Onsite participation in a test involving the atmospheric detonation of a nuclear device.

"(ii) The occupation of Hiroshima or Nagasaki, Japan, by United States forces during the period beginning on August 6, 1945, and ending on July 1, 1946.

"(iii) Internment as prisoner of war in Japan (or service on active duty in Japan immediately following such internment) during World War II which (as determined by the Administrator) resulted in an opportunity for exposure to ionizing radiation comparable to that of veterans described in clause (ii) of this subparagraph.".

(b) EFFECTIVE DATE.—Subsection (c) of section 312 of title 38, United States Code, as added by subsection (a), shall take effect on May 1, 1988.

(c) REQUIREMENTS REGARDING VETERANS' ENVIRONMENTAL HAZARDS ADVISORY COMMITTEE SCIENTIFIC COUNCIL REPORTS.—Section 6(d)(3) of the veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542) is amended by striking out "the Committee and the Administrator" and inserting in lieu thereof "the Committee, the Administrator, and the Committees on Veterans' Affairs of the Senate and House Representatives".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee markup on S. 1993, the Minority Business Development Program Reform Act of 1987 and on a 1-year authorization bill for the Small Business Administration which will be an original committee bill. The markup will be held on Wednesday, May 11, 1988, in room 428A of the Russell Senate Office Building and will commence at 2 p.m. For further information, please call Patty Barker, counsel for the committee at 224-5175 concerning the authorization bill, or William B. Montalto, procurement policy counsel for additional information on S. 1993.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 25, 1988, at 10 a.m. to hold a hearing on the nomination of Elaine L. Chao, of California, to be a Federal Maritime Commissioner.

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

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on Armed Services be authorized to meet during the session of the Senate on Monday, April 25, 1988, in executive session to mark up the following bills:

Fiscal year 1988 supplemental authorization bill;

Department of Defense Amended Budget Authorization Act, 1989;

Amended Military Construction Authorization Act, 1989;

Authorization for civil defense programs for fiscal years 1989 and 1990;

Fiscal year 1989 authorization for defense activities of the Department of Energy;

S. 1826, Defense Supplies Security and Control Reform Act of 1987;

S. 1892, Defense Industrial Base Preservation Act of 1987;

S. 2152, to increase the Department of Defense transfer authority; and

S. 2254, Defense Industry and Technology Act of 1988.

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

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, April 25, 1988, at 12:30 p.m. in closed session to mark up projection forces and regional defense programs for fiscal year 1989.

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

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION 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 Ms. Beth Norcross, a member of the staff of the Committee on Energy and Natural Resources, to participate in a study tour in Europe, sponsored by the American Trails Network, from April 29-May 11.

The committee has determined that participation by Ms. Norcross in the program in Europe, at the expense of the German Marshall Fund, is in the interest of the Senate and the United States.●

THE 100TH ANNIVERSARY OF THE PITTSBURGH LIFE UNDERWRITERS ASSOCIATION

● Mr. HEINZ. Mr. President, I rise today to congratulate the Pittsburgh Life Underwriters Association on their 100th anniversary. The Pittsburgh Life Underwriters Association, the second oldest such association in the United States, is a voluntary organization of men and women within the greater Pittsburgh area engaged in the sale of legal reserve life insurance.

When the association was first formed, it numbered a mere 27. Today, it numbers over 1,400 and is affiliated with the National Association of Life Underwriters whose membership is over 130,000.

The Pittsburgh Life Underwriters Association has been a constructive influence and a voice for progress in southwestern Pennsylvania throughout its 100-year existence. And it has been a good neighbor to thousands of life insurance customers and beneficiaries, helping others to plan for the future and to weather life's storms. Much of its success has been a result of the officers and directors who served the organization unselfishly over the years, people like past presidents, Virdyn Caldwell and Russell Reitz, and the current president, Bob Decoursey, who have given their valuable time and talents to their professional organization.●

THE 100TH YEAR OF THE ABINGTON SCHOOL DISTRICT

● Mr. HEINZ. Mr. President, I rise today to pay tribute to the Abington School District for 100 years of excellence in education.

For a century, the Abington School District has not only served the town of Abington, but has provided quality education for the surrounding towns of Roslyn, Ardsley, North Hills, Rydal, and Glenside. The district is responsible for the education of thousands of citizens from grade 1 through grade 12, and last year's outstanding graduating class is just another example in a long line of academic excellence.

Over the years, Abington has consistently ranked in the top of Pennsylvania's school districts in academic achievement. Last year, 77.5 percent of the graduates of Abington High School went on to further education, 62 percent went to a 4-year college program. Students' SAT verbal scores were 16 points higher than the national average, and the math scores were 11 points higher.

Through the years, the school district has also enriched the Abington community with superb athletic teams, with top notch theater and with marching bands that would make John Philip Sousa proud to call Abington his home.

I want to commend the students, the parents and the faculty of the Abington School District for 100 years of dedicated service to the community, and the Commonwealth of Pennsylvania.●

THE 100TH ANNIVERSARY OF GLENSIDE, PA

● Mr. HEINZ. Mr. President, I rise today to join the citizens of Glenside in the celebration of the first 100 years.

It is a happy time for the people of Glenside. It's a time to reflect on the things that make Glenside a special place. From the Weldon Hotel to the Casa Conti. From the soda fountains at Kohuts to the Keswick Theater. From the Battle of Edge Hill to the Glenside Gorillas at War Memorial. From the Brody Brothers to the Glenside Pub. From Sara at Arties to Rizzo's, known half way around the world. From the azaleas blooming in the spring to the high tops on the wires in the summer. From the Sisters of St. Joseph to the professors of Beaver College.

All of these things have great meaning to the residents of Glenside, and to the generations of Glensiders who have raised families, worked and done business in the community. Mr. President, towns like Glenside and the people who build them and keep them, are the backbone of real America, and it is indeed a pleasure to join in congratulations and best wishes on the occasion of Glenside's 100th birthday.●

RECOGNIZING THE RECORD-BREAKING MEMBERSHIP TOTAL OF THE KENTUCKY CONGRESS OF PARENTS AND TEACHERS

● Mr. McCONNELL. Mr. President, this is the third time that I have risen in recognition of the tireless efforts of the Kentucky Congress of Parents and Teachers—the PTA—to promote education in Kentucky. On April 11, I related to the Senate the great progress the PTA had made in recruiting new members. Now that the recruitment drive has been completed, it gives me great pleasure to boast that the Kentucky PTA has recruited a total of 169,268 members. This is a whopping 13-percent increase over last year's fiture and is the highest total in Kentucky history.

Achieving this record performance was not easy. PTA members across the State joined together and dedicated their time and effort to bring more people into the educational process with the goal of providing the best education possible for our youth.

I want to take this opportunity to congratulate the following people who, since my August 11 statement, have achieved 100 percent or more of their assigned membership goal:

District 1 Membership Director Oleta Hamlet of Symsonia.

District 1 President Linda Wright of Paducah.

District 2 Membership Director June Mitchell of Earlington.

District 2 President Mary Louise Johnson of Earlington.

District 4 Membership Director Barbara Loyall of Shepherdsville.

District 4 President Jackie Allgeier of Shepherdsville.

District 9 Membership Director Tommie Hans of Ashland.

District 9 President Anna Jean Brown of Ashland.

District 10 Membership Director Karen Jones of Hazard.

District 10 President Dana MaGee of Quicksand.

District 12 President Frieda Sammons of South Shore.

District 13 Membership Director Cheryl Boswell of La Grange.

District 13 President Vicki Ensor of La Grange.

District 15 Membership Director Joyce Day of Louisville.

District 15 President Sharon Solomon of Louisville.

I also want to recognize District 8 Membership Director Mary Bishop of Lexington and President Karen Hall of Somerset.

One person that deserves special recognition for organizing and spearheading this year's membership drive is Mrs. Karen Jones of Hazard. Her unselfish dedication to promoting the ideals of elevating the quality of education in Kentucky is something we should all try to emulate.

Mr. President, I stated once before that the strength of any nation lies in its ability to educate its youth. The people that I have recognized, as well as hundreds of other unsung volunteers, have taken it upon themselves to improve our educational system for the betterment of our youth—on behalf of the people of Kentucky, I say thank you.●

SOUTHFIELD AT 30

● Mr. LEVIN. Mr. President, on April 28, 1958, 15,000 residents hailed the birth of the city of Southfield, MI. On that day, then Gov. G. Mennen Williams officially approved the city charter. Since that time, Southfield changed from a mostly rural area to a thriving city. Today one sees many high rises, a major shopping center, sprawling office complexes, hotels, major corporate headquarters, a vast hospital complex, recreation areas, theaters and much more. Although it is home to 80,000 citizens, 250,000 people spend their working hours there.

Southfield's civic leaders over the years have guided its development with care and creativity. There is a fine balance of private homes in quiet neighborhoods, townhouse complexes, condominiums and high rise apartments. There are also a significant number of senior citizen dwellings which offer a special quality of living for retirees and the elderly.

Throughout the years, cultural events and festivals have attracted visitors from many other communities in the area. Southfield is a good place to visit, to shop, to enjoy good restaurants, to play, and to work. And, it is a good place to live.

Today, April 25, 1988, the people of Southfield will celebrate the 30th anniversary of their city at a special municipal open house. I congratulate the mayor, Donald F. Fracassi, the city council, the entire official family and all the people of Southfield. There is much to be proud of. We join the citizens of Southfield in looking forward to a continuation of growth and success for their city. I send my greetings and best wishes to all.●

ARMENIAN MARTYRS DAY

● Mr. SIMON. Mr. President, yesterday, April 24, Armenians throughout the world honored Armenian Martyrs Day. This day marks the 73d anniversary of the beginning of the Turkish Government's genocide of Armenians in the Ottoman Empire.

The years between 1915 and 1923 were truly tragic ones for Armenians living in the Ottoman Empire. During this time it has been estimated that 1.5 million Armenians perished. We owe it to their memory to take a moment to honor the victims and salute the brave survivors.

Mr. President, we cannot change the past, but we can try to prevent genocide from occurring again in the future. As Hitler was preparing to invade Poland he said to his commanders, "Who still nowadays talks about the extermination of the Armenians?" We must take care to never let that happen again.

Genocide is a horrible tragedy, whether it is against Armenians or Jews or any other group. We must never forget. I ask that we all work to ensure that Armenian Martyrs Day is always remembered.●

SUPPORTING H.R. 3971—THE INTERNATIONAL CHILD ABDUCTION REMEDIES ACT

● Mr. DIXON. Mr. President, earlier today the House of Representatives passed H.R. 3971, the International Child Abduction Remedies Act as amended by the Senate.

This is a significant milestone in our effort to curb international parental child abduction. The 1980 Hague Convention on the Civil Aspects of International Child Abduction establishes a system of administrative and legal procedures designed to ensure the prompt return of children who are wrongfully removed to, or retained in, a ratifying country.

I would like to thank all of my colleagues in the Senate who helped move this legislation so quickly through Congress this year.

I also want to thank some of our colleagues in the House of Representatives. Deserving special mention are Congressman FRANK, chairman of the Judiciary Subcommittee on Administrative Law and Government Relations, and Congressman RODINO, committee chairman. Their diligent work has allowed this legislation to be expeditiously passed. Their efforts have improved this legislation in significant ways.

I also want to thank Congressman CARDIN for his contributions to this legislation. He has contributed to a productive dialog about how the United States should meet its obligations under the Hague Convention. I appreciate his thoughtful commitment to this legislation. I ask that a copy of the speech he made today in the House be printed in the RECORD at the conclusion of my remarks. I concur with his remarks and I believe they help to clarify the issue of jurisdiction.

Finally, I want to urge the President to act to see that the U.S. instrument of ratification is submitted before the end of April. The convention would then come into force on July 1, 1988. However, if the instrument is not deposited until May, it would not come into force until August 1, 1988. I hope that everything possible will be done to see that American children are not deprived of an entire month of protection under the Hague Convention.

The Hague Convention is an important first step in controlling the tragic problem of international parental child abduction.

The speech follows:

HON. BENJAMIN L. CARDIN STATEMENT IN SUPPORT OF H.R. 3971—THE INTERNATIONAL CHILD ABDUCTION REMEDIES ACT

H.R. 3971, the International Child Abduction Remedies Act, provides for implementation of the Hague Convention on the Civil Aspects of the International Child Abduction. As this bill passed the House on March 28, 1988, it provided that State courts would have jurisdiction over actions for the return of a child abducted across international borders, and that jurisdiction would be available in the Federal court for these actions under the general standards for Federal jurisdiction.

The Senate has now passed H.R. 3971 with a single amendment. This amendment provides that the State courts and the United States district courts will have concurrent jurisdiction over actions which arise under the convention.

From a practical standpoint, the approaches taken by the two versions have the same result. Litigation in these cases will always arise under this Federal law and under the convention, and thus will be subject to Federal court jurisdiction because they will involve Federal questions. They will also typically involve individuals who are citizens or subjects of Foreign states, and will therefore be able to be brought in Federal courts because of diversity jurisdiction.

Although the two approaches have the same practical effect, the Senate approach could avoid any delay in obtaining an expeditious hearing in these cases by preventing the possibility of any litigation over whether Federal or State court jurisdiction is most appropriate in a particular case. Therefore, I urge this House to agree to the Senate amendment.

In doing so, however, I believe it is important to emphasize the view of Congress that we have no intention of expanding Federal court jurisdiction into the realm of family law. In fact, Congress reaffirms its view that States have traditionally had, and continue to have, jurisdiction and expertise in the area of family law. Here we are not intruding into this jurisdiction. Rather, we are simply providing through simple and unambiguous language that in the special circumstance where international child abduction is alleged, both the Federal and State courts should be available to resolve the claims. As a matter of fact, the State courts will often provide the best fora for these cases because their backlogs are often substantially less than those of the Federal courts in many parts of the country.

Passage of this legislation is essential to the ratification of the Hague Convention on International Child Abduction, and I urge that the House concur in the Senate amendment.●

DEATH OF MELVIN PRICE, A MEMBER OF CONGRESS FROM THE STATE OF ILLINOIS

Mr. BYRD. I send to the desk a resolution on behalf of Senators DIXON and SIMON, and I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows:

S. RES. 419

Relative to the death of the Honorable Melvin Price, of Illinois.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Melvin Price, late a Representative from the State of Illinois.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

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

The resolution (S. Res. 419) was agreed to.

The PRESIDING OFFICER. Pursuant to the resolution, the Chair appoints Senators, DIXON and SIMON, to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 100-18

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injuction of secrecy be removed from the treaty with Thailand on Mutual Assistance in Criminal Matters—Treaty Document No. 100-18, transmitted to the Senate on April 22, 1988, by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Kingdom of Thailand on Mutual Assistance in Criminal Matters, signed at Bangkok on March 19, 1988. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter more effectively criminal activities. The Treaty should be an effective tool to prosecute a wide variety of modern criminals including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing and utilizes existing statutory authority.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) taking testimony or statements of witnesses; (2) providing documents, records, and evidence; (3) serving documents; (4) executing requests for searches and seizures; (5) transferring persons in custody for testimonial purposes; (6) locating persons; (7) initiating proceedings upon request; and (8) assisting in forfeiture proceedings.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *April 22, 1988.*

CONVENING OF A SILVER-HAIRED CONGRESS

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader as to whether or not Calendar Order No. 620 on the Calendar of Business has been cleared on his side?

Mr. SIMPSON. Mr. President, that has been cleared for our side, I advise the majority leader.

Mr. BYRD. Mr. President, I thank the acting minority leader.

I ask unanimous consent, Mr. President, that the Senate proceed to the consideration of Calendar Order No. 620.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 88) to facilitate the convening of a Silver-Haired Congress.

The Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Rules and Administration with amendments.

Mr. MELCHER. Mr. President, I am here today on behalf of passage of Senate Concurrent Resolution 88, which I submitted on November 13, 1987. This concurrent resolution will facilitate the convening of a National Silver Haired Congress here in Washington next year.

Since its submittal, my concurrent resolution has attracted 11 consponsors. They are: Senators INOUYE, BURDICK, SHELBY, JOHNSTON, PRESSLER, BENTSEN, MATSUNAGA, CONRAD, WEICKER, HEFLIN, and BOND.

This concurrent resolution was approved unanimously by the Committee on Rules and Administration on April 19, after it had adopted two amendments which I requested. The amendments would strike the only funding in the bill which was $300,000 to assist as startup money. The National Steering Committee of the Silver Haired Congress prefers not to have Federal funding. The other amendment requires that the Senate and House Aging Committees facilitate and coordinate the convening of the Silver Haired Congress rather than the Speaker of the House of Representatives and the President pro tem of the Senate. Basically, then, what we are doing is providing cooperation and recognition for the Silver Haired Congress and directing the Aging Committees in the two bodies to help in the coordination.

The Senate previously agreed to this concurrent resolution as an amendment to the continuing resolution last year, but the House conferees asked that it go back through the normal process as an authorization. This we have now done.

I believe a national senior citizens congress can provide direction and guidance by their recommendations to

Congress. Highly successful silver haired or senior citizen legislatures have been held in many States. In Montana, it is called the "legacy legislature" and its recommendations have benefited Montanans of all ages.

Many of the issues facing the older population of tomorrow are complex and national in scope. With that in mind, members of a number of State senior citizen legislative bodies formed a national steering committee in 1984 to work toward a national nonpartisan grassroots forum, a Silver Haired Congress, patterned after the U.S. Congress.

Representatives and Senators to this Congress would be elected in each State and the National Silver Haired Congress would then meet for a week in 1989 and every 2 years thereafter. It is intended to complement—not compete with— other national and State groups representing senior citizens. And it would be unique in its grassroots origins and administration. Their proposals would be hammered out in their Congress and would provide for us the recommendations of representative input approved by the majority votes of their Congress.

As chairman of the Senate Special Committee on Aging, I have visited with senior citizens in many parts of this country. I believe very strongly that their wisdom and experience will bring to a national senior congress a broad emphasis on issues that are important to all of us. It will provide to older Americans a legislative focus and national visibility for their concerns. And their different perspectives will provide seeds for solutions to a number of issues facing the elderly.

As we in Congress deal with the needs of an aging America, the recommendations of a truly representative, grassroots national forum such as this will be pertinent and valuable. I hope the Senate will agree to this concurrent resolution quickly today so the organizers and participants of this senior citizen effort can be confident of congressional support as they move ahead in elections this year to make their National Silver Haired Congress a reality.

The PRESIDING OFFICER. The amendments will be considered en bloc and agreed to.

The committee amendments were agreed to.

The PRESIDING OFFICER. Are there further amendments? If there are no further amendments to the resolution, the question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (S. Con. Res. 88), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, with its preamble is as follows:

S. CON. RES. 88

Whereas States have adopted senior citizen advocacy and legislative bodies;

Whereas older Americans are therefore provided opportunity within their States to express their concerns, promote appropriate interests, and advance the common good by influencing legislation and actions of State government; and

Whereas a National Silver Haired Congress with representatives from each State would serve as a national grassroots forum to determine on a nonpartisan basis the recommendations for solutions to older American concerns without regard to race, creed, national origin or social status: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress encourages and authorizes the convening of a National Silver Haired Congress in Washington, District of Columbia in 1989.

SEC. 2. The Select Committee on Aging of the House of Representatives and the Special Committee on Aging of the Senate shall facilitate and coordinate the convening of such a Congress.

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

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

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 o'clock tomorrow morning.

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, in accordance with the standing order, there be a period for morning business not to extend beyond 11:30 a.m. and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

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

RESUME CONSIDERATION OF OMNIBUS TRADE AND COMPETITIVENESS ACT CONFERENCE REPORT

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of morning business tomorrow the Senate resume consideration of the conference report on the trade and competitiveness bill.

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

RECESS FROM 12:45 P.M. UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess between the hour of 12:45 p.m. and 2 p.m. for the purpose of the regular party caucuses.

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

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene tomorrow at 11 a.m. Following the two leaders under the standing order, there will be a period for morning business during which Senators may speak for not to exceed 5 minutes each and the period will extend to 11:30 a.m.

Upon the conclusion of the morning business tomorrow the Senate will resume consideration of the conference report on H.R. 3, an act to enhance competitiveness of American industry. The two parties will have their conferences on tomorrow while the Senate stands in recess between the hour of 12:45 and 2 p.m.

Rollcall votes may occur during tomorrow. It is not established yet as to when the Senate will vote on the conference report. Additionally, I would say that Senators are working with their staffs in an effort to reach an agreement on the AIDS bill and presumably within the next 2 or 3 days the Senate will be able to act on that bill.

That bill is S. 1220.

Mr. President, does the distinguished assistant Republican leader have anything further he would like to say or any business he would like to transact?

Mr. SIMPSON. Mr. President, I thank the majority leader for inquiring and for his courtesy. I believe I have nothing further to add this evening to the majority leader, and I thank him for inquiring.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business, I move in accordance with the order and also in accordance with the provisions of Senate Resolution 419 that the Senate, as a further mark of respect to our late departed colleague, Mr. PRICE, a Member of the other body, stand in recess until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and, at 5:31 p.m., the Senate recessed until Tuesday, April 26, 1988, at 11 a.m.

EXTENSIONS OF REMARKS

CARNEGIE CORP. TO CONDUCT STUDY OF SCIENCE, TECHNOLOGY, AND GOVERNMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. ROE. Mr. Speaker, Last week an announcement was made by the Carnegie Corp. of New York that a major, 3-year study of "Science, Technology, and Government" is being initiated. The co-chairs of this important study are Dr. Joshua Lederberg, president of Rockefeller University and the 1958 Nobel Prize winner in Medicine and Mr. William T. Golden, president of New York Academy of Sciences. A committee of 21 distinguished leaders from many fields of public life has been appointed to carry out the study.

The relationship between science and technology on the one hand and Federal and State governments on the other has evolved significantly over the last several decades. It will continue to evolve as dramatic developments occur at an accelerating pace within science and technology, and as the impact on Government becomes ever more pervasive and profound. A thoughtful and in-depth examination of the many issues that will arise as a result can make a valuable contribution to our society in the years to come.

The Carnegie Corp., which was founded in 1911, is known for the many consequential studies it has sponsored in earlier years. For example, in the late thirties it sponsored Gunnar Myrdal's pathbreaking study of American society which was published in 1944 under the title "An American Dilemma: The Negro Problem and Modern Democracy." In the post-war years it sponsored, among other studies, the review of radio and television which led to the establishment of the Corporation for Public Broadcasting. In the early seventies the Carnegie Commission on Higher Education, chaired by Clerk Kerr, made a highly valuable contribution to the development of the Nation's policies for higher education.

We in the Congress welcome the initiative to have a broad-gauged study done of science, technology, and government. We wish the members of the Commission good luck as they embark on the difficult and challenging task, and we look forward to seeing and benefiting from the results of their work.

For the information of my colleagues I insert the press release, the list of members, and the statement by Carnegie Corp. President David A. Hamburg in the RECORD; following these remarks:

CARNEGIE CORPORATION OF NEW YORK ESTABLISHES NEW COMMISSION ON SCIENCE, TECHNOLOGY, AND GOVERNMENT

NEW YORK, APRIL 14.—Carnegie Corporation of New York has established a new nonpartisan commission to assess the mechanisms by which the federal government and the states incorporate scientific and technological knowledge into policy and administrative decision making. The new Commission on Science, Technology, and Government is co-chaired by Joshua Lederberg, president of The Rockefeller University, and William T. Golden, president of the New York Academy of Sciences.

In addition to eminent scientists, the Commission includes former government officials, who have served at high levels in all branches of government, as well as leaders from nongovernmental sectors.

In making the announcement, David A. Hamburg, the Corporation's president, said, "We live in a world being transformed by science and technology. The pace of advance in basic scientific knowledge of the structure of matter and of life, of the nature of the universe, of the human environment—even of self-knowledge—has accelerated dramatically. These scientific advances have provided an unprecedented basis for technological innovation, especially in the context of political and economic freedom. The immense potential of these developments poses a challenge to government beyond prior experience."

"The main purpose of the Commission," said Dr. Hamburg, "is to seek ways in which the branches of government can encourage and use the contributions of the national scientific community. The nation needs more effective mechanisms, both governmental and nongovernmental, for analyzing thoroughly and objectively what science can do for society and how society can make sure that scientific and technological capabilities are humanely used. Although the main focus will be on the federal government, its interactions with state governments and the private sector will also be considered."

Mr. Golden and Dr. Lederberg said, "We are looking forward to working with the distinguished members of the Commission as we try to assess how the executive, legislative, and judicial branches of government can be organized to improve their operations with respect to science and technology. The Commission will examine how the government can better interact with the scientific community." The following are some of the questions that will be addressed:

What are our national needs for scientific expertise in government?

What is the quality and distribution of scientific expertise in and related to the branches of government?

How can the organization of government improve the connections of expertise to the political process?

What institutional mechanisms and analytical methods are needed for ongoing assessment of major technologies to insure their humane and constructive use?

How can we secure wider participation of all elements of the scientific community including youth, women, and minorities in the policy process?

What are the most salient issues in science and technology policy, and how can they best be addressed?

How can the nation achieve a technically literate citizenry able to participate both in a modern democratic society and in technological economy?

The Commission, based in New York City, will organize studies, issue interim reports, and make its final recommendations in about three years, with a two-year followup period. The Commission's executive director is David Z. Robinson, a research physicist and former staff member of the U.S. Office of Science and Technology, Executive Office of the President. Most recently he has been executive vice president and treasurer of Carnegie Corporation.

MEMBERS: CARNEGIE COMMISSION ON SCIENCE, TECHNOLOGY, AND GOVERNMENT

William T. Golden, Co-Chair; Corporate Director and Trustee, New York, NY; President, New York Academy of Sciences; Treasurer, American Association for the Advancement of Science.

Joshua Lederberg, Co-Chair; President, The Rockefeller University, New York, NY.

David Z. Robinson, Executive Director; Vice President, Carnegie Corporation of New York, 1970-88; Staff Member, U.S. Office of Science and Technology, Executive Office of the President, 1961-67.

Richard C. Atkinson; Chancellor, University of California, San Diego, CA; Director, National Science Foundation, 1977-80.

Norman R. Augustine; Vice Chairman and Chief Executive Officer, Martin Marietta Corporation, Bethesda, MD; Undersecretary of the Army, 1975-79.

John Brademas; President, New York University, New York, NY; Member, U.S. House of Representatives, 1959-81; Majority Whip, 1977-81.

Lewis M. Branscomb; Director, Science, Technology and Public Policy Program, John F. Kennedy School of Government, Harvard University, Cambridge, MA; Chief Scientist, IBM, 1972-86; Director, National Bureau of Standards, 1969-72.

The Honorable Jimmy Carter; Former President of the United States; Chairman, The Carter Center, Atlanta, GA; Distinguished Professor, Emory University.

William T. Coleman, Jr.; Attorney, O'Melveny & Myers, Washington, DC; U.S. Secretary of Transportation, 1975-77.

Sidney D. Drell; Professor and Deputy Director, Stanford Linear Accelerator Center, Palo Alto, CA; Co-Director, Center for International Security and Arms Control, Stanford University.

Daniel J. Evans; U.S. Senator; Governor, State of Washington, 1964-77.

General Andrew J. Goodpaster; Chairman, The Atlantic Council of the U.S., Washington, DC; Staff Secretary to President Eisenhower, 1954-61.

Shirley M. Hufstedler; Attorney, Hufstedler, Miller, Carlson and Beardsley, Los Angeles, CA; U.S. Secretary of Education, 1979-81; Judge, U.S. Court of Appeals, 9th Circuit, 1968-79.

Admiral Bobby R. Inman; Chairman and Chief Executive Officer, Westmark Systems, Inc., Austin, TX; Deputy Director,

Central Intelligence Agency, 1981-82; Director, National Security Agency, 1977-81.

Helene L. Kaplan; Attorney, Webster & Sheffield, New York, NY; Chairman of the Board of Barnard College and of Carnegie Corporation of New York.

Donald Kennedy; President, Stanford University, Palo Alto, CA; Commission, Food and Drug Administration, 1977-79.

William J. Perry; Chairman, H & Q Technology Partners, Inc., Palo Alto, CA; Undersecretary of Defense for Research and Engineering, 1977-81.

James B. Reston; Senior Columnist, New York Times, Washington, DC.

Robert M. Solow; Professor of Economics, Massachusetts Institute of Technology, Cambridge, MA.

H. Guyford Stever; Foreign Secretary, National Academy of Engineering, Washington, DC; Science Advisor to President Ford, 1976-77; Director, National Science Foundation, 1972-76.

Sheila E. Widnall; Professor of Aeronautics and Astronautics, Massachusetts Institute of Technology, Cambridge, MA; Chair, American Association for the Advancement of Science.

Jerome B. Wiesner; President, Massachusetts Institute of Technology, Cambridge, MA, 1971-80; Science Advisor to Presidents Kennedy and Johnson, 1961-64.

CARNEGIE COMMISSION ON SCIENCE, TECHNOLOGY, AND GOVERNMENT

(Statement by David A. Hamburg, President, Carnegie Corp. of New York)

ISSUES UNDERLYING FORMATION OF THE COMMISSION

Since 1940 the pace of advance in basic scientific knowledge of the structure of matter and life, of the nature of the universe, of the human environment—even self-knowledge—has accelerated dramatically. These scienfific advances have provided an unprecedented basis for technological innovation, especially in the context of political and economic freedom. The immense potential of these developments poses a challenge to government beyond prior experience.

Science and technology bear upon war and peace, health and disease, the economy and society, resources and the environment—indeed the entire human future. The international economy, for example, is increasingly driven by developments in science and technology: witness telecommunications, biotechnology, computers, and the technical upgrading of established industries. No reminder is needed of the impact of societies of weapons development and distribution. The issue involved not only the existence of the new hardware but the uses of hardware.

These trends are intrinsically worldwide in scope. Many problems historically considered as internal might better be viewed as domestic aspects of international problems. Moreover, the opportunities and problems arising out of modern science and technology cut across traditional disciplines and sectors of society. Thus, institutional innovations are needed that can transcend traditional barriers—disciplinary, sectoral, and geopolitical.

Clearly, wise policy and decision making in each sphere of life depend on access to the best available knowledge and advice in the various fields of science and technology. Sound advice requires analysis, and analysis requires a broad base of research and development on which informed decisions can be made. Decision makers, moreover, need an understanding of major facets of the scientific enterprise itself.

The rapid and pervasive transformations resulting from science and technology call for strengthening the institutional capability for objective analysis of critical issues based on a broad foundation of knowledge and experience. The government of the United States is in an extraordinary position to stimulate and support such inquiries at a level far beyond what it has done up to now. In addition, the states, the "laboratories of democracy," need better means for dealing with the ongoing and potential applications of research and development.

The federal government and the states have an obligation to see that the country exploits the opportunities and avoids the dangers inherent in modern science and technology. This involves, among other desiderata, an understanding of the impact of science and technology on both governmental and nongovernmental tasks. It requires the establishment of a continuing, dependable capability for analyzing policy questions in ways that take adequate account of their scientific and technological aspects.

Science and technology policy itself should strive to meet the following goals: (1) maintaining excellence, technical competence, and efficiency in the conduct of research and development; (2) broadening participation in scientific activity as well as in the benefits of applied science; (3) shaping the uses of science toward widely shared ends—for example, the relief of human suffering, economic well-being, equitable distribution of resources, and the peaceful resolution of disputes; and (4) encouraging scientists to participate analytically in the uses of science—at the interfaces of fact and value—neither avoiding nor dominating the processes by which the social uses of science are decided.

The nation needs several mechanisms, both governmental and nongovernmental, for analyzing thoroughly and objectively the various options relating to two broad questions: What can science do for society, and how can society keep the scientific enterprise healthy? The capacity for providing the best possible analysis and advice on long-term issues of great national importance must not only be built into government operations themselves; the nation must institute ways of capitalizing on the capability of its diverse nongovernmental institutions to gain such analysis and advice. This orientation emphasizes ways in which science and technology can help to identify the early warning signals of emerging problems and to spot neglected or new opportunities for improving national and international well-being.

THE CHALLENGE

Thoughtful policymakers and decision-makers have increasingly felt the need for intelligible and credible syntheses of research related to important public policy questions. What is the factual basis drawn from many sources that can provide the underpinning for constructive options in the future? Pertinent information is widely scattered among government agencies and quasi-governmental or nongovernmental institutions. Moreover, it is very difficult for the nonexpert and sometimes even for the expert to assess the credibility of assertions on emotionally charged issues. In the current process of world transformation, studies are needed to tackle vital and complex issues analytically rather than polemically. This means having access to a wide range of high-quality information, analyses, and options. Jumping to conclusions, or using a heavy ideological filter, can easily lead to major mistakes, missed opportunities, or even disasters.

The central question for thoughtful consideration is how the various branches of government can take careful account of science and technology in policy formulation, decision making, and implementation affecting all aspects of modern society. What are the mechanisms government now has that are useful for analysis in each major area of responsibility? What technical competencies are needed in each unit of government? Which mechanisms should be strengthened or created? How can the various branches of government be organized to improve their operations through the use of modern scientific advances?

Further, how can the government stimulate and utilize the full range of science and technology in the scholarly community both in and out of government, taking into account ethical considerations pertinent to each problem area? Questions about government's role in specific facets of the scientific enterprise include:

(1) Science policy: What are the conditions under which science flourishes in the United States?

(2) Technology policy: What are the conditions under which the science base can fruitfully be drawn upon for useful technological innovation?

(3) Technology assessment policy: What institutional mechanisms and analytical methods are needed for ongoing assessment of major technologies with respect to the humane, constructive uses of technology?

(4) Science education policy: How can the nation achieve a technically literate citizenry and a skilled work force at all levels of human endeavor as well as prepare first-rate scientists and science-based professionals?

CARNEGIE COMMISSION ON SCIENCE, TECHNOLOGY, AND GOVERNMENT

In November 1987, Carnegie Corporation convened a consultative group of experienced scientists and administrators to examine the issues concerning the central role of government in using and stimulating scientific and technological advances. There was general consensus that problems in this regard exist in the executive, legislative, judicial, and regulatory branches and that in-depth analysis of these problems is needed if enduring improvements are to be made. There was additional agreement that an effective approach to the problem would be a commission that would work for about three years with a small high-quality staff. The commission would be intersectoral in nature and include distinguished former government officials, eminent scientists, and private sector leaders.

It was further recommended that the commission consider the entire range of the sciences—physical, biological, behavioral, and social—as well as the technologies based on them. The main emphasis should be on mechanisms by which the government can systematically assess the ways in which science can contribute to the general well-being of the nation, with special emphasis on the most serious social problems. Mechanisms for sustaining the health of the scientific enterprise should also be considered.

The recommendations of the consultative group were adopted at the February 17 meeting of the board of trustees of the Corporation, and the new Carnegie Commission on Science, Technology, and Government

was duly created with an initial $500,000 grant for the first six months of operation.

In addition to eminent scientists, the new Commission includes former government officials who have served at high levels in all branches of the government. Leaders from nongovernmental sectors of American society are also included.

Co-chairs of the Commission are Joshua Lederberg, president of The Rockefeller University, and William T. Golden, president of the New York Academy of Sciences and editor of Science and Technology Advice to the President, Congress, and Judiciary (Pergamon Press, 1988).

Executive director and member of the new Carnegie Commission is David Z. Robinson, most recently executive vice president and treasurer of the Corporation. Dr. Robinson is a former research physicist and was a staff member of the U.S. Office of Science and Technology in the Executive Office of the President from 1961 to 1967. He will continue to serve Carnegie Corporation as senior counselor to the president.

The Commission will organize studies, issue interim reports, and make its final recommendations in about three years, with a two-year followup period. It will be assisted by an advisory council. The first meeting of the Commission will be in May, 1988.

(Carnegie Corporation of New York is a philanthropic foundation that was created by Andrew Carnegie in 1911 to "promote the advancement and diffusion of knowledge and understanding among the people of the United States." Subsequently, its charter was amended to include the use of funds for the same purposes in certain countries that are or have been members of the British overseas Commonwealth. The Corporation's initial endowment was $135 million; the market value of its assets was approximately $762.5 million as of December 31, 1987.)

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. SPENCE. Mr. Speaker, I am today introducing a House joint resolution to authorize and request the President to designate the week of September 25, 1988, through October 1, 1988, as "National Historically Black Colleges Week".

It is my distinct privilege, Mr. Speaker, to offer this legislation to commemorate the important role which our historically black colleges have played in providing a high standard of education for a large portion of our Nation's black population. Collectively, hundreds of thousands of black Americans have received their postsecondary educations at the 107 historically black colleges and universities in the United States. I am proud to say that six of these institutions are located in the State of South Carolina. Furthermore, five of these six great schools; namely, Allen University, Benedict College, Claflin College, South Carolina State College, and Voorhees College, are located in the congressional district which I have the honor to represent. The other institution, Morris College, is located in the district represented by my friend and colleague, JOHN SPRATT. These six schools have proven themselves to be a vital component of the higher education system of South Carolina, in that they have a long and distinguished history of providing the training which is required for productive participation in our rapidly changing society.

Mr. Speaker, recent statistics have indicated that our Nation's historically black colleges and universities have graduated 60 percent of the black pharmacists in the United States, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers and 80 percent of the black judiciary. This is a most impressive contribution to the educational needs of our Nation.

Through the passage of this resolution, Mr. Speaker, Congress can reaffirm its support for historically black institutions of higher learning, and appropriately recognize their important role in American society. I look forward to working with my colleagues on this legislation, and I ask unanimous consent that a copy of the joint resolution appear as an extension of my remarks.

REAFFIRMING THE U.S. COMMITMENT TO THE CARIBBEAN BASIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RANGEL. Mr. Speaker, I would like to submit testimony before the Trade Subcommittee of the Commitee on Ways and Means by David Rockefeller, chairman of Caribbean/Central American Action, an organization dedicated to furthering economic growth and enterprise in the Caribbean basin. The testimony shows the need for U.S. commitment in the region, and outlines several ways by which we can establish a productive, symbiotic relationship between the countries of the Caribbean basin and the United States. I think you will find his testimony straightforward in its organization and pragmatic in its approach to the problems in the region.

The testimony follows:

REAFFIRMING THE U.S. COMMITMENT TO THE CARIBBEAN BASIN

Mr. Chairman, Distinguished Members of the Subcommittee:—My name is David Rockfeller. I am here today as Chairman of Caribbean/Central American Action, an organization dedicated to private enterprise and economic growth in the Caribbean Basin.

Mr. Chairman, all of us concerned with the future of the Caribbean Basin are grateful for your leadership in proceeding with these hearings without waiting for the resolution of the Omnibus Trade Bill. All of us are delighted that your colleagues in both houses in the Omnibus Trade Bill conference have gone on record to reaffirm the vital importance of the Caribbean Basin to the U.S. Particularly significant is their declaration of the intent of Congress that new trade legislation be used to strengthen the Caribbean Basin Initiative, not to weaken it.

Nonetheless, recent outbreaks of violence and disorder in the region signal a situation far too serious for routine remedies. Congress and the Administration must recognize the need for renewed commitment and new departures. It is most heartening that this Committee has recognized an historic opportunity to take the lead in launching a new era of Caribbean policy—in trade, investment, and development aid.

In recent decades, a deadly hypocrisy has arisen at the heart of U.S. policy toward this vital region.

On the one hand, we are supporting fragile democracies and troubled economies against the steady pressure of communist subversion.

On the other hand, we ourselves are steadily undercutting these Caribbean and Latin American countries with protectionist measures that disrupt and demoralize their economies. The U.S. strongly protects precisely the product in which the region specializes: sugar, apparel, textiles, footwear, and leather goods. We have even excluded tourism from the coverage of the CBI.

After promises of commitment and consistency we are slowly—and at times even abruptly—choking off its economic lifeblood. In an ever shifting policy of rhetorical support and practical betrayal of Caribbean interests, we have cut back on foreign aid, drastically retrenched sugar quotas, and entangled enterprise in webs of protectionism.

By tempting the region's producers with growing access to U.S. markets and then dashing their hopes, we leech away the confidence that is essential to the spirit of enterprise. Shortening the horizons of opportunity, we balk investment, productivity, and employment, and foster capital flight and political demagoguery. We turn the region from an economics of growth and hope for the future toward an economics of envy and protest. We isolate our friends and discourage government-backed, private sector strategies of development. Then we threaten to drastically reduce the flow of development aid.

Don't get me wrong. In itself, the CBI has been an impressive success, promoting nontraditional agricultural exports from Central America, fostering free-trade platforms for manufacturing, building new institutions to foster investment and trade, and helping all these embattled nations survive the more destructive facets of our policy. But all these gains increasingly seem a cosmetic mask for a muddled and conflicted U.S. approach to the region. Behind the smiling face of our diplomacy are seen the teeth of quotas, exceptions, exclusions and tariffs that bar many of the most promising products from entry into U.S. markets.

The new bill is a welcome move toward a more sensible posture. We endorse with enthusiasm the proposed 12 year extension of the initiative. We applaud the tentative moves toward freer entry of now restricted products. We welcome especially the exemption of CBI countries from tests of injury to U.S. industries based on the cumulative effects of imports from other parts of the world as well.

The treatment of tourism, sugar, and ethanol, however, is still inadequate, despite good intentions. The provisions increasing the duty free limit on items permitted into the U.S. only begins to address the potential for increased tourism for serving both U.S. and Caribbean interests. The proposed rollback of sugar quotas—now only one fourth the level at the launching of CBI—fails to respond to the enormous damage done to the region by this policy. The more favorable treatment of ethanol imports is critical to encouraging rather than discouraging the

region's infant ethanal industry as a potential long-term solution to sugar dependency.

For all its virtues, therefore, the new bill fails to measure up to the present crisis. Other congressional committees with other jurisdictions must accept the seriousness of what is happening in the Caribbean Basin and what they are not doing about it. It is a time for understanding, commitment and courage. Until the U.S. government stops allowing a tiny minority in U.S. industry to dictate policy in this region, I fear for the future. To say we are for democracy in the Caribbean while subverting growth is simply perverse. When growth stops, even the most prosperous nations risk unrest. In poor nations with soaring birthrates, slow growth risks revolution.

U.S. textile mills are thriving. The sewing of U.S. fabric in the Caribbean Basin enables our mills to succeed in an increasingly competitive world market. Thwarting this natural combination hurts the mills and workers, the American consumer and undermines Caribbean Basin democracy.

As for the sugar industry, we must develop programs to aid a transition from unnecessary and uneconomic production in the U.S. Sugar quotas now penalize U.S. consumers by making them pay near double the world price and punish vital U.S. allies in the Caribbean—and incidentally in the Philippines as well.

Finally we must understand that protectionism damages the prospects of the U.S. economy. At a time of serious trade deficits, the Caribbean Basin provides the United States with a trade surplus. The region is already a significant market for our agricultural, industrial and consumer goods, annually buying $6.67 billion worth of U.S. exports. Potentially it is a major market.

The collapse of imports to Latin America as a whole, however, was an important contributor to the U.S. trade gap. This region cannot increase its imports of our goods unless it can export the goods in which it possesses a comparative advantage. U.S. protectionism encourages protectionists everywhere in a spiral of shrinking markets that jeopardizes prosperity throughout the hemisphere.

Let us hope that passage of a new and extended Caribbean Basin Initiative can create a positive spiral of economic growth and cooperation. By expanding trade and investment on all sides, we can open up the horizons of political and economic freedom throughout the West.

In economics, good fences do not make good neighbors. Low fences or no fences are the secret of expanding commerce. By passing this bill and also enacting the United States-Canadian free trade zone, we can make a crucial start toward a true good neighbor policy.

We must stop regarding Third World exports to the United States as a threat to American business. Third World growth is indispensable to the future of American prosperity. The key issue is not whether trade balances with any particular region but whether trade volume grows in all regions.

The United States has long benefitted from the world's largest free trade zone, from sea to shining sea. Let us extend this realm of open commerce to the sparkling waters of the Caribbean as well. Let us act now before the pressures of politics and schedules engulf our efforts. Let us send a signal to all the peoples of the Caribbean that this initiative is a permanent commitment of the American people—reaching out, not as one Administration, or one Congress, but in a bipartisan pledge of good neighbors and friends.

DAVID WILLIAM PALMER, 88, WINS 1987 PEERLESS ADVOCATE AWARD

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. PEPPER. Mr. Speaker, I rise to call to the attention of my colleagues the remarkable fact that Attorney David William Palmer of Crestview, FL, has won the 1987 Peerless Advocate Award.

TRIBUTE TO DAVID WILLIAM PALMER

Crestview lawyer David William Palmer, who at age 88 has practiced law for more than 60 years, was selected by the Cotton Wesley & Poche Foundation to receive the 1987 Peerless Advocate Award.

The award is given to a lawyer who demonstrates "unswerving dedication to the defenseless or oppressed common man in the face of adversity and at the cost of personal sacrifice to his own liberty, reputation and financial security."

Palmer has a long history of service to the poor in Florida's panhandle, according to Michael Gates, president of the Okaloosa-Walton Bar Association.

Most recently, Gates said, Palmer showed his commitment to justice by challenging a rule in the Northern District of Florida requiring members of that court's bar to attend continuing education courses and pass an examination. He continued to file cases on behalf of Social Security claimants while challenging the rule, Gates said.

"He's the type who puts his clients before personal gain," Gates said. "By federal statute you can only make $10 an hour on those Social Security cases, but he keeps taking them."

Palmer's reputation among members of the Bar was evidenced by a resolution unanimously adopted by the Okaloosa-Walton Bar last year supporting the senior advocate in his challenge to the Northern District Rule. The requirement should be waived for lawyers who have reached their 85th birthday, the resolution said.

"We felt he was very competent," Gates commented.

Palmer's oldest son, attorney David Palmer II, said his father is accustomed to hard work under adverse conditions, because "he's been doing it for a long time."

"He was born down here in 1899, when this was still a pretty rough area. He was one of eight children. Four of them died in childhood. He grew up working hard and has kept on working hard," the junior Palmer said. "He works hard and enjoys living, just keeps plugging along."

The Cotton, Wesley & Poche Foundation will set up a $1,000 scholarship in Palmer's name at a Florida law school. The foundation was created by the Shalimar firm of the same name.—*Judson Orrick*

THE HONEY LOAN AND PRICE SUPPORT PROGRAMS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. CONTE. Mr. Speaker, for many years I have been working to bring attention to some of the most wasteful Federal spending programs on our books, the honey-loan and price-support programs. I have offered many amendments to terminate, phase out, and place maximum limitations on individual payments in these programs. And, up until last December, through a combination of effective statutory payment and loan caps and a prohibition on the use of generic certificates for loan redemptions, individual program beneficiaries were finally limited to a strict maximum of $250,000 in subsidies for honey production.

But the Omnibus Budget Reconciliation Act of 1987—legislation, I might add, intended to reduce the Federal deficit—lifted the lid for the benefit of a handful of large honey producers. The U.S. Department of Agriculture estimates that the costs of the honey program will increase by $6.1 million and that 13 million additional pounds of honey will be forfeited to the Commodity Credit Corporation.

Mr. Speaker, I am by no means the only Member of Congress, the only taxpayer, or the only objective auditor to find this Federal subsidy program, and the excessively large payments and forfeitures we permit, to be outrageous. We have been paying for dead bees, for corn syrup disguished as honey or to bail out a handful of the beekeeping industry's largest, most inefficient, and most uncompetitive producers.

Over the course of the next few weeks, I will be inserting in the RECORD letters that I have received from Americans all across the country who agree that reform is needed. The following letter from a concerned taxpayer in Omaha, NE is just one example:

MARY BETH MORAN,
3705 LYNNWOOD,
Omaha, NE

Rep. SILVIO CONTE,
Washington, DC

REPRESENTATIVE CONTE: The February 15 edition of the Omaha World-Herald printed a story concerning your efforts to reduce the government subsidy to honey producers.

BRAVO!

I applaud you for your efforts, and hope you keep working at it. In the same vein, there are lots of other commodities which the government subsidizes, which should receive your same attention.

It is hard enough to make ends meet without having to pay for the same item several times over, at the supermarket, in taxes, and subsidies for every interest group which has a strong enough lobby in Washington.

Keep up the fight.

Sincerely,

MARY BETH MORAN.

SALUTE TO PASSAIC SEMI-PRO BASEBALL STARS WHO MADE IT TO THE MAJOR LEAGUES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. ROE. Mr. Speaker, there is nothing so truly American as the game of baseball. Like the spring itself, it returns every April and blossoms in a renewal of its affirmation as the true national pastime.

In my Eighth Congressional District of New Jersey we have been, indeed, fortunate to have a rich baseball tradition down through the decades, a tradition that has been carried forth by the high level of competition in the Passaic County Semi-Pro League. On Friday, April 29, that tradition will be celebrated with the Third Annual Salute to Passaic Semi-Pro Baseball at the Athenia Veterans Hall in Clifton, NJ.

Mr. Speaker, this year's event is truly special because it will honor those seven players and one umpire who not only played in the Passaic semi-pro league, but who also made names for themselves in the major leagues. The honored group this year includes the late Dick Lajeskie (New York Giants), the late Frank Zak (Pittsburgh Pirates), Jim Castiglia (Philadelphia Athletics), Edward Sanicki (Philadelphia Phillies), the late Wilfred Edward Knothe (Boston Braves and Philadelphia Phillies), the late George Knothe (Philadelphia Phillies) and Ed Sudol, a top national league umpire for 20 years.

For the benefit of my colleagues, I would like to note some of the great accomplishments of these outstanding individuals:

Dick Lajeskie, who was born in Passaic, NJ, in 1926, was signed by the New York Giants in 1943 for a bonus of $10,000, which, at the time, was one of the largest bonuses ever given. He played with the New York Giants at the old Polo Grounds during the 1946 season.

Frank Zak was also born in Passaic, in 1922, and played major league and minor league baseball as a shortstop from 1941 through 1948. As a shortstop for the Pittsburgh Pirates in 1944 he batted .300 and was named to the National League All-Star team.

Jim Castiglia, who was born in Passaic in 1918, played both professional baseball and football. He spent part of the 1942 season with the Philadelphia Athletics, when he batted .389. He also played fullback for the Philadelphia Eagles football team.

Edward Robert (Butch) Sanicki, a native of New Jersey who graduated Clifton High School in 1941, played center field for the Philadelphia Phillies during the 1949 and 1951 seasons. He joined the Phillies after hitting 33 home runs and driving in 104 runs for the AAA Toronto Maple Leafs baseball team. He is the last Phillies player to hit a home run in his first major league at-bat.

Wilfred Edward (Fritz) Knothe, who was born in 1903 in Passaic, played with the Boston Braves in 1932–33, and also with the Philadelphia Phillies in 1933 as a third baseman. He also was one of the greatest athletes in Passaic High School history, having captained the Passaic High baseball "Wonder Team."

George Bertram Knothe, brother of Fritz Knothe, was born in 1900 in Bayonne. He was an outstanding fielder as a shortstop, a position he played for the Philadelphia Phillies during the 1932 season.

Willie Prall, who was born in Hackensack, NJ, grew up in Clifton and attended Pope Pius High School in Passaic where he was All-State in basketball and baseball. The only Pope Pius graduate ever to make the major leagues, Willie attended Upsala College and received a $25,000 bonus to sign with the San Francisco Giants in 1971. He had played semi-pro baseball with the Clifton Phillies in 1969–70 and later pitched for the Chicago Cubs in 1975.

Ed Sudol, who was also an outstanding player, became nationally famous for being one of the national league's outstanding umpires for 20 years, from 1957–77. Ed, who was born in Passaic in 1920, was named "Umpire of the Year" in 1976. Ed worked in three World Series, three major league all-star games and seven divisional playoffs. He also umpired the three longest games in baseball history, and was the plate umpire when our colleague, Congressman JIM BUNNING of Kentucky, then pitching for the Phillies, threw a perfect game against the New York Mets in 1964.

Mr. Speaker, all of these people have not only enriched the heritage of baseball in Passaic County, NJ, but the heritage of baseball where ever it is played throughout the world. I ask that you and our colleagues join me in saluting these outstanding individuals.

SUPPORT FOR PUBLIC LIBRARIES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. SPENCE. Mr. Speaker, South Carolina's public libraries are serving a varied constituency. Our population is graying; public libraries are developing programs to reach the elderly. Our illiteracy rate is outrageous; public libraries are cooperating with other agencies in addressing this concern. Our educational system is making new demands on our students; school library-media centers are responding to this challenge. Business and industry are requiring new skills for their entry level positions; academic libraries are supporting the curriculum for traditional coursework, as well as new technologies.

It is with pride and pleasure that I salute our Nation's libraries, especially those in South Carolina, on the occasion of National Library Week. I would urge my fellow citizens to use their libraries year round.

The abilities of our libraries to meet the needs of their patrons can be, in part, attributed to Federal funding. The Library Services and Construction Act has helped the South Carolina State Library and our public libraries develop their collections and programs. The Higher Education Act has assisted our academic libraries. School library-media centers are receiving assistance from the Education Consolidation and Improvement Act.

The image of libraries is changing. Today they are vital, energetic agencies trying to anticipate the needs of their patrons. They need the support of all of us. Show your support by registering for a library card—and use it.

TESTIMONY OF THE HONORABLE CHARLES B. RANGEL FOR THE HEARING ON S. 1776 BEFORE THE SENATE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, APRIL 22, 1988

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RANGEL. Mr. Speaker, for the benefit of the Members, I include my testimony before the Senate Committee on Banking:

TESTIMONY OF HON. CHARLES B. RANGEL

Mr. Chairman, I would like to thank you for the opportunity to testify in support of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bi-centennial of the Constitution.

I take great pride in the fact that on September 21, 1987, I along with Congresswoman Boggs, Congressman Campbell and Congressman Petri, introduced H.R. 3314 in the House of Representatives. The bill before you today, S. 1776, is identical to our bill in the House.

Over the years, like many other Americans I have been interested in our circulating coins. In fact, I have saved a few of the different designs I have encountered in circulation over the years. In many respects that pattern is typical of many Americans. I have noticed our coins, but have thought relatively little about them until recently.

In the past year, I have become very interested in our coins for a number of reasons. Like many of you, I have been concerned about our national deficit and about the programs that are being cut or are inadequately financed in an attempt to reduce the flood of "red ink" which has plagued us in recent years.

Each day, like you, I am faced with a series of difficult and often frustrating decisions. We may be the richest country on earth, yet our shelters and streets currently serve as home for many Americans. Those same streets are the marketplace for an assortment of drugs and drug dealers who seem intent on robbing our young and our country of its future unless drastic action is taken quickly. Such action costs money as do many other worthwhile programs.

Naturally, when a delegation approached me to discuss our coins and the potential revenues to be gained by changing designs, I was both interested and skeptical. Since that meeting, I have learned a good deal about coins and the revenues they can represent.

Before addressing the matter of revenues, let me explain briefly what this legislation will do. The bill you have before you would mandate new reverse designs for our circulating coins. In addition, there would be a special two-year Bicentennial of the Constitution reverse on the first coin to be

changed. The legislation also suggests that the portraits on the obverses of the coins be modernized while retaining the same presidents.

Understanding that time is required for the production of new designs, the bill carries a six-year phase-in period which would begin a year after the legislation is enacted.

I feel strongly that the special Bicentennial of the Constitution commemorative reverse be included in the legislation. We had special reverses for the Bicentennial of the Revolution and that law was a success from every indication. The importance of the Constitution seems apparent. Yet I have the feeling that it is somehow being overlooked in terms of our coins. We have seen a commemorative program for the Bicentennial of the Constitution. However, I think the case can be made that in this period of celebration, we should do more to make every American aware of this significant anniversary. Many Americans were not able to afford the Bicentennial of the Constitution commemorative coins. By placing the Bicentennial theme on one of our circulating coins, we will be placing this reminder in the hands of all Americans as well as those around the world. This is the best way I know to let everyone share, celebrate and remember this occasion. After all, coins are one of the few things that all Americans share in common.

What makes the proposal to change our circulating coin designs so interesting is the revenue potential of the measure. It is a rare proposal indeed which comes to us suggesting ways for the government to make money without increasing taxes. Yet this is such a proposal.

The largest source of revenue for the Mint is seigniorage on circulating coins. Seigniorage is the difference between the production cost of a coin and its face value. Consequently, the more coins we make, the greater the profits.

In the March 9, 1988, testimony of the Mint Director to the House Appropriations Subcommittee for Treasury, Postal Service and General Government, Mint Director Pope announced a seigniorage profit for fiscal year 1987 of $458 million.

To increase seigniorage profits we need to increase demand for coins. One way to do it is with new designs as mandated in this legislation.

We have already seen indications of the interest of the American public in new coins. We saw that in the American Eagle bullion coin program. We see it regularly in commemorative coin programs. Moreover, in the past, we have seen it repeatedly when new coins were introduced.

Many of us can remember the public demand for the new Kennedy half dollars in 1964. So great was the demand that shortages were created. While the Kennedy half dollar may have been something of a special case, there is ample evidence that people save new coins.

While we cannot accurately predict just how many of the new coins will be saved, it does not take an expert to see the potential. The projections of Numismatic News, one of the leading publications in its field, were based on a production of 4 billion of the new coins. In this instance, Numismatic News used the quarter as the first denomination to have new designs. With a normal yearly production of between one and two billion quarters, the demand for a new quarter would only have to average about 10 coins per person for us to realize their projection of $2.3 billion in additional revenue.

While I would be the first to admit that not every American will put aside 10 of the new quarters, I would have to observe that a substantial quantity are likely to be put away as keepsakes for children or grandchildren. Moreover, the new coins will initially be saved avidly by coin collectors and dealers. While the nation's coin collectors and coin dealers may be fairly small in number, they pack a very big economic punch.

Consider for a moment a few other additional figures from the Mint Director's recent testimony. She stated that the Bicentennial of the Constitution commemoratives had generated more than $48 million in surcharges for deposit to the Treasury's general fund. She said the Mint is projecting an additional $22 million in operating profits. Where did that money come from? The answer is that the vast majority of it came from the nation's coin collectors and coin dealers. The same can be said for the $74 million in profits the Director reported from sales of proof bullion coins and the additional $25 million in profits reported from the sale of uncirculated and proof sets.

Let me remind you, that those are simply the profits, not the total expenditures on the part of coin collectors and dealers. All of the experts from this hobby suggest that there would be substantial interest in new coin designs. Such interest would take the form of both saving the newly circulating coins while also ordering additional proof and uncirculated sets of the new coins. In both instances, the new designs will make money for the United States, money which was not the result of taxation.

In virtually every respect, this legislation represents the best of all worlds. Changing coin designs is not something new or revolutionary. In fact, in 1793, the founding fathers issued three different cents. The design which then remained the following year was changed again in 1796, thus beginning a long history of changing designs. Having different designs in circulation in 1793 and 1796 caused no problems. Neither has it done so in more recent history. Many of us remember when the dime was changed in 1946 and when the reverse of the penny was changed in 1959. In 1964 when the Kennedy half dollar was introduced, two other half dollars designs were in general circulation; the Franklin and the Walking Liberty. As recently as 1975-1976 we saw new Bicentennial reverses on the quarter, half dollar and dollar coins. We have nothing to fear in 1989.

Additionally, by changing the designs American artists will be given a chance to design coins which hopefully will represent the best we can produce as we embark on our third century as a nation.

The changes are strongly supported by those involved in coins and coin collecting, the very people who made a good portion of Mint's fiscal year 1987 profits possible. While they may not be a majority of the American people, they are the people who care about this issue and they are asking us to give them the opportunity to spend even more money on the coins from which we profit.

When you consider the potential revenue from this proposal you must be impressed by the idea. Technically it can be done. It would be welcomed as one of the government's few sources of revenue outside of taxation. We can benefit through reduction of the national debt or by producing more revenue to combat the ills which plague us today. I cannot imagine a better outcome or a better way to embark on our third century as a nation.

The constitution was a revolutionary idea in 1778, but the liberties and freedoms we enjoy rest on its inspired framework. New coin designs and the profits they will bring will better reflect the same American creativity and ingenuity that made and hopefully will keep this country great.

In closing I urge you to support the passage of S. 1776 in as speedy a process as possible.

A TRIBUTE TO MARGARET CARNEGIE: BROOKLYN'S NO. 1 GRANDMOTHER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. SOLARZ. Mr. Speaker, Margaret Carnegie speaks softly, walks lightly, and smiles constantly. She radiates beauty, determination, and youth.

Greenpoint residents, who live in the northern corner of Brooklyn, know this energetic woman who comes to community meetings on almost every issue. Ms. Carnegie's unique voice is always heard.

Ms. Carnegie asks the probing questions and offers practical, humane solutions.

"Why," Ms. Carnegie asked, "should a street be called Kingsland Avenue?" Native Brooklynites, after all, pride themselves on being independent; and Brooklyn played a leading role in the Revolutionary War that ended the King's reign. Why can't the city name the street in honor of some special group active in the community today? Why can't the city recognize a minority of caring people all too often ignored by the mass media?

Ms. Carnegie suggested that the Greenpoint community rename Kingsland Avenue to "Grandparent Avenue." The crowd applauded her new idea. New York City's government, after lobbying by local citizens, took her advice; and "Grandparent Avenue" came into being.

That is just one of the many new ideas Margaret brought to our community.

The Grandparents Club, established in Brooklyn, is another of Ms. Carnegie's ideas. The club members share stories and exchange pictures of loved ones.

Ms. Carnegie, by the way, is almost 80 years old. She is also a very proud mother and grandmother.

The National Congress of Neighborhood Women recently honored Brooklyn's most famous grandmother. The neighborhood organization celebrated Ms. Carnegie's leadership and praised "her many achievements in our community." Carnegie, the civil rights organization voted, "has played a vital role in numerous social causes ranging from voter registration and fair housing to crime prevention and intergenerational education."

I would like to add that, while many concerned citizens crusade for social change, Ms. Carnegie leads by example and inspires by small, gentle gestures. She appeals to our most human side. Words fail to convey her warmth or wisdom.

Yet, I must use words to describe her to people untouched by her gentle magic. So I must point out all the roles she plays in our community. Margaret Carnegie is our neighborhood sage, a committed civil rights leader, and a longtime community activist.

Margaret Carnegie is all of this and so much more.

Margaret is a friend and Brooklyn's No. 1 grandmother.

RETIRED AMERICANS ARE MAKING A CONTRIBUTION

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. COUGHLIN. Mr. Speaker, I would like to draw the attention of my colleagues to the invaluable community services that members of the Retired Senior Volunteer Program [RSVP] of Montgomery County, PA, are providing in my 13th Congressional District.

Last week, members of this organization celebrated RSVP Day in conjunction with National Volunteer Week, April 18-25. RSVP of Montgomery County is making a major impact in our region.

The organization fields 1,000 volunteers who contributed more than 175,000 hours of community service in 1986, meeting some of the needs of 225 nonprofit agencies, hospitals, shelters, and other organizations.

In fact, I have worked with RSVP members to better serve my constituents at taxpaying time every year. As part of an annual program, 16 volunteer older Americans travelled the 13th district in my mobile congressional office to assist other senior citizens prepare their tax returns. With the support of the Internal Revenue Service's Taxpayer Education Unit and the Pennsylvania Department of Revenue, this group of selfless Americans assisted nearly 600 of their fellow senior citizens while visiting 23 senior centers and community sites in a 9-week period. They helped prepare 366 Federal and 414 State and local income tax forms.

This is only one example of the many fine things RSVP and its corps of volunteers are doing for their neighbors and the communities in which they live.

The volunteer services do not impose a burdensome cost on anyone, and allow able, articulate and active older Americans the opportunity to continue to use their skills in helping others. It is a program that ought to be replicated in every community in America. The people who are involved in this kind of program deserve our highest praise and respect.

SOUTH AFRICA AND TERRORISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RANGEL. Mr. Speaker, I would like to share with you an article by Anthony Lewis which poignantly reflects my concern over the inability of the Reagan administration to take an active role in opposing and preventing South Africa from terrorizing its neighbors.

As a superpower, and a leader in the fight against worldwide terrorism, the United States has a moral responsibility to combat South African terrorism as vigorously as we combat terrorist activities in the Middle East. There must be no double standard in our policies in this battle.

With this in mind, I would like to submit the following for the RECORD:

[From the New York Times, Apr. 10, 1988]

A TERRORIST STATE

(By Anthony Lewis)

BOSTON.—Last Thursday morning Albie Sachs, a South African lawyer living in exile in Mozambique, walked to his car and turned the key in the door lock. As he did a powerful bomb went off. It shattered windows down the block. Mr. Sachs lost his arm. Miraculously, he survived.

Albie Sachs has a good many American friends, including me. He has lectured at a number of law schools here, including Columbia, Harvard and Minnesota. So the attempt on his life brought home in a special way the meaning of one of the contemporary world's worst evils, state terrorism.

No one familiar with the region had any real doubt about who planted that bomb: agents of the Government of South Africa. Mr. Sachs is a longtime member of the African National Congress, the anti-apartheid movement outlawed in South Africa. A.N.C. members have been the targets of numerous murder attempts carried out by South Africa openly or covertly.

On March 29 the A.N.C. representative in Paris, Dulcie September, was shot to death at the door of her office. So far this year six A.N.C. members have been murdered in countries outside South Africa.

On March 28 a South African army unit went into neighboring Botswana and killed a man and three women as they slept in a house outside the capital, Garborone. Pretoria said the victims were terrorists. Botswana's usually cautious Government called that a "deliberate fabrication."

The South African Minister of Defense, Magnus Malan, described the raid as "a surgeon's incision against the A.N.C." Botswana's Foreign Minister, Gaositwe Chiepe, noted that the raiders had made it hard to identify the victims. They doused the bodies with gasoline and set the house on fire.

The idea that South Africa had anything to do with the attempted murder of Albie Sachs was denied by the South African Foreign Minister, R. F. Botha. That is the same Mr. Botha who protested mightily a few years ago at the charge that South Africa was aiding the Renamo terrorists in Mozambique. Then, at a captured Renamo camp, Mozambique found detailed logs of regular South African supply drops and radio communications.

South Africa has carried out armed attacks on all its neighbors, not just Botswana and Mozambique. It has kidnapped and killed civilians in Swaziland, Lesotho, Zambia and Zimbabwe.

The targets are usually identified as A.N.C. members, but they often turn out to be local citizens who have nothing to do with South Africa. The raids in any case serve a domestic political purpose for the white Government in Pretoria: looking tough. They tend to increase in frequency when the Government is in trouble on the right, as it is now.

The black-ruled neighbors of South Africa are essentially helpless against its overwhelming military power. They are as the blinded Gloucester said in Shakespeare's "King Lear":

As flies to wanton boys are we to the gods,
They kill us for their sport.

But the United States is not a weak country, helpless in the face of state terrorism. It is a superpower with claims to a moral position in the world. It may not be able to do much about racial oppression inside South Africa. But it can and should be leading an international effort to prevent South Africa from terrorizing its neighbors.

The Reagan Administration has a particular reason for concern. In 1984 it brokered the Nkomati Accord, in which Mozambique and South Africa agreed to stop making or assisting attacks on each other. Pretoria has brazenly violated it.

The first thing Washington can do is to speak out loud and clear. The United States has a longstanding policy of opposition to governments that support or engage in terrorism. South Africa is now very likely the prime example of state terrorism in the world. Yet when there is a raid or a bombing, all one gets from Washington is a namby-pamby statement that really says nothing.

President Mitterrand of France had no hesitation when Dulcie September was killed. He did not make pious statements about an inability to identify the killers. He called the South African ambassador to his office and demanded an explanation. He said the murder made the question of sanctions "still more burning."

Beyond words, there are many actions the U.S. can begin to take: expelling diplomats, applying a specific economic sanction, sending urgent military help to the country that has been victimized. Every time South African terrorists strike, there should be a clear and immediate U.S. response. The aim, as Franklin Roosevelt put it is to guarantine the aggressor.

IN RECOGNITION OF MR. GEORGE A. PARKER

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. BRENNAN. Mr. Speaker, I rise before the U.S. House of Representatives today to honor the dedicated career of Mr. George A. Parker as a veteran fireman for the Rockport Fire Department in Rockport, ME. Mr. Parker has served as a volunteer fireman since January 4, 1918. He has just recently celebrated 70 years as an active member of the fire service. At the age of 86, Mr. Parker still plays an active role in the daily duties of the Rockport fire station. His duties include maintaining the station, as well as making sure that all of the fire equipment is ready for emergency use.

He enjoys serving his community while sharing his expertise and knowledge with his fellow colleagues.

Mr. Parker embodies the true spirit of voluntarism which is so important to the benefit of America. I join with other First Congressional District residents in extending sincere thanks to Mr. Parker for his 70 years of service and dedication to his community. He has been a leader for his colleagues, an inspiration to his

community and a dedicated servant to the fire service.

THANK YOU AMERICA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. DORNAN of California. Mr. Speaker, as the Representative of California's 38th Congressional District, I have the great privilege of representing a constituency with diverse ethnic and cultural backgrounds. One group, which I am extremely proud to represent, are the men, women and children who fled Communist oppression in Vietnam, and came to the United States with the hope and dream of becoming dedicated and productive citizens of our great country. And indeed they have.

As the representative of a Vietnamese community, I know how grateful they are to the American people for opening our arms and allowing them to share the riches and freedom of our Nation. But for my fellow Americans who have not had the opportunity to know the Vietnamese, I would like to submit into the RECORD a thank you letter to the American people from Yem Pham, a 99-year-old Vietnamese man who has been able to live his golden years in peace and freedom as a result of America's generosity.

Mr. Speaker, like Yem Pham, I salute the people of our great Nation.

APRIL 5, 1988.

Hon. ROBERT DORNAN,
U.S. Congressional District, Garden Grove, CA.

DEAR CONGRESSMAN DORNAN: Pardon me for my rudeness and primitive behavior in addressing you, but it is just that I can not resist to write about my appreciation to you and your government.

My name is Yem Pham. I was born in May 15, 1888. Certainly you know that I am reaching my centennial birthday very soon. Before I can celebrate this very special occasion, I would like to express my deepest appreciation to you. You have made this possible for me. You have rewarded me with many essential provisions and services. They are the resettlement programs, health care services and the love of American people.

You and your government have given me an opportunity to prolong my life and a chance to live in this beautiful country. My life is enhanced each day and every new day to come. I have realized that at my age there is no ability to pay but to benefit and to receive. Because of my inability to pay, I have to write you and your government the most sincere thankfulness for your health services, assistances and love through many years.

Please accept my genuine thankfulness. May God grant you peace, wisdom and longevity. Your acceptance and response of my appreciation will be rewarding for me, my children, grandchildren, great-grandchildren, great-great-grandchildren, great-great-great-grandchildren and friends. I am looking forward to hearing from you.

Sincerely yours,

YEM PHAM.

VA PHYSICIAN HONORED WITH ANNUAL MIDDLETON AWARD

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. MONTGOMERY. Mr. Speaker, it is a pleasure to again share with my colleagues the achievements of a Veterans' Administration health care professional—a singular shining example of the overall commitment to excellence within the Nation's No. 1 health care delivery system.

The Veterans' Administration has awarded its highest scientific honor—the William S. Middleton Award—to Gerald Reaven, M.D., director of the Palo Alto, CA, VA Medical Center's Geriatric Research, Education and Clinical Center (GRECC).

The Middleton Award is the highest honor given by the VA in recognition of outstanding achievement in biomedical research. The award is named for William S. Middleton, M.D., who served as VA's Chief Medical Director from 1955 to 1963.

Dr. Reaven is being recognized for his leadership in the development of research, education, and new clinical care programs for the elderly, and for his achievements in the field of diabetes research.

In addition to his accomplishments as director of the Palo Alto GRECC, Dr. Reaven is internationally recognized for his work in diabetes research. Early in his VA career, he defined the relationship between hyperglycemia and insulin response to oral glucose in normal subjects and patients with noninsulin-dependent diabetes mellitus. Dr. Reaven demonstrated that improvement in insulin response to oral glucose followed weight loss. This finding led to a new understanding of the role of diet in the treatment of diabetes.

More recently, his studies of triglyceride—fat—metabolism in diabetes have uncovered a defect in the transport of blood plasma cholesterol. This defect leads to hyperlipidemia—high plasma fat—and atherosclerosis in noninsulin-dependent diabetes.

Dr. Reaven received his medical degree from the University of Chicago in 1953. He interned at the University of Chicago Hospital and was a research fellow in medicine at Stanford University before joining the U.S. Army Medical Corps in 1955. He was appointed instructor of medicine at Stanford in 1960 and currently is head of the Division of Gerontology. He also holds the Nora Eccles Harrison Professorship in Diabetes Research.

Dr. Reaven began his VA career in 1968 as a staff physician at the Palo Alto VA Medical Center. He was a medical investigator from 1971 to 1977, when he assumed his current position of director of the GRECC, 1 of 12 such VA centers established to improve the care of older veterans. The Palo Alto GRECC focuses on metabolic and endocrine disorders of aging, health services delivery research, and psychosocial aspects of aging.

The award will be presented to Dr. Reaven on April 30, here in Washington, at the joint annual meetings of the American Federation for Clinical Research, the Association of American Physicians, and the American Society for Clinical Investigation.

Mr. Speaker, I know my colleagues will want to join with me in congratulating Dr. Reaven for his contributions to the advancement of medicine and to an improved quality of life not only for veterans, but for all mankind.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. JONES of North Carolina. Mr. Speaker, on rollcall No. 66, final passage of H.R. 3, the Omnibus Trade and Competitiveness Reform Act, I was present on the House floor, but the CONGRESSIONAL RECORD fails to show my vote in favor of final passage. I was recorded as voting "no" on the motion to recommit just a few moments earlier. I would appreciate the RECORD showing that had my vote been properly recorded, it would have been a "yes" vote.

A HARLEM RESIDENT: JAMES E. BOOKER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to share with my fellow Members of Congress the achievements and contributions of James E. Booker. As a journalist and adviser to Presidents, he has served both his community and his country with the utmost professionalism and devotion.

Mr. Booker grew up in Riverhead, Long Island. He picked potatoes in order to finance his college education. After graduating from Howard University, Mr. Booker got a job as a reporter for the Amsterdam News. He became a featured columnist and a regular panelist on the WNBC show "Searchlight." During his 18 years as a journalist, Mr. Booker also received more than 20 writing awards for investigative reporting.

In the sixties, this great man became very active in the formation of several Presidents' civil rights policies. In 1966, Mr. Booker was a consultant and director of information for the White House Conference on Civil Rights. In 1968, he was the chief information consultant to the National Advisory Commission on Civil Disorders. This commission was responsible for the Kerner Commission Report. Moreover, he became the first black adviser to a national Presidential candidate and he was an original organizer of the Congressional Black Caucus in 1970. Through his work, Mr. Booker has clearly helped form modern civil rights policies and legislation.

There are several stories which circulate among Booker's admirers which show his ability to solve crises, formulate ideas, and circulate good will. One such story was printed in the Carib News. In short, James E. Booker has worked hard for his community and coun-

try. He is certainly an asset to the Harlem neighborhood where he resides. I am, therefore, confident that each of my colleagues will find the following published letter of great value.

[From the New York Carib News, Apr. 5, 1988]

JAMES BOOKER: HIS OUTSTANDING CONTRIBUTION

DEAR EDITOR: The article by Mr. Ernie Johnston Jr. on Mr. James E. Booker (Carib News, Week Ending March 15, 1988) illustrated the contributions of an outstanding Black American to American Black, and world history.

Mr. Booker is not only a pioneer journalist active in the growth of Harlem, but also in the growth of Blacks in America, the Caribbean (islands, countries of Central and South America), and Africa, including South Africa. Not by armchair observations, but by going to the countries for first hand observations, and by whatever personal action and help he could take to turn things around.

The following is an American vignette about Mr. Booker: In his excellent article, Mr. Johnston spoke about Mr. Booker's participation in the famous 1966 White House "To Fulfill These Rights Conference" which Mr. Booker had a hand in shaping as Special Assistant to the President of the United States, Lyndon Johnson.

As Special Assistant to the Mayor of Boston, Massachusetts, John F. Collins, I represented the City of Boston at this significant three day conference. All the Black leaders of America were there, including Dr. and Mrs. Martin Luther King Jr., and Mr. Percy Sutton who brought Malcolm X.

The morning of the third day, the conference was almost in a shambles because of the opposing viewpoints about what the conference's public proposals should be at the dinner that night, as well as clashing egos regarding who should and should not speak at the dinner.

Amidst all of this, President Johnson told the Black leaders that he was not going to attend and speak at the dinner. More confusion.

Mr. Johnson sent for Mr. Booker to inform him that he would not speak at the dinner. Mr. Booker said, "Mr. President, give me half an hour, and I will be back to discuss this with you. After all, I am still your Special Assistant by appoinment, though I have not signed the papers." President Johnson said yes to Mr. Booker's request.

Mr. Booker rounded up all the Black leaders and their egos and told them the President was not bluffing and that if he did not speak at the dinner, the news media would blast it around the world and it would make them look bad in their own community newspapers, radio and television stations.

Realizing that this could damage their reputation at home, and an assault on their egos, the Black leaders caved in and agreed on an agenda and who would speak.

With a White House car at his disposal, Mr. Booker made his report to the President, and President Johnson agreed to speak. Mr. Booker saved the day.

This vignette was not relayed to me by Mr. Booker, but by a White House assistant who I had to keep constantly in touch with because of my duties at the Mayor's office in Boston.

Though Mr. Booker is from New York, and I from Savannah, Georgia, we do have one aspect of our lives in common, that of being fellow graduates of Howard University in Washington, D.C. He is a true great Black American.

Sincerely,

LEMUEL M. WELLS,
Manhattan, NY.

COMMISSION'S REPORT EXPANDS WORLD KNOWLEDGE OF UKRAINIAN FAMINE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. BROOMFIELD. Mr. Speaker, for the past 2 years, I have been privileged to serve on the Commission of the Ukraine Famine, as it sought to meet its congressional mandate to expand the world's knowledge of events that collectively are known as the Ukrainian famine, and to provide the American public with a better understanding of the Soviet Union by revealing the Soviet role in the famine.

Extensive testimony was taken and indepth interviews were conducted from eyewitnesses to the famine. The conclusions as detailed in the Commission's report, are inescapable. The famine which occurred in the Ukraine during 1932-33, and which took millions of lives there, was the result of a deliberate policy of genocide by the Government of the Soviet Union.

These were difficult hearings for those on the Commission and for those who testified before us. All involved deserved to be congratulated. Special recognition should be given to Dr. James Mace, the staff director, and his staff, the Commissioners from the Ukrainian community who gave so freely of their time, and the Ukrainian community, itself, for its strong support. We in Michigan were extremely fortunate to have 4 of the 15 Commissioners from our State. The other three Michigan Commissioners were Congressman DENNIS HERTEL, Mr. Bohdan Fedorak, and Ms. Anastasia Volker.

I understand there is still unfinished work for the Commission in finalizing its research, and in disseminating more widely the results of its efforts. I would hope that the House would give serious consideration to extending the life of this Commission in order to complete its important work.

Mr. Speaker, I have included my concluding statement to the Commission on the Ukraine Famine to further share my views on this important matter with our colleagues in the House.

REMARKS OF CONGRESSMAN WILLIAM S. BROOMFIELD BEFORE THE COMMISSION ON THE UKRAINE FAMINE

Members of the Commission, honored guests, this Commission was established two years ago for the purpose of expanding the world's knowledge of events collectively known as the Ukrainian famine and, as a result, to provide the American public with a better understanding of the Soviet Union by revealing the Soviet role in the famine.

The Commission has held several public hearings around the country in an effort to hear firsthand the chilling recollections of those who actually experienced and survived the 1932-33 famine in the Ukraine. Testimony was taken by the Commission from 57 eyewitnesses to the famine, and indepth interviews were conducted with over 200 other survivors of this tragedy.

During the hearings, we heard of the millions who died of starvation in the Ukraine during this terrible period. Famine survivors told the Commission of seeing bodies left where they died; or watching their loved ones progressively weaken from hunger, and slowly give way to prolonged and painful death. The Commission learned of Ukrainians staying alive by eating anything from grasses, weeds, and tree limbs, to wild animals and birds that they caught and ate uncooked.

We also learned from eyewitnesses that crop harvests in the Ukraine during this period were as bountiful as those in previous years when there was no famine. Rather than being the result of natural causes, the famine of 1932-33, was caused by the organized confiscation of grains and other foods from the people of the Ukraine. Witnesses before the Commission told of train loads of food and grains leaving the Ukraine, and of systematic house-to-house searches where every ounce of food was seized by government officials. We also heard of Soviet-imposed travel restrictions preventing Ukrainians from going to other areas where food was available.

The conclusion, which is detailed in the Commission's report to the Congress, is inescapable. The famine which occurred in the Ukraine, and which took millions of lives there, was the result of deliberate policies of the Government of the Soviet Union. Thus, it is important that we call this man-made famine what it truly is, an act of genocide by the Soviet Government against the people of the Ukraine.

This is a difficult story. It was heartrending for those of us on the Commission who heard the details of this genocide for the first time. It was painful for those who survived this tragedy to call up memories that many had buried with friends and loved ones so many years ago.

The Ukrainian famine and the events surrounding it are, however, an important part of history that should be known to American people and the rest of the world. In one sense, it clarifies the events that took place in the Ukraine during 1932-33. In a larger sense, it speaks to the degree of suffering that man will inflict upon his fellow man when the world—including the United States—is willing to look the other way. Above all, the lessons of the famine also tell us of the moral depravity of the Soviet system of government, a system that would initiate a policy of genocide, and a system that is essentially the same today. Through the lessons of the Ukrainian genocide, we are all reminded of the importance of vigilance, and of holding the Soviet Government accountable for its human rights practices.

Mr. Chairman, the members of the Commission and the staff, led by Dr. James Mace, are to be congratulated for their diligent and dedicated work in pursuing and revealing the truth about the man-made famine in the Ukraine. I understand there is still unfinished work for the Commission in finalizing its research and in disseminating more widely the results of its efforts. I urge the Congress to consider extending the life of this Commission so that this important work can be accomplished in the memory of those who died, and in honor of those who

survived the Soviet genocide in the Ukraine in 1932-33.

CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT HONORED

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. PACKARD. Mr. Speaker, please join with me today in congratulating the State of California Employment Development Department in Oceanside. The program has been awarded the "Outstanding Veteran Service Award." This award is given by the International Association of Personnel in Employment Security in recognition of excellent service to veterans.

The center, which is in my congressional district, has consistently done a superb job assisting veterans in job placement. Their teamwork and support have made them a highly successful center.

The projects they have sponsored are numerous. They were the first in northern San Diego County to hold a job fair for veterans. It was attended by 30 prospective employers and 1,500 veterans and they were able to place 200 individuals in gainful employment. "Hire-A-Vet Week." is another successful project the center has initiated. They have a superb outreach program at Camp Pendleton and are always looking for new and improved ways to serve the veteran community.

Therefore, Mr. Speaker, it is with great pleasure that today I recognize the State of California Employment Development Department Office in Oceanside for a job well done. I am proud to be associated with such a devoted team. I know that they will continue to work hard to serve our veterans.

MOST LONG-TERM-CARE INSURANCE CRITICIZED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to a Washington Post article on a recent Consumers Union survey of long-term-care insurance policies. The private long-term-care insurance market is growing rapidly and we must monitor its development carefully. Private long-term-care insurance can play an important role in financing our Nation's huge long-term-care bill, but we must ensure that consumers are protected when they purchase this kind of insurance. Many concerns have been raised about limitations and exclusions in the policies currently being marketed. Consumers Union did a survey of 53 of the estimated 90 policies currently in the market and published the results in the May 1988 issue of Consumer Reports. The following article briefly outlines some of the survey's findings.

MOST LONG-TERM-CARE INSURANCE CRITICIZED—CONSUMERS UNION CITES DEFICIENCIES, COSTS

(By Molly Sinclair)

Most of the private insurance policies providing long-term-care, which the Reagan administration often cities as a way for Americans to cover nursing-home costs, have critical deficiencies and are priced beyond the means of the people who need them most, a consumer group said yesterday.

Consumers Union, a national non-profit group that publishes Consumer Reports magazine, reached its conclusions after examining 53 of the estimated 90 long-term-care policies now sold.

"What we found was very disappointing," said Rhoda H. Karpatkin, executive director of Consumers Union, at a news conference previewing the results of the study, which will be featured in the May issue of the magazine.

"Even if people could afford the premiums," Karpatkin said, "these policies don't usually cover existing health problems until six months have passed, and they're often unclear about Alzheimer's disease."

People who buy long-term-care policies at age 65 may have to pay as much as $100 a month for adequate coverage, Consumers Union concluded. Those aged 75 may have to pay as much as $260 a month for long-term-care insurance.

People who try to shop for long-term-care insurance will encounter "a crazy quilt of charges, waivers and limitations that confuses even the insurance agents who sell the policies," the magazine said.

Among the problems cited:

It's easier to get insurance if you're healthy. People in great need of protection—those with an existing health problem—may not be able to buy a policy because some insurers reject as many as 30 percent of the applicants.

Slightly more than 60 percent of patients enter a nursing home without being hospitalized beforehand. But 72 percent of the policies examined in this study required prior hospitalization before any benefit could be provided.

Although about half of all nursing home patients suffer from Alzheimer's disease and related diseases, more than 50 percent of the policies evaluated did not specifically state that the condition was covered. Consumers Union expressed concern that a company suddenly flooded with claims might use the policy's vague language as a basis to deny benefits.

Some policies cover only skilled and intermediate care, not custodial care, which is potentially the longest lasting. Many other policies restrict the benefits for custodial care.

Most policy benefits are not designed to keep pace with inflation.

"We don't recommended long-term-care policies for people with modest incomes. They would quickly qualify for Medicaid benefits," Karpatkin said.

People under 60 shouldn't buy them either, Karpatkin said, unless there's a way to be sure that policy benefits will keep pace with inflation. "While one of the better policies we found may be a reasonable choice for more affluent people who can qualify, millions of Americans will still be left without adequate coverage," she said.

The average cost for one year in a nursing home is $42,000 in metropolitan areas such as Washington.

Concluding that the private insurance system cannot spread the costs over a large enough number of people to make coverage affordable for the millions who need it, Karpatkin called for the federal government to design a long-term-care system that meets the needs of the entire population.

But many members of Congress, now wrestling with the long-term-care issue, believe that the answer lies in a combination of public and private programs.

"Long-term-care insurance is still in the infancy stage, and it remains to be seen what the next generation of policies looks like," said a staff member of the Select Committee on Aging of the U.S. House of Representatives. "Our view is that private insurance is not the ultimate solution, but it is a piece of the puzzle," he said.

Robert Waldron, a representative of the Health Insurance Association of America, said the Consumers Union report is "overly pessimistic." He said the results would have been more positive if policies had been examined "in terms of their evolution rather than lumping them all together."

The first long-term-care policies, which emerged in 1982, "were very tentative and very restrictive," Waldron said. But the ones that have emerged since 1986, he said, "are more liberal, their per diem benefits either match or exceed nursing home costs and some contain inflation riders" to help offset inflation. Waldron estimated that 500,000 long-term-care policies are in effect.

TRIBUTE TO AGNES HOFSTADTER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a very special constituent from my district, Mrs. Agnes Hofstadter. For her work with the Shaarey Zedek Sisterhood of North Hollywood and her service to the community, Agnes is being honored at the group's annual fundraising luncheon on May 1, 1988.

Agnes and her family moved to the North Hollywood area in 1976. She and her husband, Gene, became active members of the Shaarey Zedek Congregation. Gene served as president of the congregation for 2 years and Agnes contributed her expertise in organizing fundraisers and other social activities while working closely with her husband. Both Agnes and her husband have been active in the real estate business, selling and developing properties. Since 1975, she has been office manager of the Sherman Square Roller Rink, their family owned business.

Agnes lived through the war years in Budapest, where she and her family survived by hiding under false names. They were spirited across the border by various members of their family and were finally able to enter the United States in 1948. Agnes and her family settled in Ohio, where she graduated as salutatorian of her class. Later she moved to New York and worked for the American Zionist Council. After marrying in 1955, Gene and Agnes settled in California. Agnes has three children, David, Sherri, and Joni. Last year was especially happy and rewarding for her because her two older children were both

married. Joni is 18 and will graduate from high school this year.

It is my distinct honor and pleasure to ask my colleagues to join me and the Shaarey Zedek Sisterhood in saluting Agnes Hofstadter. I am proud that she is a member of my community.

HOLOCAUST REMEMBRANCE DAY AND THE RATIFICATION OF THE GENOCIDE TREATY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RANGEL. Mr. Speaker, the following remarks were written in commemoration of Holocaust Remembrance Day.

Today is Yom Hashoah, the day of remembrance to the victims of the Holocaust. Appropriately, and symbolically, April 14 is also the day in which the Genocide Treaty could be enacted into the Federal Penal Code.

Genocide is a term which came about quite recently. The word combines the Greek word for "species" with the Latin word for "kill." I find it remarkable that such a word could come into existence. The very thought that someone could conceivably attempt to eradicate a population sounds ludicrous, yet such an attempt was made only 40 years ago.

The Holocaust was Hitler's and Nazi Germany's attempt to eradicate the Jewish population of Europe. While in prison, he wrote in Mein Kampf that the Aryan race was the superior race and it was necessary to do away with all "subhuman races." To accomplish his goals, Hitler's staff found new and efficient ways to kill large masses of people. Concentration camps were built to house Jews and Slavs as they arrived by the trainloads. Like cattle, they were herded into the camps and, as at Auchswitz, music played as they marched into the showers and were poisoned by prussic acid or zyklon B. The hair was then cut off and shipped to the mattress factories, the gold teeth were removed, the bodies cremated, and the ashes used for fertilizer. Like any efficient machine, the Nazi death camps functioned for several years without rest.

In 1933, the Jewish population of Europe numbered 9,500,000. After the surrender of Nazi Germany, only 3,500,000 Jews remained. Only 10 years ago did the population of Europe return to its prewar levels. Such a frightening statistic says something for the German degree of effectiveness in carrying out Hitler's final solution for the Jewish population.

On this day, I believe we must remember the Holocaust. We must remember its dead, pay tribute to its survivors, and, most importantly, do everything in our power to prevent its repetition. The Genocide Treaty is one way in which we, as a nation, can make it understood that the United States will not tolerate genocide. It has been 37 years since the Genocide Treaty was first introduced. In the words of Kansas Senator BOB DOLE, "we have waited long enough." Ratification of this treaty is long overdue.

The United States has long been considered a protector of human rights throughout the world. It should not take 37 years for such a leader to federally outlaw genocide. Each day we postpone ratification of the convention, we taint the United States image as a country devoted to the protection of human rights. It is time we enacted this important piece of human rights legislation.

Though considered largely symbolic, the Genocide Treaty can play some role in stopping genocidal acts. By including genocide in the Federal criminal code, the United States is making a statement that it will not tolerate another Holocaust. On this day of remembrance of the victims of the Holocaust, we must consider the events of the past, and legislate against such events in the future. The Genocide Treaty is both a fitting tribute to those who lived and died during the Holocaust and a means by which we can prevent such a loss of lives from ever occurring again. I sincerely hope that we will take this historic step and turn the Genocide Treaty into law.

REMEMBERING THE ARMENIAN GENOCIDE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. MAVROULES. Mr. Speaker, I'd like to share in remembering the sorrow of the Armenian genocide 73 years ago. Having very close ties to the same part of the world has made the Armenian issue very important to me. The deportation and massacre of an entire nationality is a serious crime against humanity that should never be forgotten.

Every April 24, around the world, people gather to pay their respects to those who perished at the hands at the Ottoman Turks. April 24 serves as a reminder to those who deny that the genocide ever happened and that there are many who have not forgotten and who will continue to strive for recognition of this dark page in history.

This year, the commemoration is especially significant; we are commemorating not only the martyrs of 1915, but also the martyrs of 1988. Armenians are again facing persecution and martyrdom in their own homelands. I am speaking, of course, about the situation in Azerbaijan. This tiny region, populated by Armenians for thousands of years, has attracted world-wide attention in the last few months. As you know, Karabagh was separated from Armenia in 1921 by a political decision of Stalin's that the Soviets now admit was a mistake.

The cultural, religious, and historic bonds between the region of Karabagh and the Republic of Armenia, not 10 miles away, have remained very strong, however. Earlier this year the Armenians in Karabagh requested that their region be reunited with Armenia. There can be no doubt that Karabagh is Armenian and should be part of the Republic of Armenia. Whether or not the Azerbaijanis and the Soviets are willing to redraw borders is not as certain. This situation has grabbed from page news coverage not only because it is an intriguing political story, but also because it is a disturbing human rights story.

The political interest is twofold: First, the world noticed that the Armenians expressed their grievances in a peaceful and law-abiding manner. They chose to work within the system, trying to address and resolve a complex nationality problem through the limited avenues available in a Communist society. From the actions of the regional Karabagh government, to the appeal to Moscow, to the peaceful demonstrations of hundreds of thousands of people in Yerevan, the Armenians took directed, deliberate and determined steps toward their goal. Throughout the protests, the Armenians showed a respect for due process and put a great deal of faith in Gorbachev's promises for a new nationality policy and "perestroika."

This brings us to the second political observation: the Soviet Government's reaction. The response to the Armenian's legitimate grievance came in the form of condemnation and show of force. The Soviets did not see the injustice to the Armenians in Karabagh, but saw a threat to their iron-fisted control and could only respond by sending in the Red Guard. Instead of encouraging the Armenian's use of legal and peaceful means to address a grievance, they condemned the law-abiding Armenian leaders and publically denounced the legitimacy of the Armenian's request. Gorbachev's promises of a new nationality policy, perestroika and glasnost can now be seen for what they really are: new catch phrases for the old repressive ways.

The most disturbing outcome of this entire situation, however, is the violent reaction of the Azerbaijanis. Their senseless murder and brutal torture of innocent Armenians in Sumgait is too reminiscent of the events of 1915 to escape notice. Reports from the area put the number of killed and injured Armenians in the hundreds. In 1988, when we consider the denial of an exit visa a violation of human rights, the behavior of the Azerbaijanis, toward Armenians is completely unacceptable. Unfortunately, it is further evidence that the world has not learned, or maybe even refuses to learn, the lessons of the Armenian genocide.

My colleagues in Congress and I have watched these events with what began as hope, then turned to despair. We have expressed our support for the Armenians' legitimate grievance and have waited hopefully for an actual change in Soviet ways. We have listeted in shock to bloodcurdling accounts of the terror in Sumgait. And we shared your disappointment and frustration at the Soviet Government's inadequate reaction to the entire situation.

It is significant today that we can gather here in such a large number and say that we want without fear of reprisal and with the hope that our message may be heeded, while on the other side of the globe, your brothers and sisters in Armenia have no such freedom. We often need to be reminded that freedom of speech and demonstration is a privilege. It is unfortunate that what serves as a reminder to us is painful reality for others.

The opportunities that America has to offer have lured many Armenians (and others, like my ancestors the Greeks) to our shores. And the Armenians have taken those opportunities and made them realities. Much of our success

today can be attributed to the hard work and dedication of Armenians.

I'd like to take a moment to recognize those amongst us who are survivors of the Armenian massacres. You have carried the memories, the frustration, the anger, the loneliness with you for over 70 years. Your strength and courage are respected and admired by all who have heard of the tragedy that you lived through.

Thank you again for allowing me this opportunity to share in this remembrance.

NATIONAL SECURITY AND DEFENSE ISSUES

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. HYDE. Mr. Speaker, for the benefit of my colleagues I am inserting into the RECORD the text of four important resolutions enacted recently by the National Association of Pro-America.

The resolutions are worthy of study by my colleagues as Congress embarks on its annual debate of national security and defense issues.

I. SPACE SHIELD TECHNOLOGY AND EARLY DEPLOYMENT VITAL

Whereas, The United States, at this time, has *no* defenses against ballistic missiles, leaving us totally vulnerable to Soviet attack, nuclear blackmail by any country or terrorist who obtains nuclear weapons, or the accidental launching of such weapons; and

Whereas, The Soviets have the only operational anti-ballistic missile system in the world, an operational anti-satellite system, the only operational nuclear reactor in space to power their satellites, plus mobile radars (including the illegal one at Krasnoyarsk), and they continue to build and deploy new generations of ICBMs; and

Whereas, General Abrahamson, who is in charge of the Strategic Defense Initiative program, has announced that the United States has jumped ten years ahead of the projected schedule in just three years, making it possible to have a fully operational anti-ballistic missile system by the early 1990s; and

Whereas, While SDI opponents claim that deployment would run counter to the narrow interpretation of the ABM Treaty, the fact is that any treaty guaranteeing to keep the United States defenseless is unconstitutional (the ABM Treaty promises that the United States will not defend against incoming missiles); and

Whereas, President Reagan has asked, "Isn't it better to use our talents and technology to build systems that destroy missiles, not people?" and most would surely answer that a missile defense system is morally superior to mutual assured destruction (MAD); and

Whereas, Some SDI advocates estimate that a reliable defense system would cost from $25 to $100 billion, others say that costs spread out over seven years would mean spending $2 billion to $15 billion per year which is between one and five percent of the total military budget, however, SDI also is cost effective when compared with the approximately $40 billion we now spend to continue maintenance and modernization of our present nuclear arsenal; now, therefore, be it

Resolved, That the National Association of Pro America is committed to work for the development of Strategic Defense technology (SDI) and the early deployment of strategic defense weapons.

IX. SUPPORT SECURITY RULES AND BRIEFINGS ON ESPIONAGE AND SECURITY TECHNIQUES FOR MEMBERS OF CONGRESS AND STAFF MEMBERS

Whereas, 4.3 million Americans have some level of security clearance, and that fact combined with the massive volume of classified information, creates an inviting potential for espionage, leaks, and carelessness; and

Whereas, Intelligence specialist, Angelo Codevilla, has said that Soviet spies use diplomatic cover to "spot, assess and recruit" United States government officials and opinion leaders; and

Whereas, United States intelligence agencies have received information proving Soviet attempts to recruit Members of Congress and their staffs and showing that lax security practices offer great opportunity to succeed in compromising members, staff and files; and

Whereas, Several recommendations have been made to the Congress dealing with security including briefings for Members and staffs on the espionage threat and the handling of classified materials; Now, therefore, be it

Resolved, That the National Association of Pro America support a formalized procedure to brief Members of Congress their aides and staff on Soviet espionage practices, active measures and information gathering techniques; and be it further

Resolved,. That the National Association of Pro America support the establishment of rules and procedures to provide uniform security for classified material.

V. AID TO NICARAGUAN FREEDOM FIGHTERS

Whereas, The Sandinistas in Nicaragua have established another Communist government in the Western Hemisphere, 1900 miles from Washington, D.C.; and

Whereas, The Nicaraguan Freedom Fighters are struggling to overthrow the rule of tyranny and to establish freedom in their country; and

Whereas, The Soviet military bloc has supplied $1.22 billion in aid to the Sandinistas from 1980 to 1986; and

Whereas, Sandinista airfields and runways are capable of accommodating Soviet tactical fighter bombers and long-range bombers, many of which can reach United States cities and return to base; and

Whereas, Sandinista port facilities will accommodate Kiev class aircraft carriers, and missile and attack submarines which can essentially place a stranglehold on vital United States shipping through the Panama Canal; and

Whereas, Communist priorities were stated by Gus Hall in December of 1986 as being: an end to all nuclear testing, an end to aid to the Contras, an end to Star Wars and the ratification of Salt II; and

Whereas, Pro America believes that a loss by the Freedom Fighters will leave the United States a choice of either living with the constant threat of Communism in the Western Hemisphere or sending American troops to fight the battle the Contras are now waging; and

Whereas, The bitter experience in Vietnam taught us that there is no substitute for victory, and that without victory the expenditure of lives and money is wasted; Now, therefore, be it

Resolved, That the National Association of Pro America urges Congress to continue military as well as humanitarian aid to the Nicaraguan Freedom Fighters—enough aid to support a realistic goal of quick and decisive victory.

XI. OPPOSE EDUCATIONAL COMPUTER AND SOFTWARE EXCHANGE WITH THE SOVIET UNION

Whereas, The President of the United States agreed with the leader of the Soviet Union during the "Summit Meeting" in Geneva, Switzerland, that the United States would supply computers to the Soviet Union for use in their schools and would in return accept "computer software" from the Soviet Union for use in our public schools; and

Whereas, It is unthinkable that any sovereign state would freely open its schools to instructional materials supplied by a foreign power; and

Whereas, The Soviet Union, by word and deed, makes clear its aggressive hatred of the United States and the principles it represents and exerts repressive censorship to exclude from its citizen all information from the Free World; and

Whereas, It must therefore be assumed that any "computer software" supplied by the Soviet Union is intended to subvert the allegiance of American students to their Country, and that those Americans who prepared this agreement to expose American students to Soviet indoctrination are guilty of giving aid and comfort to the enemy; and

Whereas, Jurisdiction over the public schools, inlcluding the content of the curriculum and all teaching materials, is a right guaranteed to the several states by the Tenth Amendment to the United States Constitution; and

Whereas, the President's heavy responsibilities make it impossible for him to judge the necessity or propriety of individual educational procedures and improper for him to make agreements on such matters, and make him susceptible to bad advice on this subject; and

Whereas, Such advisors were able to induce the President to endanger very gravely the integrity of the Nation's schools and thereby necessitate that the citizens of the United States petition (according to their First Amendment rights) for a redress of this grievance; now, therefore, be it

Resolved, That the National Association of Pro America respectfully request the President to rescind the agreement for an educational and software exchange with the Soviet Union.

THOMAS C. MURRAY, 1988 RESIDENTIAL/BUSINESS CITIZEN OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. TORRES. Mr. Speaker, I rise today to recognize the recipient of the 1988 Residential/Business Citizen of Year, Mr. Thomas C. Murray. This distinction is awarded each year

by the Santa Fe Springs, CA, Chamber of Commerce.

An active member of the Sante Fe Springs community, Thomas has participated in many activities. Thomas is a member of the Santa Fe Springs Lions Club, Friends of the Library, Rancho Santa Gertrudes Historical Society, Santa Fe Springs Community Playhouse, Majestics Car Club member, Taco Bowl Committee. He has been a member of the Miss Santa Fe Springs Beauty Pageant Committee and of the Santa Fe Springs Chamber/League. In addition, he is a sponsor of little league teams in Whittier, Norwalk, and Santa Fe Springs.

In addition to his many community activities, Thomas is an avid car enthusiast. He likes to restore cars, he attends car shows and belongs to several car clubs, such as the Buick Club, Cadillac Club, and the Majestics Car Club.

Thomas is the President of Murray's Landscape, Inc. He has been the owner and manager of his own company for 18 years. He is active in the California Landscape Contractor's Association, Long Beach-Orange County Chapter.

A native of Los Angeles, Thomas and his wife, Jan, reside in Santa Fe Springs. They have three children, Tammy 18, Tommy 5, and Cody 1.

Mr. Speaker, on Wednesday, April 27, 1988, the community will convene a luncheon to honor Thomas C. Murray for his unselfish contributions to the business and residential community of Santa Fe Springs. I ask my colleagues to join me in congratulating Thomas C. Murray for his outstanding record of service to the community of Santa Fe Springs.

WORLD POPULATION AWARENESS WEEK, APRIL 17-23, 1988

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to share with my colleagues a proclamation by Gov. Robert P. Casey, of Pennsylvania, designating April 17-23, 1988 as "World Population Awareness Week."

Mr. Speaker, at this time I wish to insert in the RECORD Governor Casey's remarks on World Population Awareness Week.

Continuing at its present growth rate, the world's population of more than 5 billion will double in the next 40 years. Statistics show that more than 90 percent of this growth will take place in Third World nations which are least able to accommodate such rapid expansion.

This population growth exceeds the capacity of societies worldwide to provide food, housing, education, employment, and basic health services. In addition, our environment's natural resources are significantly strained. It is estimated that within the next decade, 10,000 species of plant and animal life will disappear annually.

Also, numerous infant and maternal deaths occur each year in the developing world and could be prevented if maternal health programs were expanded.

Therefore, I, Robert P. Casey, Governor of the Commonwealth of Pennsylvania, do hereby proclaim April 17-23, 1988, as World Population Awareness Week in Pennsylvania.

MOTHER HALE AND THE VISION OF A HARLEM POET

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to share a poem with my fellow Members of Congress. The poet is one of my constituents. Clyde Cook's works have been printed in several publications including the Amsterdam News. His poems deal with very real subjects, and the one printed below is no exception. "Jane Doe" depicts the plight of a pregnant teenage drug abuser who contracts AIDS. She has nowhere to turn except the Hale House. This Harlem haven is run by Mother Hale who, through her love and devotion, has tried to make a difference in her community. In the end, the fate of the mother and child is unknown, but at least the two of them have been given a fighting chance.

I believe that this poem says something very important about community spirit as exhibited by Mother Hale and people like her. This poem also shows with unfortunate realism the problems of drugs and street life. It is voices such as Clyde Cook's which help us better realize the importance of our work here in Congress and our obligations to combat the problems of today.

The poem reads as follows:

"JANE DOE"

(Dedication to Mother Hale)

She bare the scars of an Addict
her hands are swollen and raw. . .
Her clothing is soiled and tattered,
her titles are, "Junkie" and "Whore".

No older she looks, than a minor;
Yet, soliciting "tricks" is her play. . .
Her work-shop is side-streets in Harlem,"
her habit is two bills a day . . .

She follies in "Crack", and "Free-basing",
though, "Main-lining" is really her bag . . .
She smokes on occasion with "Pot-heads",
but booze . . . absolutely a drag!

A child, yet child she is bearing,
destined for a Foster-Care fate—
Conceived out of wedlock, like mother;
born much too soon, Yet too late!

Sixteen would be her next birthday,
If God would hasten the days . . .
For her Blood-test sealed life's final chapter,
She's another victim of AIDS!!

At this point her life is ashambled;
her strength, is ebbing away . . .
She squandered her youth, and she gambled;
She lost! So now she must pay.

This story would have been a disaster,
but her grief, was calm, for a spell . . .
God sent her, and others just like her,
an Angel, we call, "Mother Hale";

Hale's House, a beacon of hope,
For the Drug-Addict Mother with child . . .
Has given their lives a new meaning,
and replaced their tears with a smile.

She now face a peaceful tomorrow,
though one day she know AIDS will win . . .
For her unborn, there's still no assurance,
that its life will ever begin!

This story is common in Harlem,
but not restricted in scope . . .
There's AIDS destruction all over,
and the epidemic of dope!

I wish each city a Hale House,
with caring and love unexcelled . . .
But I thank God for "Hale House" in Harlem,
and especially, for our "Mother Hale".

"God Bless You"
Mother Hale!

—By Clyde Cook.

ILLUSION ON THE LEFT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. CRANE. Mr. Speaker, as a country which promotes the freedom of the press, we must tolerate the massive influx of lies and propaganda into the mainstream of our society. We must recognize these elements and not fall prey to their slander. As such, I am compelled to bring to the attention of my colleagues the bulletin released on March 22 by Witness for Peace. It is a prime example of the lies and bitterness which is the foundation of the international pro-Sandinista movement.

The bulletin is a reaction to the deployment of United States troops in Honduras. Basically, it contends that Nicaragua never crossed into Honduras and that the President's response was just a political move to gain support for the Contras. It continues by claiming that the Contras are nothing more than terrorists and boldly asserts that a "large majority of U.S. citizens continue to oppose all aid to the Contras." Overall, the bulletin is extremely redundant, constantly charging that the President is simply motivated by reasons of self-interest. An image is created that is not only disturbing, but ludicrous as well.

How one can truly believe that the Nicaraguan army never entered Honduran territory is a total mystery to me. The Sandinistas themselves have not denied the incident, in essence, admitting their own guilt. Moreover, our own media has news footage which clearly documents the presence of Nicaraguan troops within the Honduran border. However, nothing provides more convincing evidence than an examination of the Sandinistas' motives for the offensive. Following the cutoff of American aid on February 29, all air supply operations to the Contras were terminated. Thus, the Contras had to rely on vulnerable supply camps located on and within the Honduran border. Only 9 days later, the Sandinistas moved to capitalize on this opportunity and launched an attack which led them across the border into Honduras. Yet, the American left continues to dispute the incident. They choose to systematically ignore the facts and, instead, accept the progaganda that is constantly fed to them by the Sandinistas.

The claims of Contra terrorism are taken completely out of context. What an isolated incident of so-called terrorism against a WFP member has to do with the clear violation of Honduran sovereignty is quite perplexing. Nevertheless, I have always relished the op-

portunity to put Nicaragua's human rights issue into proper perspective.

One cannot argue that the Contras have never committed acts of questionable nature, but we must remember that these activities are a product of war and not deliberate attempts to commit terrorist acts against the Nicaraguan people. On the other hand, the Sandinista's human rights record is marred by senseless violence and a total disdain for the welfare of its people. For instance, they have systematically uprooted whole tribes and villages in an attempt to debase the Contras' support in the Nicaraguan countryside. The Miskito Indians have suffered the brunt of this atrocity. Even though the Miskitos had initially supported the revolution, the Sandinistas betrayed their support and launched a massive effort to displace the Miskito communities in order to establish a stronger control of the area adjacent to the Honduran border. As a result, many Miskitos fled into Honduras to escape the Sandinista terror, leaving their ancient homeland now infested by the Sandinista horde. Recently, the Sandinistas have launched a similiar offensive in the south to eliminate the existing rebel stronghold. The inhibitants have been forcibly evacuated to government camps, which have been described by the Washington Post as "* * * miserable, muddy fields of broken people living in palm-thatched lean-tos built of stakes and sheets of plastic."

Yet, the most disturbing example of Sandinista abuse is in the form of the Turbas. The Turbas are a government-sponsored group of vigilantes, who have been used since 1981 to quell civil demonstrations and unrest without the appearance of direct Sandinista involvement. In the past 2 years their use has increased dramatically along with government moves toward compliance with the Arias Peace Plan. As civilians have practiced their so-called right to freedom of speech, the Turbas are transported by the government, to demonstration sights, where they are released to violently disrupt the unarmed demonstrators. Recently on March 6, 100 women and girls protesting the draft were stopped by 150 club swinging Turbas. The Washington Post reported, "It was the most aggressive use of Sandinista mob violence against the opposition in years and appeared to indicate a new government policy of using civilians to confront it's political opponents."

Lastly, there has never been a large majority of Americans who oppose Contra-aid. A recent poll conducted by Penn and Schoen Associates—past clientele includes Mondale, KENNEDY, Koch, MOYNIHAN, and LAUTENBERG—in the fall of 1987 found that 43 percent of Americans favor aiding the Contras and only 41 percent do not support Contra-aid. I am curious as to where Witness for Peace obtained their figures. America has always been and today continues to be divided on the issue of Contra-aid.

However honorable their intentions may be, Witness for Peace has confused the Sandinista regime with the establishment of freedom and democracy in Nicaragua. They have embraced the Sandinista cause as their own, while espousing its virtue as the only hope for the people of Nicaragua. Yet, in the process, they have lost touch with reality. Perhaps, a need to rebel against the establishment has blinded them. Or maybe, their own naivete has somehow motivated them to accept Sandinista lies and propaganda without hesitation. Whatever the case, I still believe these individuals do have a genuine concern for the welfare of the Nicaraguan people. I urge the members of Witness for Peace to redirect their efforts to causes which promote freedom and democracy, rather than those which will forever condemn the people of Central America to a future of servitude and poverty in the name of communism.

For your personal perusal, I have submitted a copy of the bulletin in question released by Witness for Peace. I hope you will see for yourself the obvious propaganda that this group disseminates in the name of freedom for the Nicaraguan people.

WITNESS FOR PEACE,
Washington, DC, March 22, 1988.

DEAR MEMBER OF CONGRESS: Witness for Peace believes that once again the Reagan Administration is purposely trying to deceive the American public with its unsubstantiated claims of a Nicaraguan invasion of Honduras. We believe that this is a contrived crisis in an attempt to regain support for the Contras.

We have witnessed events like this in the past, the most similar occuring in March 1986. That time President Reagan greatly exaggerated an incursion by the Nicaraguan government into Honduras as they pursued contras. The Administration pressured Honduras to request emergency military assistance and subsequently sent $20 million to the Honduran military. In the crisis-like atmosphere that was created a majority in Congress approved more contra aid.

Last week we saw the Administration claim that Nicaragua had invaded Honduras. Again it was a false charge designed for media attention. And now the President is again asking for contra aid. The significant difference this time, however, is that President Reagan used the U.S. military for his partisan political purpose of winning aid for the contras. This is completely unacceptable and irresponsible. We encourage you as a member of Congress not to allow this misuse of power to go unchallenged. There is no room in the United States for political questions to be influenced by a President's overzealous, politically motivated use of U.S. troops.

Throughout the U.S. there has been widespread public opposition to this latest sending of troops to Honduras. There have been vigils and ongoing demonstrations in more than 100 cities and towns throughout the United States. Hundreds of citizens have participated in nonviolent civil disobedience.

On Saturday, March 26, demonstrations and vigils will again be held throughout this nation. The message at each demonstration will be the same: Get the U.S. troops out of Honduras and end all contra aid permanently.

The contras, for their part, continue in their terrorist activities. As recently as March 1 they kidnapped Richard Boren, a WFP volunteer, and 11 Nicaraguans, including two 12-year-old boys. Before kidnapping Richard from the home where he was sleeping they shot a 13-year-old girl in the leg. Richard was held for 8 days before being released.

There are some members of Congress who feel that this latest border "crisis" has demonstrated that the contras must be supported. But the American people have not been fooled by this latest Administration maneuver to regain support for the contras. The large majority of U.S. citizens continue to oppose all aid to the contras.

We are sure that many members of Congress share our concerns. We ask that you do everything possible to bring the troops home as well as directly challenge President Reagan on what actually happened along the Nicaraguan/Honduran border. The Reagan Administration has lied to all of us before. We cannot afford to let it continue, especially with the political manipulation of U.S. troops.

Finally, we urge you to vote no on all forms of contra aid. Funding terrorism is something which we must not resume.

Thank you.

Sincerely,

JEAN WALSH.
J. DENNIS MARKER.

BIRTHDAY WISHES FOR JUSTICE WILLIAM J. BRENNAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. RODINO. Mr. Speaker, I rise today to wish my good friend and fellow native of Newark, Justice William J. Brennan, a very happy 82d birthday. I am sure that everyone here is well aware of the great contributions Justice Brennan has made to this country in his 32-year tenure on our Nation's highest court. His penetrating intellect, coupled with an intense devotion to the rule of law and the concepts of justice and fairness, have made him one of the most influential and important Justices in the history of the Supreme Court. This is the public side of Justice Brennan with which everyone is so familiar.

However, one has to know Justice Brennan on a personal level to appreciate how special a person he truly is. He is a man of great warmth, conviviality, and integrity that sets him apart from the rest. Everyone who comes into contact with him cannot help but be won over by his wit and his humility. Even those who have strong philosophical disagreements with Justice Brennan's vision of the Constitution and the role of the Supreme Court find him to be an affable and sincere man who respects the opinions of others and can count friends in all philosophical and political categories. I consider myself fortunate to know Justice Brennan as a friend and I wish him many happy birthdays to come.

THE CHALLENGE IN NICARAGUA

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. HOPKINS. Mr. Speaker, we have all been watching with great anticipation the events unfolding in Nicaragua since the signing of the Sapoa agreement.

Regardless of where one stands on the issue of United States policy in Central America, I believe it is universally understood that

the next few months will determine the future of the region and its impact on our hemisphere's security.

As we wait and see if peace is taking hold or this is just another evolution in Sandinista strategy, I commend to my colleagues a recent article by Trevor Armbrister which appeared in the April edition of Reader's Digest:

[From Reader's Digest, April 1988]

NICARAGUA'S SECRET PLAN

(By Trevor Armbrister)

Inside the heavily guarded safe house in the Washington suburbs, U.S. intelligence officials listened spellbound last fall as the high-ranking defector from Nicaragua's government revealed its most sensitive state secrets. Among them: the Sandinistas had smuggled Soviet-made AK-47 assault rifles to communist guerrillas of Costa Rica's Popular Vanguard Party; they had trained Guatemalan rebels with Nicaraguan infantry battalions; they had taught leftist rebels from El Salvador how to use the portable heat-seeking missiles called Arrows that the Soviet Union had agreed to supply to knock down low-flying aircraft. Most important of all, the Sandinista government had gained Soviet approval for a major military buildup, in violation of the Central American peace plan they had just signed.

The debriefing of the calm, 34-year-old Nicaraguan took weeks. But the effort was worthwhile, for Maj. Roger Miranda Bengoechea, chief of the Secretariat of the Nicaraguan Ministry of Defense, provided hard data that confirmed what U.S. officials had suspected—Nicaragua's Sandinista regime is preparing for a wider war of subversion against its Central American neighbors.

No one could question Miranda's credentials. He had been a member of the National Assembly, Nicaragua's Sandinista-picked legislature, and he'd been chief aid to Gen. Humberto Ortega Saavedra, head of the Ministry of Defense and brother of Nicaraguan president Daniel Ortega Saavedra.

Miranda's disclosures, editorialized the New York *Times*, were "startling" because they showed "that Managua is already violating" the Central American peace plan. But there is an even more ominous significance to Miranda's revelations. While Soviet leader Mikhail Gorbachev was meeting President Reagan in Washington, swearing commitment to arms control and reducing tensions worldwide, the Soviets were escalating the arms race in Central America.

MAKING OF A MARXIST

In 1956, when Roger Miranda was not yet three, a gunman assassinated Nicaragua's president, Anastasio Somoza Garciá. (He was succeeded in office by his elder son Luis, and later by his younger son Anastasio.) National Guard officers arrested Roger's grandfather—who had not been involved in the assassination—and summarily executed him. That tragedy burned a hatred of Somoza family rule into the boy's consciousness.

By 1969 he had become a teenage revolutionary, engaging in street violence and sabotage. Married a year later, he fathered a daughter. Then he fled the country when he learned the National Guard was looking for him.

In February 1973 Miranda arrived at the University of Chile. He renounced Catholicism and declared himself a Marxist. That September a military coup overthrew Chile's Marxist President Salvador Allende Gossens. Soldiers fanned out across the capital of Santiago to hunt leftist students. Bursting into a house where Miranda was meeting with friends, one soldier opened fire. A slug tore into Miranda's hip, and he was hospitalized for three months. (Today, after six operations, he has an artificial hip.)

Miranda next went to Mexico, where he sought a degree in economics at the Autonomous University of Puebla. Then, in January 1978, assassins gunned down Pedro Joaquín Chamorro, crusading editor of La Prensa, in Managua. The murder sparked an insurrection that grew stronger daily. "Come home," urged rebel leader Tomás Borge Martínez, now Nicaragua's Minister of the Interior. "We need you."

Miranda did and soon became deputy chief of rebel forces in the Masaya region. In pitched battles against the National Guard he distinguished himself. Then, in July 1979, Anastasio Somoza fled, and the Sandinistas took charge.

CONVICTIONS MEET REALITY

Two months after seizing control, Sandinista leaders gathered in secret to draft what has been called the 72-Hour Document. This report set guidelines for constructing a communist state in Nicaragua. They would publicly claim to have a "nonaligned" foreign policy, a "mixed" economy and "pluralism" in their politics. Under this smoke screen of lies they could "build socialism with the dollars of capitalism," explained Bayardo Arce, one of the nine comandantes of the Sandinistas' inner council. It worked. President Jimmy Carter and Congress sent the Sandinistas $118 million in aid.

Meanwhile, Miranda's authority grew. He began traveling on military business to Cuba, North Korea, East Germany and the Soviet Union. That's when his Marxist convictions started "bumping up against reality."

In Castro's Cuba, Miranda expected to find "paradise on earth." But he couldn't stop wondering about a political system under which you were questioned every time you used a hotel elevator. In East Germany, officers explained that the Berlin Wall had been built to bar "infiltrators" from the West. Miranda was dubious. In Moscow, the Soviets promised to send mountains of military supplies. But he found long lines and store shelves that were largely empty.

Now a major, Miranda earned the equivalent of $90 per month. But he belonged to the privileged Marxist elite. He lived in a walled-in villa, along with Graciela, his second wife, his parents and his son. There were two new Toyotas in the garage, and a driver when he wanted one. Servants attended to his needs, and the Sandinista regime picked up all the costs for food, drink, rent, gas and clothes.

The comandantes lived on an even grander scale. And Miranda was upset by their involvement with drug smuggling. "This is Borge's operation," Humberto Ortego told Miranda one day, referring to the Ministry of the Interior. "It's a way of waging war on the United States. It also provides a profit."

Then there was the secret bank account. As Humberto Ortega's right-hand man, Miranda managed Ortega's personal affairs. So Miranda knew about the money that his boss took from the army's budget every month and deposited in Panama. In 1985, sensing that Panama was becoming politically unstable, Ortega had Miranda transfer his $1.5 million acount—No. 58946—to the National Bank of Paris office in Switzerland.

This is a crime, Miranda thought. *My country is being looted.* Yet there were the comandantes going on television and demanding more sacrifices from the Nicaraguan people.

GANG OF MURDERERS

Ever since the Contra resistance began, Miranda had reported to the Ministry of Defense before seven each morning, and he toiled until ten at night. Now he decided to get out of his office and go into the countryside to find the U.S.-backed "mercenaries" that the Ortegas kept talking about.

After more than a month in the field, Miranda concluded that they didn't exist. *This is not a war of aggression—this is a civil war,* he thought. *Whole families are rising up in arms against the government.*

In a small village in northern Nicaragua, Miranda questioned *campesino* prisoners. They looked at him with loathing, and Miranda suddenly felt "like a foreigner in my own country." He asked them why they joined the Contras. The answer was always the same: the regime didn't represent them, and they had no other way to resist.

Back in Managua, Miranda told his boss everything he'd seen. "You're wrong," Humberto Ortega screamed. "Those were mercenaries. There is no civil war."

Miranda tried another tack. The government's policy of forcibly resettling peasants away from areas with strong Contra support had angered everyone, he said.

Ortega exploded again, "That's the cost of a revolution," he snapped. "We have to make them feel our power. We've been soft. The repression has to increase."

Miranda didn't reply. But he thought, *They're killing peasants. How can I be an accomplice to that?*

In Guatemala last August the presidents of five Central American nations signed an agreement to bring peace to the region. No sooner had he returned to Managua than Daniel Ortega convened a closed meeting of the National Assembly.

"The peace plan is a weapon to eliminate the Contras," Ortega told the members. First, it should be used to influence the U.S. Congress to cut off funds for the Contras. Once that happened, the Contras would cease to exist. Then the Sandinistas would build active and reserve forces of 600,000 soldiers. By 1995 they would have received flame throwers, 122-mm. self-propelled howitzers and a squadron of MiG-21Bs from the Soviets. This military might would help them establish a Soviet Central America.

El Salvador would be the first to fall. Then, with the aid of local guerrillas, the Sandinistas would subvert the governments of Guatemala, Costa Rica and Honduras. The Soviets had already agreed to this plan's guidelines. Now they needed detailed proposals.

Throughout September and October, Miranda dutifully worked on the 68-page summary of military needs to be submitted to the Cubans and Soviets on November 17. But as he reviewed the document and grasped the extent of Sandinista-Soviet duplicity, he decided to defect. Finally, he understood what his comrades-in-arms had become—"a gang of dictators, thieves and murderers."

SPELLING IT OUT

Secrecy was imperative. Miranda couldn't alert anyone. Because of his artificial hip and his wife's problem with low blood sugar that required visits to specialists abroad,

they could leave the country without causing alarm. The same was not true of his parents or his 14-year-old son, Roger. (They are still in Nicaragua.) So, on Sunday, October 25, after telling family and friends that they would return in three days, Roger and Graciela Miranda stepped aboard a jet to Mexico City. He carried with him a cache of secret documents.

That afternoon, he took Graciela for a walk in a park. "I have decided to break with the Sandinista Directorate," he began. "I won't be going back."

Graciela asked him to explain. Miranda spelled out what he's learned about the corrupt, repressive Sandinista regime.

"I love you," she said when he was through. "We won't be going back."

Two days later Miranda got in touch with an official at the U.S. embassy. Soon he and his wife were on American soil.

In Nicaragua, according to published reports there, news of Miranda's defection "exploded like a bomb in government circles, causing shock and surprise." Humberto Ortega lashed out in fury at "the little worm." But in a speech in Managua on December 12, he admitted that many of Miranda's charges about the planned military buildup were true.

Some U.S. politicians, however, appear unwilling to recognize Miranda's revelations. Offered a chance to hear the major's charges firsthand, House Speaker Jim Wright (D., Texas), Majority Leader Tom Foley (D., Wash.) and Majority Whip Tony Coelho (D., Calif.) all passed up the opportunity before announcing their opposition to President Reagan's request for additional Contra aid.

The desire of so many on Capitol Hill to believe Sandinista promises left Miranda confused. But he vowed to keep speaking out against Soviet-Sandinista treachery. "The Sandinistas have established a totalitarian, anti-democratic regime of terror," he says. "They have betrayed the revolution, destroyed the economy and militarized all levels of society. The Nicaraguan people do not want a communist regime."

TRIBUTE TO RABBI ARTHUR SCHNEIER

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. GREEN. Mr. Speaker, New Yorkers yesterday celebrated the 25th anniversary of the assumption of Rabbi Arthur Schneier of the spiritual leadership of Park East Synagogue in New York City. In his 25 years at the historic Orthodox congregation, Rabbi Schneier has made it a vibrant, important part of the New York City community.

But Rabbi Schneier's accomplishments extend well beyond the boundaries of New York City. Rabbi Schneier is the founder and head of the Appeal of Conscience Foundation. Through the foundation, Rabbi Schneier has brought together religious and lay leaders of all faiths to fight for freedom of conscience around the world.

I know all of colleagues will join me in saluting Rabbi Schneier's quarter-century of leadership and in wishing him many more years of success.

STRATEGIC SYSTEMS REPORT CARD

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1988

Mr. ASPIN. Mr. Speaker, today I conclude a series of speeches on strategic weapon systems with a status report on these vital programs and the lessons learned about how they should be managed. I have reviewed them in four critical categories—management, schedule, cost and performance—and fashioned a strategic system report card out of the results.

To reach my assessments, I have drawn on an extensive review of these programs by the House Armed Service Committee over the last year. But the judgments about the programs are mine. They come at a time of unprecedented activity as tens of billions of dollars are poured into ballistic missiles, bombers and cruise missiles. Are we getting what we are paying for? The results are mixed, but overall it is clear that we must manage these programs better.

I've developed a strategic systems report card. Each system was graded in each of the critical categories. This table contains the grades.

STRATEGIC SYSTEMS REPORT CARD

	Management	Schedule	Cost	Performance
Trident D-5	A	A	A	[1]
Small ICBM	B+	A	A	[1]
MX	C−	A	A	D
Rail Garrison	C	B	A	[1]
B-1B	F	A	A	F
B-2	C+	B	C+	[1]
ACLM	B	A	A	A
ACM	F	D	D	[1]

[1] System has not reached initial operational capability and performance cannot be assessed.

Let me briefly sketch in where we stand today. The B-1B has become operational but with problems, the gravest of which concern its electronic countermeasures ability. This ECM problem won't be fixed until the 1990s—if then. Even as the B-1B struggles to meet its advance notices, the B-2 formerly the advanced technology or Stealth bombers, moves toward its debut.

The MX, too, is operational, but in fewer numbers than would otherwise be the case because manufacturing difficulties have delayed delivery of an intricate, complex guidance component called the intertial measurement unit [IMU]. The controversy of more than a decade over how to base the MX still rages. The Air Force favors putting them in special trains to dash from Strategic Air Command [SAC] bases onto commercial rail lines in times of deepening international crisis. This plan troubles many. The small ICBM program is developing well, but because of the budgetary crunch many are advocating that we cancel this program.

The air-launched cruise missile [ALCM] is an excellent program that has extended the life and strategic usefulness of our aging fleet of B-52 bombers, but the following system, the highly classified advanced cruise missile [ACM], is the worst system I reviewed. It is beset by problems.

The D-5 was the only straight A system on the strategic report card, but those grades come with an important qualifier. Since it has not reached initial operating capability [IOC], which means it has not been deployed to sea aboard a submarine, I could not evaluate its performance.

The same was true of four of the other systems reviewed, the small ICBM, the B-2, ACM, and the rail garrison mode for basing MX. The absence of a grade on performance for such a large percentage of the programs reviewed is one reason the temptation to assign an overall grade to each of the programs should be resisted. Another reason is that all categories are not equal. Performance should probably be weighed as much or more than the others combined. Finally, there is a degree of difficulty involved. It's much tougher to build a Stealth bomber than a B-1B and that should be taken into account.

With the three systems that are operational, the report card is not encouraging. Only one has a decent mark, the ALCM with an A. The MX received a D for performance because of the IMU problem. The B-1B received an F. Because of the ECM problem, it does not work as advertised. The MX did not receive a failing grade because it can be fixed. When and if Northrop and the second source, Rockwell Autonetics, produce enough reliable IMU's, the MX will work as advertised. B-1B will never be as good as advertised because Soviet air defenses will be improving while the Air Force spends years solving the ECM problem.

Interestingly, all systems but the ACM did well on cost and schedule, including systems with severe problems elsewhere. That is a reversal of the usual trend. Looking over the history of the acquisition of major weapons systems we find that in the past, cost and schedule were the first and second items to slip while managers tried to hold performance. The Reagan administration, perhaps to avoid political difficulty with controversial systems, has apparently kept to cost and schedule at the expense of performance, which is always evaluated last.

That there are well-managed programs will be surprising to some given the flood of bad news we get about the Pentagon.

But the real surprise is the persistence of poorly run programs when the services clearly know how to do better. Time and again we see the same mistakes committed. It is as if many program managers were operating from an almost standard list of seven principles for poor management in procurement. It is these seven principles that jumped out as I rated the strategic programs—bad and good—listed above.

Here are the seven principles of poor management. Do these and you are sure to have a lousy program.

1. INSIST ON GOOD NEWS, WHATEVER THE FACTS

A case in point is the B-1B. Problems were identified early by midlevel program officials, but it is not clear when senior Air Force officials were briefed. What is clear is that Congress and even then Defense Secretary Caspar W. Weinberger were not told until the

situation reached crisis proportions. Mr. Weinberger was given feel good briefings about the B-1B while problems and SNAFU's mounted.

For contrast, there is D-5 missile program of the Navy's Strategic Systems Program Office [SSPO] which builds submarine-launched ballistic missiles. This office has developed a "no cover-up culture." Early identification of problems or potential problems is encouraged so resources can be applied to finding a solution. Unlike wine, problems do not get better with age. The SSPO attitude also seems to extend to dealing more openly with Congress about programs.

2. KEEP TOP MANAGEMENT TURBULENT

Again, a good example is the B-1 program. Stability of management is especially important for the B-1B program because the Air Force acted in the key role of program integrator in the absence of a general contractor. During the last 10 years, there have been four program managers. A closer look reveals an even worse picture, however. During the last 4 years, there have been three managers. Arguably, this period of fielding the system and evaluating it has been the most critical in the B-1's life. Just when stability of management was most important we had constant turnover.

And again by contrast, there is the D-5. In the 30-odd years of developing, producing and deploying SLBM's, the Navy Strategic Systems Program Office has had a total of six top managers. Four of those have spent the bulk of their careers with the SSPO.

The Air Force, too, has demonstrated the value of continuity. It's small ICBM program, although still relatively young, has benefited from stability at the top.

Complex programs require continuity of management, not a revolving door. Service in a top program management position should not become merely another ticket to punch on the way to promotion.

3. WORSHIP THE SCHEDULE

An acquisition schedule is not God given, yet we found it was frequently treated as such. The IMU problem for the MX resulted in large part from a schedule-driven need to ship the complex component despite the difficulties encountered in its manufacture.

Cost combined with schedule became a major force in the B-1B's problems. It was necessary to maintain a production schedule of four aircraft per month to hit the cost cap of $20.5 billion. With this requirement driving the program, aircraft were produced before the terrain-following radar, flight controls and electronic countermeasures were tested and qualified. When problems arose, it was necessary to initiate major retrofit programs on these subsystems. The ECM likely would have been a problem on any schedule. But the flight controls and terrain-following radar might have been brought along swiftly enough to avoid the retrofit with a less demanding production pace.

4. IGNORE COMPETITION

Too often there is a preference for dealing with a single contractor. Without the spur of competition, costs creep up, efficiency can drop and, if something goes wrong, there's nowhere to turn.

In the Trident II D-5 missile program, competition has been used effectively in acquiring guidance components for the new missile. Two contractors manufacture the key element. There is a check and balance for almost any problem. If one contractor has a problem, there is a backup. And each contractor knows there's somebody out there that they are being compared with.

No such system was in place for the electronic countermeasures in the B-1B, nor until recently for the key element of the MX guidance system. Problems with this unit are still delaying bringing additional MX missiles onto alert status.

5. PASS THE BUCK ON LOGISTICS

There is perhaps no greater structural flaw in our acquisition system than the separation of development and deployment. It allows the great logistics hand off, sometimes known as "It's your problem now pal." Problems in research and development can be solved at the expense of maintaining the system once it goes to the field.

When the Air Force Logistics Command ran into difficulty with a component of the navigation system of the air-launched cruise missile that has not been tested properly in manufacture, it sought help from Air Force Systems Command, which was responsible for developing the item. The initial answer from systems command bureaucracy: we have no further responsibility.

By contrast, the Navy office that builds the Trident II missile also has responsibility for maintaining it. There can be no shortcuts or improper tradeoffs in the "lust-to-dust" regime that gives a single office responsibility for developing and deploying a weapon.

6. BUILD IN EXCESSIVE CONCURRENCY

Concurrency is not an evil. In all complex acquisitions, there is going to be some concurrency. That means some decisions on procurement are going to have to be made before all testing is done. But too much of a necessary thing can bring very poor results.

Recall the earlier example of the terrain-following radar and the flight controls in the B-1B. If those systems had been adequately tested sooner in the acquisition process, patch ups after installation might have been avoided. The programs to put MX on special railway cars and to build the B-2 Stealth bomber have also shown signs of excessive concurrency. Congress has put the B-2 on a schedule that requires the plane to achieve certain milestones rather than a schedule tied to the clock. That is, the program moves onto to part B only because part A has been completed successfully, not because it's April 25.

7. INVENT WHEN EVOLUTION WOULD SERVE BETTER

Because it takes so long for our system to produce a new weapon, weapons designers and their customers are tempted to push the state of art as a hedge against developments in the forces they are facing. They want every bell and whistle they can get because it may be 20 years before they get another crack at it. Then, the system doesn't work and the time before fielding is further lengthened as attempts are made to fix it. It is truly a vicious cycle.

Two programs in which the management has consciously opted for an evolutionary approach are the Navy's Trident D-5 missile and the Air Force's small ICBM. With the D-5, improved accuracy was one of the chief reasons for its existence, yet care was taken to build on the guidance apparatus of its predecessor missile. Senior engineers with the program have gone so far as to declare that the program was not in the invention business.

The need for new technology was carefully examined and isolated. As a result, the Trident D-5 will embody a new star sensor to give the missile an update on its location once it is in flight. Thus, technological risk was reduced and effort focused.

The small missile uses a similar deliberate plan to build on the successful elements of the MX missile. As a consequence, its development plan was proceeding smoothly until the administration announced it's desire to terminate the program.

However, far too often military programs do not follow an evolutionary approach. The advanced cruise missile, a highly classified follow-on system to the excellent air-launched cruise missile, is a good example of a system taken too far, too fast.

These, then, are the seven principles of poor management in procurement. Going through the programs in the strategic buildup, the Armed Services Committee found many program managers performing as if there really were such things as poor management principles which had to be followed.

Many but by no means all. It is important here that we strike the proper balance. Some programs are well managed. Some systems actually do work well. Media accounts of problems with such programs as the B-1B and the MX are absolutely correct. But a continued stream of bad news stories leaves the public with the general impression that none of it works. And this is wrong.

That is why the Armed Services Committee decided to survey all strategic systems. And that's why I chose to include all systems in my review for this series of speeches. I didn't want to pick the raisins out of the pudding. I wanted to present the whole dish.

The moral of this examination of the major strategic programs is that there is no big mystery to doing it right. It isn't a matter of chance. It's not a roll of the dice. Defense programs aren't black holes into which we throw money in hopes of getting a system some of the time. What I tried to do in this series of speeches is to show that weapon development programs can be made to work because some of them are being made to work, and there are good reasons why.

Problems when they arise are systemic problems. The people running the programs—mainly in this case Navy and Air Force personnel—are dedicated, capable people honestly trying to field the most effective weapons possible.

And since these problems are systemic, they can be fixed. The chief lesson I draw from my examination of these strategic programs is that making good weapon systems—weapon systems that meet the goals of cost, schedule, and performance—is apparently difficult, but obviously not impossible.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 26, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

9:00 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-192

Armed Services
Closed business meeting, to mark up proposed legislation authorizing funds for the Department of Defense, and other pending calendar business.
SR-222

9:30 a.m.

Agriculture, Nutrition, and Forestry
To resume hearings to review the current state of U.S. financial markets, focusing on the problems surrounding the October 1987 market break.
SD-562

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1935, to provide for the assessment and collection of a fee on the transfer of spectrum licenses and the establishment of a trust fund for public broadcasting.
SR-253

10:00 a.m.

Appropriations
Military Construction Subcommittee
To hold open and closed hearings on proposed budget estimates for fiscal year 1989 for Navy and defense agencies military construction and family housing programs.
SD-124

Banking, Housing, and Urban Affairs
To hold hearings on S. 2073, to provide for the enhancement of the value of thrift institution charters by creating incentives to investors to place additional private capital in the nation's thrift industry.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 2272, to authorize funds for fiscal years 1989 and 1990 for programs of the Fish and Wildlife Conservation Act of 1980.
SD-406

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To resume hearings to review the advancement of environmentally sustainable development worldwide in Central America through United States foreign assistance policy.
SD-419

Governmental Affairs
To hold hearings on restructuring the Nuclear Regulatory Commission.
SD-342

2:00 p.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transportation Administration, and the Washington Metropolitan Transit Authority.
SD-192

Armed Services
Closed business meeting, to mark up proposed legislation authorizing funds for the Department of Defense, and other pending calendar business.
SR-222

Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on S. 1731, to establish a demonstration program to provide educational and job-training services for severely disadvantaged youths.
SD-430

APRIL 28

9:00 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-116

Veterans' Affairs
To hold hearings on S. 11, to establish procedures for the adjudication of claims for benefits under laws administered by the Veterans Administration, to provide for judicial review of certain final decisions of the Administrator of Veterans Affairs, and to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the VA, and S. 2292, to provide for judicial review of rulemaking by the Veterans Administration, to allow attorneys' fees in cases involving veterans' claims for benefits, and to make other improvements in the provision of veterans' benefits.
SR-418

9:30 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on the Review of the Dairy Policy Commission Study.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

Judiciary
To hold hearings on pending nominations.
SD-226

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for diplomatic security programs.
S-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1927, to provide for the approval of a desert land entry in the vicinity of the Dinosaur National Monument, S. 2057, to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, H.R. 1100, to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park in the State of Illinois, and H.R. 3869, to amend the Act providing for the establishment of the Tuskegee University National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University.
SD-366

Foreign Relations
To hold hearings on the nomination of Robert S. Gelbard, of Washington, to be Ambassador to Bolivia.
SD-419

Select on Intelligence
To resume closed hearings on matters relating to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11), pending on Senate Executive Calendar.
SH-219

10:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 2068, to protect marine and near shore-coastal waters through establishment of regional marine research centers.
SD-406

1:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on fossil energy research and development and the clean coal technology programs.
SD-366

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, and General Legislation Subcommittee
Conservation and Forestry Subcommittee
To resume joint hearings on alternative agricultural systems and related agronomic and economic research and extension efforts.
SR-332

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Bureau of Land Management.
SD-116

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1989 for the intelligence community.
SH-219

2:30 p.m.
Labor and Human Resources
To hold hearings on S. 2229, authorizing funds for fiscal years 1989, 1990, and 1991 for health research and related teaching facilities, and training of professional health personnel as contained in title VII of the Public Health Service Act.
SD-430

Select on Indian Affairs
Business meeting, to mark up S. 1735, to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, and to transfer title to trust lands, S. 1415, to facilitate and implement the settlement of Colorado Ute Indian reserved water rights claims in southwest Colorado, S. 1236, to authorize funds for housing relocation under the Navajo-Hopi Relocation, S. 1987, to establish a separate program to provide housing assistance for Indians and Alaska Natives, S. 2162, to provide for the establishment of the Zuni-Cibola National Historical Park in New Mexico, and other pending calendar business.
SR-485

APRIL 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, and General Legislation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the Federal Grain Inspection Service, Department of Agriculture.
SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Health and Human Services, focusing on departmental management, Office for Civil Rights, policy research, Inspector General, Family Support Administration, Human Development Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on the status of organized crime and the effectiveness of law enforcement, focusing on labor racketeering, narcotics trafficking and other organized crime groups.
SH-216

10:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on the provisions of S. 2274, to authorize and encourage Federal agencies to use mediation, conciliation, arbitration, and other techniques for the prompt and informal resolution of disputes.
SD-226

MAY 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 10

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume hearings on S. 1480, to promote the integration of universities and private industry in the National Laboratory system of the Department of Energy in order to improve the development of technology in areas of economic potential, and Amendment No. 1627 proposed thereto.
SD-366

Governmental Affairs
To hold hearings on regulatory reform.
SD-342

Small Business
Business meeting, to mark up S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and proposed legislation to authorize funds for fiscal year 1989 for the Small Business Administration.
SR-428A

MAY 12

8:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.
SD-192

Governmental Affairs
To resume hearings on restructuring the Nuclear Regulatory Commission.
SD-342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for trade activities of the Department of Commerce and the U.S. Trade Representative.
S-146, Capitol

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 2203, to extend the expiration date of title II of the Energy Policy and Conservation Act.
SD-366

MAY 16

9:30 a.m.
Governmental Affairs
To resume hearings on regulatory reform.
SD-342

MAY 17

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on nuclear reactor research and development.
SD-366

MAY 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Governmental Affairs
Government Efficiency, Federalism, and the District of Columbia Subcommittee
To resume hearings on S. 1992, to promote intergovernmental and interagency cooperation in the development of ground water policy.
SD-608

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 1989 for the Department of Energy, focusing on renewable energy and energy conservation programs.
SD-366

MAY 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on tourism as an export.
SR-253

Energy and Natural Resources
To hold hearings on the Economic Regulatory Administration's prosecution of individuals in oil overcharge cases under the "central figure" theory of recovery in restitution, as adopted in Citronelle-Mobile Gathering, Inc., et al. v. Herrington, 826 F. 2d 16 (TECA 1987).
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1989 for bilateral economic assistance programs.
S-126, Capitol

MAY 23

8:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain activities of the Departments of the Interior and Energy.
S-128, Capitol

MAY 24

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Department of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Finance
To resume hearings on childrens health care issues.
SD-215

MAY 25

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

Commerce, Science, and Transportation
To hold hearings on a certain insurance antitrust suit.
SD-253

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittees
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-138

10:00 a.m.
Finance
To resume hearings on childrens health care issues.
SD-215

JUNE 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for export financing programs.
S-126, Capitol

JUNE 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 9

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for certain programs of the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

JUNE 10

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for defense security assistance programs.
S-126, Capitol

JUNE 14

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
S-126, Capitol

JUNE 16

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for foreign assistance programs.
SD-192

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on Japanese patent policy.
SR-253

POSTPONEMENTS

APRIL 26

2:00 p.m.
Rules and Administration
To hold hearings on S. 1786, to establish a series of six Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of the President of the United States.
SR-301

APRIL 28

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 11, Veterans' Administration Adjudication Procedure and Judicial Review Act, and other pending committee business.
SR-418