

SENATE—Thursday, March 22, 1984

(Legislative day of Monday, March 19, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our opening prayer will be delivered this morning by Father Paul E. Coté, chaplain, Colby College, Waterville, Maine. He is sponsored by Senator GEORGE J. MITCHELL.

PRAYER

The Reverend Father Paul E. Coté, chaplain, Colby College, Waterville, Maine, offered the following prayer:

Let us pray.

O God, the source of all wisdom and power, whose statutes are good and gracious, and whose law is truth, guide and direct the Senate of the United States, that by just and prudent laws, our Senators may promote the well-being of all our people.

Almighty God, You have charged us with the task of building on this Earth a home where all peoples may dwell in unity, liberty, and justice. We pray for strength and purpose to make all who serve the public trust accountable to the people, fulfilling roles of service and responsibility, that they may seek justice and protect the weak and lead us in constructing institutions for world peace and mutual aid. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, first, I yield to the distinguished acting minority leader.

Mr. MITCHELL. I thank the majority leader.

COMMENDATION OF VISITING CHAPLAIN

Mr. MITCHELL. Mr. President, I wish to express our pride and gratitude in Maine for the wisdom of Father Coté. He happens to be the chaplain in the college in my hometown, with which I have had a long personal family association.

I have known Father Coté for some time and am very proud and thankful that he could be with us today.

Mr. BAKER. Mr. President, I join the distinguished Senator from Maine in welcoming our guest chaplain for today. He is another in a long and distinguished list of guest chaplains of all faiths from around the country who have occupied this position. We are

happy to have him here. We hope that we do not set a bad example for him.

SENATE SCHEDULE

Mr. BAKER. Mr. President, according to the orders entered last evening, after the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIER) will be recognized on special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business, until 10:30.

At 10:30—or earlier, if there is no need for further time to transact routine morning business—the Senate will resume consideration of the pending business, which is the wheat bill, H.R. 4072, at which time the pending question will be the Pryor amendment, No. 2818, on which the yeas and nays have been ordered.

Mr. President, yesterday, I explored with the minority leader the possibility of arranging a time today to vote on cloture. I have not yet had an opportunity to discuss that with the minority leader again today, but I hope we might be able to set a time certain for that vote today, notwithstanding that it would not ordinarily occur until tomorrow, Friday. In any event, we will continue to work on the farm bill for a reasonable period this morning.

Also, as I indicated yesterday, at some point today I will make an effort to reach the supplemental appropriations bill on motion. I am amply forewarned by the exchange a number of us had on the floor yesterday that it does not appear to be anointed with success; but, in any event, I reiterate that I intend to attempt to do that.

Mr. President, today is Thursday, which is our regular late evening, if necessary. I hope it is not necessary. Almost surely, we will be in tomorrow, and whether it is on cloture or on a motion to proceed or on the supplemental or on the farm bill is a matter that is not yet clear.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF FRANCE

Mr. BAKER. Mr. President, today, the Members of Congress will be privileged to hear an address by the President of France, in the Chamber of the House of Representatives, at 3:30 p.m. Senators are urged to assemble here on the floor at 3:10 p.m., so that we may proceed as a body to the Hall of

the House of Representatives for that purpose.

We will return from the House Chamber after the address of President Mitterand and resume the business of the Senate.

ORDER FOR RECESS SUBJECT TO THE CALL OF THE CHAIR

I believe it will be well to recess during that period; and if the minority leader does not object, I now ask unanimous consent that at 3:10 p.m. today, the Senate stand in recess subject to the call of the Chair.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in order to conserve time, I offer to the minority leader any time I have remaining under the standing order.

Mr. BYRD. Mr. President, I thank the majority leader for offering me the time. I doubt that I will need it, but if I do, I will accept it.

Mr. BAKER. Mr. President, I yield the remainder of my time to the minority leader in case he does need it.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

B-1 VERSUS STEALTH BOMBERS

Mr. BYRD. Mr. President, there have been recent indications that competition for funding may occur between the B-1 bomber program and the Stealth or advanced technology bomber program. An article in the current issue of Aviation Week indicates that some elements of the Air Force would like to extend the B-1B production line beyond the currently projected 100 aircraft, and to procure a second batch of 100 so-called B-1C aircraft.

The article goes on to point out that Secretary Weinberger remains committed to the Stealth bomber. Furthermore, the official Air Force position, according to Vice Chief of Staff, Gen. Lawrence Skantze, remains that applying Stealth technologies to the B-1B would not be as effective as designing the Stealth bomber from scratch.

Mr. President, I have long been an advocate of the Stealth bomber program in that it assures America's ability to penetrate Soviet airspace beyond the present century. This is an important mission and assures the viability of the bomber leg of our strategic triad. It would be unwise, I think, to give up that capability simply in order to keep an ongoing B-1 production line in operation. We cannot afford to willingly compromise the cutting edge of American technological prowess—and I would emphasize that this is true for the full range of our Stealth technology programs, of which the advanced technology bomber is the most prominent example.

I hope that these reports of extending the B-1B line do not presage a change in Air Force and Department of Defense policy in this matter.

I ask unanimous consent that the article, "B-1/Stealth Competition Emerges," from the February 27, 1984, issue of Aviation Week be printed in the RECORD at this point.

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

B-1/STEALTH COMPETITION EMERGES

(By Clarence A. Robinson, Jr.)

WASHINGTON.—Competition between the USAF/Rockwell International B-1B and Northrop advanced technology bombers, which has held down costs and maintained development schedules, has surfaced in Congress, pitting one aircraft against another.

Defense Secretary Caspar W. Weinberger cautioned Air Force leaders last week that the Reagan Administration's strategic modernization plan calls for production of 100 B-1Bs and 132 advanced technology stealth bombers.

Weinberger's action was based on reports from members of Congress to the White House that some Air Force officers were seeking to foster continued production of the B-1B with improvements to obtain a second increment of 100 aircraft. The second batch would be called B-1Cs and would apply technology to reduce the radar cross section.

CONTINUED PRODUCTION

What has created the issue of continued B-1 production at the expense of entering production with the stealth bomber is formulation by the services of the Fiscal 1986 program objective memorandums. If more than 100 B-1Bs are to be produced on the line, approximately \$500 million would be required in Fiscal 1986 long-lead production funding.

The Air Force already is running into difficulty in funding a number of its priority programs, especially tactical fighter procurement programs and development of the advanced tactical fighter. The Northrop stealth bomber is an approximately \$34-billion program. Approximately \$4 billion has been invested in the development of the aircraft.

Some USAF officers told Congress that an additional 100 B-1Cs could be procured for approximately \$10 billion. If the stealth bomber were kept in development, this would free approximately \$20 billion that could be applied to other programs that have high USAF priorities.

Air Force officers said last week that the effort to continue production of the B-1 bomber is not an orchestrated service effort and denied it is an Air Force position.

Weinberger told USAF vice chief of staff Gen. Lawrence A. Skantze that President Reagan fully backs the two-bomber approach and supports the Northrop advanced technology bomber, and that the Air Force is expected to fully support the President's budget and programs.

Skantze said last week that the USAF and Defense Dept. positions fully support a two-bomber program with 100 B-1Bs setting the stage for the stealth bomber. Deliveries are scheduled to begin for the stealth bomber in 1991. He added that stealth technology applied to a B-1B would not be as effective as designing the bomber from scratch.

Defense Dept. officials said the competition between the two bombers has already served to reduce costs and insure that developmental milestones are being met.

"The competition has forced management attention on both bomber programs, both within the companies involved and within the Defense Dept. It also has kept either contractor from overcommitting in terms of cost and performance," one official said.

He added that the benefits of the competition are evident in the B-1B program, which is ahead of schedule and under cost. Rollout of the first production B-1B is scheduled for Sept. 4-6, and the first flight is planned for December. This is well ahead of the contract, which calls for the first flight in April, 1985.

"The advanced technology bomber program also has the same incentive to maintain the schedule and adhere to cost reduction with the B-1C waiting in the wings," a Defense Dept. official said. "Both bomber programs have been substantially influenced by the competition. This is not a sole source approach, and there are no guarantees," he added.

TWO-BOMBER APPROACH

"We told the Congress that a two-bomber approach would foster competition, and it is to be expected that those supporting each of the bombers would want to tell Congress how well the programs are going," the official continued. "It is only to be expected that in their enthusiasm comparisons will be made, but they must be honest comparisons."

Some USAF officers claim that continued production of the B-1 bomber would provide a superior range and payload capability as opposed to the stealth bomber, and they favor the extremely low altitude penetration of the B-1B using terrain following and avoidance radar to survive against Soviet air defenses. The stealth bomber is designed for low-altitude flight but also to operate over the Soviet Union at high altitudes to take full advantage of its capability to absorb and redirect the energy from air defense radars.

Those who favor the continued production of the B-1 bomber claim that the Northrop aircraft was designed during the Carter Administration at a time when the B-1A program had been canceled and President Carter's popularity polls were running better than 50 percent. The only way the Air Force could get any kind of a bomber development program approved was to exploit technology and keep the aircraft's size to approximately that of the Soviet Tupolev Backfire bomber. The range of any new U.S. bomber also was limited to that of the Backfire—approximately 5,000 naut. mi. unrefueled.

Based on these constraints, officials said, the Northrop bomber was initially designed to fly at Mach 0.8, fly 5,000 naut. mi. unrefueled, have a gross takeoff weight of 280,000 lb. and carry a payload of 10,000 lb. Some USAF officers have claimed in congressional meetings that the B-1B can carry 2.5 times the payload of the stealth bomber to a range of more than 6,000 naut. mi. unrefueled. The B-1's internal payload capability is approximately 75,000 lb.

The stealth bomber has in the past few years been scaled up in size, and the internal payload has been increased accordingly. Some USAF officers claim that payload is now approximately 40,000 lb., with the gross takeoff weight of the flying wing bomber at approximately 400,000 lb.

Defense Dept. officials said the stealth bomber and the B-1B now have about the same characteristics in terms of range and payload. "The truth is that we must have both bombers to be effective against the emerging Soviet air defense threat," one official said.

"B-1Bs operating at low altitude for survival will not be able to detect mobile targets because of their altitude. If they have to pop up to acquire a target they become vulnerable. Stealth bombers can operate at high altitude, enabling acquisition of high-value targets that are time sensitive, and it will be all but impossible for air defense radars to skin track them."

Technology for the stealth bomber, which is scheduled to fly in December 1987, has advanced much faster than anticipated and has proved in tests to be more effective than expected, Defense Dept. officials confirmed. Northrop has provided a production facility at its Pico Rivera, Calif., plant "that fully exploits all of the advances in modern production technology. In part, the better than anticipated development of the stealth bomber is based on manufacturing technology," the official said.

Tests with stealth bomber components include those using Soviet radar technology now deployed and in development. Bistatic radar is among the threat candidates tested. Initially, there was some concern that the radar absorbent material used in bomber production might not be effective against a bistatic system. This has not proved to be the case.

In adhering to the B-1B program goals, USAF is anticipating production of 100 bombers at slightly under the \$20.5-billion cost of the program established in Fiscal 1981. In managing the B-1B effort, the USAF system program office for the bomber at Wright-Patterson AFB, Ohio, briefs top Defense Dept. officials, including Weinberger, every two weeks.

An independent cost analysis group also tracks program progress and annually reports to Weinberger.

A recent cost analysis study of the B-1B "shows that getting 100 bombers for the \$20-billion commitment looks better and better. It also shows that the tendency by prime and subcontractors has been to develop more capability instead of the minimum requirement and to do that within the program cost limitation," a Pentagon official said.

The most recent report to Weinberger by the Air Force on Feb. 16 shows that the B-1B development and production plans are running slightly under cost. Internal cost and schedule data provided by the contractors for the bomber in research, development, test and evaluation include:

Rockwell International—56 percent completion of the \$1.36-billion allocation at 3.5 percent under cost while 0.2 percent ahead of schedule with a 20 percent management reserve remaining.

Boeing—41 percent completion of its \$481.2-million allocation at 1.5 percent under cost while 4 percent behind schedule with 15 percent of the management reserve remaining.

AIL—53 percent completion of its \$177.5 million budget to completion at 2-percent under cost while 1.5 percent behind schedule with 31.9 percent management reserve remaining.

General Electric—79 percent completion of its \$169.6-million allocation at 2.5 percent over cost while 3 percent behind schedule with an 8.7 percent management reserve remaining.

One reason that General Electric is lagging in cost and schedule is that the company has invested in production facilities to aid in manufacturing the F101-GE-102 engine that also will reduce production costs later.

In September, General Electric was 9.4 percent behind schedule. That has now dropped to 3 percent, but the payoff will be in cost reduction from an initial estimate of \$2.1 billion to \$1.4 billion, a \$700-million reduction overall.

The production program for the B-1B includes:

Rockwell International—58 percent completion within a \$3.45-billion budget to completion at 2.4 percent under cost.

Boeing—40 percent completion within a \$314.5-million allocation for lot No. 1 aircraft at 7 percent over cost. Lot No. 2 completion is 13 percent at an allocation of \$168.3 million at 4.5 percent over cost.

AIL—58 percent completion within a \$293.1-million allocation for lot No. 1 aircraft at 7.8 percent over cost. Lot No. 2 aircraft completion is 6 percent within the \$131.6-million allocation at 6.5 percent over cost.

General Electric—70 percent completion within a \$99.4-million allocation for Lot No. 1 at 5.5 percent over cost. Lot No. 2 completion is 9 percent within a \$255.7-million allocation at 15.5 percent over cost.

Research, development and production costs all center on the baseline for funding, and any overages are more than covered by company and systems program office management reserves, according to Defense Dept. officials. "This makes the B-1B a very attractive program."

Management initiatives being taken to further reduce costs and remain ahead of schedule include supporting AIL rate production of avionics system equipment, assembling a task force to conduct a survey, and delivering aircraft off the line and later backfitting the electronics gear, if necessary. Problems in developing defensive avionics are considered routine.

It is doubtful that the Westinghouse radar system will be delivered on time for the flight-test B-1A aircraft No. 4, or for B-1B aircraft No. 1, scheduled for Mar. 19. Boeing has scheduled hardware workarounds to compensate. These are considered relatively minor problems in the overall program.

Full-scale development hardware will be used for integration testing, and intensive software development will be emphasized.

The integrated flight test plan has been completed for the B-1B, and the bomber basing plan is complete. It calls for 16 aircraft at Grand Forks, N.D., 32 aircraft at

Ellsworth AFB, S.D., 16 aircraft at McConnell AFB, Kan., and 26 at Dyess AFB, Tex.

The Air Force and contractor team have identified 44 B-1B production projects for the bomber that will result in an estimated cost reduction of \$512 million. The potential for an additional \$600-million to \$1-billion reduction exists, USAF officers told Weinberger.

Logistical cost savings include \$200-300 million in spares, \$17 million in engine spares and \$240 million in life-cycle costs, with another \$148 million possible savings in support equipment areas.

FUEL LINE BREAK FORCES B-1 LANDING

LOS ANGELES.—Air Force/Rockwell International B-1 flight test aircraft landed safely at Edwards AFB Feb. 17 after a 3-in.-dia. fuel line failed in the No. 3 engine nacelle, spraying fuel inside the nacelle and causing an inflight shutdown of the No. 3 engine.

The aircraft, the second of four flight test aircraft from the original B-1 bomber development program of the 1970s, was on its 41st test flight in the B-1B development effort. Rockwell test pilot Merv Evenson, pilot; USAF Maj. Frank Birk, copilot, and Rockwell flight test engineer James Leasure were flying the aircraft on what was scheduled as a 6-hr. flight. The flight had proceeded successfully up to that point, so it was extended an additional 1 hr. The B-1 was on approach to Edwards AFB at the end of that period when the crew initiated a go-around because of other traffic on the Edwards runway. During that go-around the 3-in. fuel line separated from the No. 3 engine on the right wing of the aircraft, spewing fuel at high pressure inside the engine's nacelle. The General Electric F101 engine shut down because of the loss of fuel, and the crew experienced a temporary electrical and communications failure because of the loss of power from the No. 3 generator. The aircraft was landed immediately, and fuel continued to pour from the nacelle until after the aircraft was completely shut down.

The aircraft is expected to fly again this week.

NONCOMPLIANCE BY THE DEPARTMENT OF DEFENSE WITH THE LAW

MR. BYRD. Mr. President, it is apparent that the Department of Defense does not feel the need to comply in good faith with requests for substantive information from Congress. Secretary Weinberger simply stonewalled Congress this year when it requested prioritization of the defense budget at various levels of real growth. There also is apparently continuing noncompliance by DOD with the requirement we placed in the fiscal year 1984 defense authorization bill (section 1211) regarding an independent Office of Testing and Evaluation in DOD.

The new testing office was established because a widely held belief that the testing and evaluation of new weapons systems is far too controlled by proponents of those systems in DOD who have an advocacy interest in bringing them quickly into production. There is serious concern that impar-

tial, rigid, and appropriate standards for testing and evaluating these very expensive systems are not being used. An expression of that concern was the passage of an amendment, offered by Senators PRYOR, ROTH, and KASSEBAUM, establishing a new independent office in DOD by an overwhelming vote of 91 to 5 on the Senate floor last year. The provision was accepted by the House conferees.

Obviously there needs to be a competent, independent, and tough capability in the Department of Defense to test new systems, a capability which is separate from those offices whose purpose it is to bring new systems into being. The public interest, the American taxpayer, cannot be well served otherwise.

Yet, the Secretary of Defense has not appointed a director of this new office. The fiscal year authorization bill was signed into law by the President on September 24, 1983. The Secretary of Defense still maintains that he is doing everything he can to reduce the staggering amount of waste that is endemic to his Department. Yet, he has not, in nearly 6 months since that provision became law, appointed a director of this important new office. The post requires Senate confirmation.

Furthermore, an important part of section 1211 was the requirement that the new Office of Testing and Evaluation provide an annual report to Congress on its activities. The reporting requirement was drafted so as to contain sufficient details to enable Congress to reach its own conclusions regarding the suitability of new weapons systems before they go into production. The first of these annual reports was delivered on January 26, 1984, and is simply inadequate. It is merely a recitation of the tests that have been conducted over the last year without the necessary details and evaluations for responsible judgments to be made by Congress. This is, pure and simple, noncompliance with the law.

I have joined with a number of other Senators in a letter to Secretary Weinberger that sets forth the information needed by Congress regarding the activities of this new office. In addition, the letter expresses concern that a director still has not been appointed.

I think it is a reasonable letter. I would appreciate the attention of the administration to this matter.

The administration, in the reported revision of its fiscal year 1985 defense budget request, is asking Congress for about a 7-percent real growth increase over fiscal year 1984. But the administration simply chooses to avoid complying with those provisions of last year's authorization bill that it does not like. Senators do not debate and pass legislation providing hundreds of billions of dollars in some lighthearted

fashion. Senators expect the law to be obeyed. Secretary Weinberger has not been provided with an item veto over the legislation which funds his Department.

The attitude of the Secretary toward Congress does not lead me to look upon his request for a overly large defense increase with an open heart. The Defense Department is not a charity organization—it must learn to be far more frugal than it is now. It would help convince me that the Secretary is serious about thriftiness, about cutting back on the outrageous waste he is presiding over, if he would comply with the law.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter addressed to the Secretary of Defense dated March 9, 1984, together with a copy of my floor statement as of Thursday, February 23, 1984.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., March 9, 1984.

HON. CASPAR W. WEINBERGER,
Secretary of Defense, Department of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: Section 1211 of the fiscal year 1984 Department of Defense Authorization Act established an independent Office of Operational Test and Evaluation in the Department of Defense. On January 26 you sent to Congress the annual report required by section 1211. Subsection (g)(1) requires an annual summary of the operational test and evaluation activities in the Department for the previous fiscal year and comments that the Director of the new office considers appropriate on the question of the resources available for operational test and evaluation. Section 1211 sets January 15 as the submission date of the report. Classified copies of the report were sent to the Senate Committees on Armed Services, Appropriations and Government Affairs.

Subsection (b)(5) requires the Director of the new office to analyze the results of operational tests when completed and report to you and the Congress's Armed Services Committees on the adequacy of operational tests and whether the results confirm effectiveness and suitability for combat. Furthermore, subsection (g)(2) of the operational testing provision requires the Director of the independent office to comply with requests for information from Congress or any of its Committees. This letter is in furtherance of that authority.

We have reviewed the report submitted to our Committee on January 26 and find that it is insufficient in scope and detail to be useful to Congress as it considers the adequacy of operational testing in the Department or the operational suitability of the weapons reported to have been tested.

We appreciate that this reporting requirement is new. We are also aware, however, that much of the information needed by Congress—and intended to be included in the report—is available in the Department of Defense. Therefore, pursuant to subsection (g)(2) of the statute, we are requesting a supplement to the January 15 report. We would also appreciate the same information being incorporated into subsequent annual

reports. Specifically, we request the following information, which is not incorporated to a useful extent in the document you first sent:

(1) an accounting of the funds expended by each of the uniformed services and by any Department of Defense agency, either singly or jointly, for all operational testing and evaluation for the previous fiscal year;

(2) a description of the funding and program requirements deemed necessary by the Director of Operational Test and Evaluation to correct uncovered operational testing deficiencies in the upcoming fiscal year;

(3) a summary of the operational tests and evaluations for each major acquisition program conducted in the previous fiscal year, including specific data on the results of each of the operational tests (such as the number and nature of targets displayed, hits, misses and a summary explanation of each), and

(4) an assessment by the Director of Operational Test and Evaluation as to the combat suitability of the weapons tested and his judgment whether each exceeds, meets or fails to meet the originally stated requirements for combat suitability, and whether the proposed new equipment performs more effectively than the system it is to replace.

If the Department is unable to submit the requested information on a timely basis, such as by May 15 when the Defense Authorization bill is expected to reach the Senate floor, we would find acceptable, on an interim basis, copies of interim and final operational test reports from the tester to the Director of Operational Test and Evaluation for all major defense acquisition programs for requirements 3 & 4 above.

Finally, we are perplexed by the delay, well beyond the November 1, 1983 implementation date, in establishing the independent operational testing office on a functioning basis. It is our understanding that neither an appropriate charter nor a Director, from the required civilian background, has been as yet approved. Continuation of this regrettable situation much longer could not help but influence our judgment in reviewing requested budget levels.

Thank you for your attention to this matter.

Sincerely,

ROBERT C. BYRD.

DEFENSE SPENDING

Mr. BYRD. Mr. President, the need for review of both the level and components of our defense budget is urgent.

The submission of the fiscal year 1985 defense budget highlights the problems which the Weinberger Pentagon has refused or been unable to address effectively: an unacceptably high level of waste and an unwillingness to prioritize programs. The administration wants to fund every conceivable weapons system but has not adequately addressed extravagant, wasteful and even fraudulent costing.

The most successful efforts to get at waste in the Pentagon have been created by Congress in the face of active opposition by the administration. This is true in the case of the creation of an independent Inspector General for DOD. It has been the Inspector General which has surfaced the scandals associated with procurement of spare parts, which constitute as much as \$13 billion in annual purchases. Reform is clearly needed in this area—a report by the Inspector General pointed out that DOD was simply not using cost-effective procedures and that

contracting officials were not paying adequate attention to cost levels. The administration not only opposed the creation of an Inspector General, it has opposed all other attempts to bring reform in Pentagon practices.

Last year Congress passed amendments which required all defense contractors to provide warranties for their equipment, including free spare parts and repairs. DOD is now seeking repeal of this warranty requirement. Further, Congress created an independent testing bureau in DOD responsible for evaluating weapons independently from the company contractors who produced them. Recent reports indicate DOD is not implementing this reform.

In a further effort to get at these problems, I sponsored successful amendments last fall which require the Office of Federal Procurement Policy to conduct fresh and independent reviews of DOD spare parts pricing and end-of-fiscal-year spending practices. DOD's attitude was to actively oppose the reauthorization of the Office of Federal Procurement Policy. Instead of supporting reform, then, the Weinberger Pentagon has fought it every step of the way.

As for the level of the Pentagon budget, the administration has thumbed its nose at the guidelines provided by the Budget Committee last year. If those guidelines were followed the fiscal year 1985 budget should be some \$16 billion lower than requested. Indeed, if we use the administration's inflation estimates and the Budget Committee guideline of 5 percent real growth in defense spending, then Congress should cut about \$23 billion off the fiscal year 1985 level and another \$40 billion from the fiscal year 1986 administration projection. This would translate into a 2-year savings of some \$20 billion in outlays, a major chunk of the dangerously high deficits the administration is proposing.

The administration refuses to prioritize its programs.

Senator Inouye and I joined in writing a letter to Mr. Jim Baker asking for the administration's guidance in ways to reduce the defense budget. We requested that we have that information 48 hours before the next meeting, which will take place today at 2 o'clock. We not only did not get the information we requested; we did not even get the courtesy of a response to our letter.

I do not think there is any question but that there will be some reductions in the defense budget. It seems to me that it would be very helpful if we could have the recommendations of the President as to where we should best make those reductions. That is what Senator Inouye and I had hoped to get. In other words, the prioritization of defense programs.

We need that assistance from the President, the Commander in Chief, and I hope it will be forthcoming.

The administration says it wants to negotiate arms reductions with the Soviet Union, and that some of these weapons systems are to be used as bargaining chips. Yet the arms talks are going nowhere. Arms control thus far is a failure under the Reagan administration. We are going forward with building not one, but two new manned bombers, the B-1 and the Stealth.

I have opposed going forward with the B-1 because it will not penetrate Soviet defenses in the 1990's. Second, the cost of that program is going to delay, I am afraid, the progress that would otherwise be made on the Stealth bomber, which we are advised

would penetrate Soviet defenses in the 1990's and beyond.

We are going forward with three new intercontinental missiles—MX and Midgetman which represent two contradictory strategic policies, as well as the new Trident II submarine launched missile. In addition, we are going forward with different kinds of cruise missiles, Pershing II missiles and a variety of shorter range missiles. Now we cannot have everything at once, we must prioritize and the administration must tell us what is most important and what we can best do without. The B-1 bomber is now estimated to cost about \$227 million per airplane—we are buying 100 of them, and yet they will not be able to perform their basic mission by the mid-1990's. That mission will be performed by the Stealth bomber. At some \$23 billion in program costs, the American people have a right to know why we need to have the B-1 at all.

In all likelihood, if past experience is to be a guide, they will probably end up costing much more than estimated.

The administration should submit a revised defense budget which would give Congress the appropriate options—namely, alternative levels of spending which would conform to the Budget Committee level of 5-percent real growth, with programs prioritized for our review and selection.

Secretary Weinberger, in testimony this week, stonewalled the Congress, resisting intransigently all suggestions to moderate the defense request or provide us with a list of priorities. He said that it would be "incorrect, dangerous, and wrong" to reduce the defense budget and simply refused to provide a list of suggested cuts. His refusal to cooperate with Congress on defense is unreasonable.

I should say also that we need further assurances that DOD will not obstruct the legitimate and legal requirements imposed on it for reform of the outrageous costing scandals now afflicting DOD, and that are being brought to light through the committee processes and through the press.

Mr. President, I ask unanimous consent to have printed in the RECORD an item from yesterday's Washington Post entitled "Pentagon Report Says Lax Auditing Is Causing Excessive Profits."

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

PENTAGON REPORT SAYS LAX AUDITING IS CAUSING EXCESS PROFITS

(By Fred Hiatt)

Military contractors are making millions of dollars in excess profits because Defense Department auditors are not attentive enough and do not punish companies that overcharge, according to an internal report by the Pentagon's assistant inspector general.

For example, the report states, the manufacturer of Army Blackhawk helicopters used Pentagon audits to persuade the company's subcontractors to lower prices by as much as \$40.8 million. But the Army signed its contract with the prime manufacturer, Sikorsky Aircraft, before completing those audits, and thus did not benefit from the lower costs, according to the report.

The case is typical of "minimal or non-existent" attention paid by Pentagon auditors to prices charged by subcontractors, which account for about half of the Pentagon's multibillion-dollar procurement bills, the report says.

In addition, the report says the Pentagon's "soft approach" toward contractors with a history of overcharging "has resulted in unnecessary expenditure of millions of dollars."

Submitted last month by James H. Curry, assistant inspector general for audit policy and oversight, the report examined nine weapon systems worth \$5.5 billion. In six of them, prime contractors failed to provide—and Pentagon officials failed to demand—information needed to justify subcontract prices, the report says.

As a result, there can be no assurance that the prices negotiated "... were fair and reasonable," the report concludes.

The report is likely to fuel criticism by members of Congress seeking to trim the Defense Department's \$305 billion budget request for fiscal 1985. A top Pentagon official last fall urged "that the report be withdrawn" before it could be completed and published.

"This report causes us great concern," Mary Ann Gilleece, deputy under secretary for acquisition management, wrote in a memo in November. "It is replete with non-factual data. ... Even draft reports, containing the magnitude of errors such as this one, can cause damage to the department."

Authors of the report said they had corrected several minor errors and noted that it was not intended to be a formal audit. In a response to Gilleece, they said the bulk of their report is accurate.

Upon request yesterday, the Defense Department released the report, Gilleece's memo and the response by the inspector general's office.

The report lauds the Navy for the contract it negotiated for procurement of F14 fighter jets one of the nine weapon systems the report examined. The Navy sent auditors to major subcontractors before negotiating its prime contract and so could calculate what it considered a reasonable price for the plane.

There were no other success stories among the nine systems examined. The report found that:

The Army negotiated a contract to buy Bradley infantry Fighting Vehicles before the prime contractor, FMC Corp., had submitted information about subcontract prices. FMC then negotiated lower prices with its subcontractors, resulting in a \$6.7 million "windfall," the report states.

The Pentagon's lax oversight allowed the same manufacturer to continue making parts for the vehicle after subcontractors could have supplied the parts for less, costing the Army more than \$5 million.

The contractor purchased \$4.2 million of "pivot arm assemblies" from a subsidiary for \$470.20 each, for example, after an independent firm offered to supply the part for \$323.98 each, according to the report.

An FMC spokesman declined comment yesterday. A spokesman for Sikorsky Aircraft, a division of United Technologies Corp., said he could not comment on the Blackhawk case until he has seen the report.

In another case, the Pentagon rejected suggestions to seek less expensive sources for parts even after a prime contractor suggested such a move.

In 1978, Fairchild Co., prime maker of the A10 attack plane, began suggesting second sources for about 200 high-cost parts that Fairchild had been manufacturing, but Pentagon officials rejected all but two.

Savings on 10 of those parts, had Fairchild's suggestion been accepted, would have been \$4.7 million, the report states.

● Mr. LEAHY. Mr. President, I confess that I was angered when I read the Department of Defense classified report to the Appropriations, Armed Services, and Governmental Affairs Committees on the operations of the new Office of Testing and Evaluation.

As an original cosponsor of the legislation establishing an independent Office of Testing and Evaluation in the Defense Department reporting directly to the Secretary of Defense, I had hoped that Congress could cut the sweetheart relationship between weapons testers and program managers. One need not blame the military-industrial complex to understand the very human patron-client connection between those who test and evaluate new weapons programs and those who are responsible for production and deployment of those very same systems. It is very natural, it is understandable, and it is in large part responsible for the staggering cost overruns which are eating up the defense budget, for the lack of reliability and performance of key weapons systems, and for the lack of combat readiness of our Armed Forces.

The purpose of the Office of Testing and Evaluation is to insure that the Secretary of Defense and the Congress, I repeat, the Congress, get objective assessments of the testing and evaluation of new weapons programs. We must learn of performance problems at an earlier stage when it is still possible to cancel or redesign weapons.

As it is, we do not hear of deficiencies until a new weapons program has a constituency in the services, the Department of Defense, defense contractors, and the districts of Members of Congress. History shows it is then too late to do more than try to remedy the problems through massive changes, at the cost of huge cost overruns and usually unreliable equipment for our combat forces.

DOD's first report under the legislation establishing the Office of Testing and Evaluation is, to put it bluntly, a joke and an insult. It is little more than a list of tests conducted on some major weapons programs over the past year. It contains no useful details on the types of tests, what results were obtained, any problems identified, and any corrective steps being taken to resolve them. Furthermore, in defiance of the requirements of the legislation, the report does not indicate what the new Office requires for its proper and independent operation as a source of objective assessments for both the Secretary of Defense and the Congress.

Moreover, in the 4 months since the legislation was enacted, DOD has not yet named a civilian director of this new office. It is operating under the interim direction of a uniformed officer from the Office of the Under Sec-

retary for Research and Development. That is precisely one of the offices from which we want to separate this new Office of Testing and Evaluation.

My distinguished friend and colleague from Arkansas (Mr. BUMPERS) and I immediately circulated to all the members of the Appropriations Committee a letter to Secretary Weinberger protesting this inadequate response to a statutory requirement. I am pleased that several members of the committee, including its chairman, Senator HATFIELD, and my friend, the minority leader, joined us in signing it. Also, members of other affected committees, Governmental Affairs and Armed Services are, I understand, sending their own letters of protests to Mr. Weinberger.

Mr. President, I am delighted at this reaction. We have two very important interests in making clear to the Defense Department that Congress will not accept this unresponsive report. First, we must break the Defense Department of its tendency to ignore or pervert the intention of statutory requirements, particularly in the area of correcting waste, fraud, abuse, and inefficiency. If DOD is not made to understand that we are serious when we enact statutory requirements, this tendency is going to continue and get worse.

Second, Congress had a specific purpose in mind in adding a provision to the fiscal year 1984 defense authorization bill setting up the Office of Testing and Evaluation. There is growing concern on both sides of the aisle in this body that management of the defense budget is losing control of costs and programs.

You can see the concern in a whole series of actions by Congress over the last couple of years: A new Inspector General, establishing warranties, this Office of Testing and Evaluation, and other efforts to improve management and cost control in the Defense Department. Congress is worried that Defense has become too fat, too complacent, too married to vested interests. We are trying to make the Defense Department understand that it must get its house in order, or we will take even more far reaching steps to do it ourselves.

Thank you, Mr. President.●

● Mr. BUMPERS. Mr. President, I was pleased to join my colleagues on the Appropriations Committee in signing the letter to Secretary Weinberger concerning the administration's weak performance in carrying out the will of Congress concerning the Defense Department's Office of Test and Evaluation. I am also pleased that members on the Appropriations and Governmental Affairs Committees have written letters on this same matter. The lack of real substance in the first annual report, and the continuing fail-

ure to appoint a director to head the office, are cause for real concern.

This administration has loudly proclaimed the need for its \$314 billion fiscal year 1985 defense budget. A big portion of this defense budget is for the purpose of new weapons and other items needed by our Armed Forces. In fact, procurement has been one of the fastest growing components of the defense budget under this administration. We in the Senate will disagree from time to time on whether a particular weapon system is needed, or on how many of a certain weapon we should buy. Indeed, that debate is already starting up on this year's budget, and it is quite likely that the President will not receive everything he is looking for on defense. But despite these disagreements, there is no disagreement among us here that whatever we buy ought to work.

The Senate has been concerned for some time about weapons going into production without adequate testing, and last year we did something about it. We required the Secretary of Defense to name a Director of Operational Test and Evaluation and to establish such an office independent of those who are responsible for bringing weapons into production.

I regret to say that the administration's zeal in spending the money which the Congress appropriated for defense last year did not extend to carrying out our intent on the Office of Test and Evaluation. While we in the Senate voted 91 to 5 last fall to establish this office, the Secretary of Defense has yet to appoint a director for this office. Furthermore, the first annual report submitted to Congress in January falls far short of the kind of report that was stipulated in last year's legislation.

With no director to head the office, it should not really be surprising that the quality of the report to Congress was so poor. But that is no excuse—it simply points up the need to appoint a director right away, and at the same time to put the people on the job to update and correct the current report and insure that next year's report is better than the revised version of this year's report.

Mr. President, Congress spoke clearly on this subject last year. Unfortunately, it was necessary for us to speak even more clearly again in the form of these letters. Let us all hope that the Department of Defense finally hears us and acts by appointing a director for the Office of Test Evaluation and by revising the first annual report. Let us also hope that we do not need to speak again on this subject a few months down the road.●

Mr. BAKER. Mr. President, if the minority leader has no further need for time, I yield back the time remaining to the two leaders.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. All time having been yielded back, the Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I understand I am recognized for a regular order for a 15-minute order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Presiding Officer.

HOW MIGHT A NUCLEAR WAR BEGIN?

Mr. PROXMIRE. Mr. President, I have just spoken out on the floor of the Senate on the critical importance for all of us to face the full consequences of nuclear war. I have concluded that any thoughtful person who faces those consequences will conclude that such a war would be the worst catastrophe the human race had ever faced. Once we acknowledge this fact the incentive to prevent that final catastrophe provides the basis for our resolve to take whatever steps are necessary no matter how difficult or painful to prevent a nuclear war. So what steps do we take? First we ask: How might a nuclear war begin? What are the most likely ways? What policies can we follow to prevent the development most likely to lead to nuclear war? The Common Cause Guide to Understanding Nuclear Arms Policy starts its answer to this question by contending that the prospect that has received the most attention and concern—a bolt from the blue—that is a sudden preemptive nuclear attack by one superpower against the other—is the least likely way a nuclear war would start. I agree.

Such an attack would be an act of obvious mutual suicide. The side initiating such a first strike would, indeed, have a big advantage in surprise.

In fact, there would be a double advantage. Much, probably most, of the other superpower's nuclear capacity would be destroyed. The attacking power could disperse its population into the countryside and into fallout shelters. It could also disperse its mobile missile launchers. Its submarines could leave port. Its bombers could be in the air. All of this would be advantageous. But the advantage would be meaningless. Why? Just consider the truly colossal size of the nuclear arsenal of each side. Even if 50 or 60 or 70 percent were destroyed in an extraordinary successful preemptive attack, there would be enough left to absolutely obliterate the other side. And such a nuclear war would not end

in a day or two. It would go on for months.

The Soviets would have a particularly hard time destroying American nuclear power because most of it is deployed at sea or in the air, spread out throughout the world's oceans and air envelope, constantly moving and impossible to track comprehensively. Only a small fraction of this virtually invulnerable mobile nuclear power could utterly devastate the Soviet Union. Similarly, there is no way this country could escape absolute devastation if we should initiate a nuclear strike against the Soviet Union. So we recognize the bolt from the blue as the least likely cause of a superpower nuclear war.

What then would be more likely? The Common Cause Guide sees the prospect of a nuclear war emerging from a steady growing military confrontation between the United States and the Soviet Union, possibly in Europe, more likely in the Middle East. Either country might move into a nuclear war through policies designed simply to provide greater precautions against such a war with the other side seeing each precautionary military move as a threat.

In this connection, the Common Cause Guide quotes Marshall Shulman, director of the Russian Institute at Columbia University, as follows:

The concern that seems most to be watched for is the risk of escalation from a local conflict and particularly if the separation between nuclear and conventional weapons becomes blurred. If there is an initial conflict and both sides get involved because their interests are involved, there are neither technical nor political checkpoints in the passage from a conventional military engagement up through battlefield nuclears.

Common Cause observes that any use of nuclear weapons and the stress is on any use whatsoever during a crisis would heighten the danger of escalation to full-scale nuclear war.

Mr. President, in answering the question "How might a Nuclear War start?", this Senator would conclude that by far the most likely scenario would come from the instigation of a nuclear war by a nation other than the two superpowers.

On November 15, 1982, about 1½ years ago, the New York Times reported, not on the front page but just back in the paper, an article that is a real blockbuster, one of the most shocking revelations I have read. I do not know why they put it off the front page, but they did. They reported that a U.S. intelligence survey flatly asserted that 31 countries will be able to produce nuclear weapons 16 short years from now, that is by the year 2000.

Mr. President this spread of nuclear weapons is the heart of the nuclear powder keg. Many of these countries have constantly been engaged in hostilities with their neighbors. Obviously

the time will come when one or more of these countries will use their nuclear weapons. For instance, Iran and Iraq are at this very moment locked in an extraordinary bloody war. Both are on the U.S. intelligence list as countries which will soon have nuclear weapons. Think of the temptation for whichever of those two countries develop a nuclear arsenal first—to use it.

Even more disturbing, Mr. President, that same November 1982 report by Richard Halloran stated that the Defense Department reaction to the report of nuclear war capability spreading to 31 nations was to step up our tactical nuclear capability. They foresaw U.S. engagement with adversaries other than the Soviet Union which would require small tactical nuclear weapons other than the large strategic missiles aimed at the Soviet Union.

Defense guidance is a classified 5-year plan of strategic direction for the Armed Forces. This document directed the Marine Corps to take the lead in developing a nuclear operations concept for its AV-8B, known as the Harrier or Jump Jet. Defense guidance also called for a continued effort—to reduce the spread of nuclear weapons capability, particularly to nations hostile, or potentially hostile, to U.S. interests.

So, Mr. President, the answer to "how might a nuclear war begin?" is that it might very well come from an escalation of hostility with the Soviets that could lead to some use of nuclear weapons—initially, that nuclear weapons use might be tactical or limited. Above all, the danger of nuclear war comes from the prospect of an entirely different ball game over the next 16 years with more than 30 countries armed with nuclear arsenals and ready, willing and able to begin the last war.

Mr. President, I ask unanimous consent that the article by Richard Halloran to which I have referred from the November 1982 New York Times be printed at this point in the RECORD.

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

[From the New York Times, Nov. 15, 1982]

SPREAD OF NUCLEAR ARMS BY 2000 IS SEEN

(By Richard Halloran)

WASHINGTON, Nov. 14.—A recent United States intelligence survey asserts that 31 countries, many of them engaged in long-standing regional disputes, will be able to produce nuclear weapons by the year 2000, according to military analysts.

The analysts said that because of this, American military forces would have to be prepared to engage in nuclear battles with countries other than the Soviet Union, even though American military planners put most of their attention today on the possibility of nuclear war with the Soviet Union.

Defense Guidance, a classified five-year plan of strategic direction for the armed forces, reflected that appraisal, saying that

"a continued effort should be made to reduce the spread of nuclear weapons capability, particularly to nations hostile, or potentially hostile, to United States interests."

But the military planners who wrote the guidance for the signature of Secretary of Defense Caspar W. Weinberger were clearly aware of the prospects for nuclear armaments to spread, saying, "As nuclear capabilities spread, additional measures will be required to protect the United States forces and interests."

LEADING ROLE FOR MARINES

Nuclear engagements with adversaries other than the Soviet Union would most likely require small tactical nuclear weapons rather than the large strategic missiles aimed at the Soviet Union, the analysis said.

In line with that, the guidance instructed the armed services that "Priorities should be directed toward achieving improved survivability, endurance, and communications, command, control, and intelligence capabilities of our tactical nuclear forces."

The guidance particularly directed the Marine Corps to "take the lead in developing a nuclear operations concept for its AV-8B," or Harrier "jump jet."

The military analysts said the intelligence survey was based on assessments of each nation's scientific and technical capabilities, the industrial base, probable access to nuclear materials and financial status.

They said the analysts who worked on the survey paid special attention to the potential of each nation to receive technical and financial help from other nations and particularly to the possibilities for converting peaceful nuclear facilities into producers of weapons.

The United States, the Soviet Union, France, Britain, China, and India have produced nuclear weapons.

ISRAELI PRODUCTION SUSPECTED

In the Middle East, Israel has long been thought capable of producing nuclear weapons and has been suspected of having done so. Among the Arab nations, Egypt, Saudi Arabia and Iraq were named. Other Moslem nations named were Iran and Pakistan.

South Africa was the only sub-Saharan nation on the list, the analysts said.

In Asia, South Korea, Taiwan and the Philippines are candidates as nuclear powers. Japanese scientists have said Japan could acquire nuclear arms within a year of a decision to do so.

Potential nuclear powers in Latin America, the analysts said, are Mexico, Brazil and Argentina.

In Europe, those with the potential for producing nuclear arms include West Germany, Sweden, Italy and Spain. Other Western possibilities included Canada and Australia.

THE KU KLUX KLAN: CREATING THE CLIMATE FOR GENOCIDE

Mr. PROXMIRE. Mr. President, a year and a half ago, the Ku Klux Klan planned to march down the streets of Washington to commemorate a landmark Klan parade in Washington in 1925, in which 35,000 members participated. The 1982 parade was canceled because police feared violence between Klan and anti-Klan demonstrators.

The Klan, still a force in our society, was founded by Confederate soldiers in Pulaski, Tenn., in the aftermath of

the Civil War. Members vowed to uphold "all that is chivalric, noble, generous, and patriotic," a terribly ironic charter for a group that became known for its violent means of enforcing white supremacy.

By the end of Reconstruction, the Klan had attracted a membership of over a half million men and had become a source of terror in the South. Contingents of Klan supporters made sinister night raids into black communities to intimidate the black vote. Sometimes they left a burning cross in their wake. Other times, they resorted to violence: arson, beatings, and murder.

Sadly, Klan terror was effective in keeping blacks away from the polls during Reconstruction. Subsequently, white southerners easily passed into law the "separate but equal" doctrine of segregation, which lasted almost a century.

After World War I, the Klan gained supportive momentum under the leadership of Grand Wizard William Simmons, a former preacher. Two trends added fuel to the Klan's fire: The great World War and the massive influx of European immigrants from 1890 to 1910. Together, these trends produced a fierce nationalism among Americans and, thus, a mood more receptive to the Klan which claimed to be a "pro-American" group, dedicated to preserving racial purity in the Nation.

In the civil rights era, the Klan once again swam into the mainstream. It was suspected of 138 race-related bombings in the South from 1956 to 1963.

The promotion of hatred among racial, ethnic, national, or religious lines, so typified by the campaigns of the Ku Klux Klan, creates the kind of climate in which genocide can occur. Genocide is simply the most appalling crime known to man: it is the complete annihilation of an entire people.

It is interesting, Mr. President, that there are very, very few organizations in this country that oppose the Genocide Treaty. As far as I can tell—and I have looked at this very carefully—there are none that are not considered far out, way out rightwing organizations. The treaty, of course, is supported by virtually every civic and fraternal organization and by every religious group. But it is opposed by the Ku Klux Klan, by the Liberty Lobby, by the John Birch Society, and that is about it. That is about the opposition to it. It has been supported by every administration, Democratic and Republican, every Presidential administration since Harry Truman and I am confident that the Reagan administration will support this treaty within a reasonable time. I certainly hope and pray they will.

At any rate, we must do all in our power to prevent this dangerous cli-

mate from taking hold of the United States.

Mr. President, the most important step we can take is to make genocide a crime under international law. I urge my colleagues to act now in favor of the Genocide Convention.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10:30 a.m. with statements therein limited to 2 minutes each.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. ABDNOR. Mr. President, today the Senate has the opportunity to pass a group of measures which will improve farm income and aid our struggling farmers. Specifically, the measures improve the 1984 and 1985 wheat programs, make changes in the 1985 programs for feed grains, cotton, and rice, provide more funding for export assistance, and aid farmers who find themselves in financial difficulty by offering more funds for drought relief and other credit programs. I urge my colleagues to support these measures.

As my colleagues are aware, this package was developed during 4 days of intense negotiations between other farm State Senators and me, Agriculture Secretary John Block, and Budget Director David Stockman.

I cannot say strongly enough that everyone who was concerned about this legislation was invited to those meetings. Those who really were sincere in trying to do something to improve this program were able to discuss their concerns. We all gave and took a little bit, trying to reach a compromise acceptable to everyone involved. There were 4 days of those sessions.

I was glad to be a part of the negotiations and feel that we have arrived at a very acceptable compromise.

Changes in the 1984 wheat program are long overdue and badly needed. Producer participation is very low because the program demands a very high nonpaid acreage reduction requirement, something South Dakota's and our Nation's wheat producers simply cannot afford when every acre is needed to generate enough cash to keep their operations solvent.

The 1984 and 1985 wheat programs which we have developed jointly with Secretary Block and Mr. Stockman ease this burden by incorporating a paid land diversion. This provision, coupled with other program modifications, will provide wheat producers with a greater return over their variable costs of production. Although I

would have to avoid cutting target prices, I believe we must be realistic and realize that we now have before us a better program for our wheat producers.

According to my calculations, the wheat program which we have developed provides an additional \$7.50 per acre over the program as announced by the Secretary. For an 800-acre wheat producer, that is an extra \$6,000, and that is nothing to laugh at during tough times like these. Six thousand dollars is darned important to the farmers of South Dakota.

In addition to making changes in commodity programs, the compromise provides for more export assistance funds. We all know that agricultural exports have dropped dramatically in recent years. Markets for American agricultural commodities have been stripped from us by our foreign competitors. Many reasons are cited as to why this has occurred, including the high value of the dollar, unreliability, massive export subsidies given by our competitors, and so forth. The past, however, is behind us. We must now move to learn from the mistakes of the past, vow to never again use agricultural products as a weapon in foreign policy disputes, and boldly intensify our efforts to develop new markets and recapture old ones.

The legislation we have before us would provide an extra \$325 million for the Public Law 480 program under which U.S. agricultural commodities are sold or donated to countries in dire need of food. In addition, the legislation would provide an extra \$100 million in 1984 for the GSM-5 credit program and an extra \$50 million in 1985 for that program or the Public Law 480 program. The compromise also increases the amount of export guarantees which are available to foreign purchasers of U.S. grain by \$500 million in 1984 and \$1.1 billion in 1985. All these export programs allow grain prices to rise by reducing burgeoning surpluses of grain and moving it out of the warehouse or bin and into the food supplies of foreign nations.

Finally, Mr. President, this legislation provides credit assistance to beleaguered U.S. farmers. South Dakota's farmers and ranchers need this credit assistance desperately. It is no secret that the American farmer is in terrible financial straits. The ultimate solution to this problem, of course, is higher farm prices. This legislation takes steps toward that end, but falls short. It does, however, pick up some of the slack by providing more drought relief funds, increasing the amount of direct, lower interest loans which can be made by the Farmers Home Administration (FmHA) through the economic emergency loan program, and changing some rules and regulations relating to FmHA's proce-

dures for reamortizing and rescheduling loans, and extending the repayment period for operating loans. All in all, these changes are good and should help to ease farmers and ranchers through the credit crunch in which they are caught.

Mr. President, I commend Senator DOLE for his efforts to develop this compromise and thank my colleagues, Secretary Block, and Mr. Stockman for their efforts to make this a workable piece of legislation. Let me point out to my colleagues who criticize Secretary Block and Mr. Stockman that these gentlemen came to each of our meetings in good faith and conceded on many issues in order to improve this program. They were helpful. They were cooperative. I thought all interested Senators would be there to discuss their concerns. Instead, they come to the floor now, after already delaying this bill for 2 weeks, and try to load it up with one amendment after another in order to make themselves look good back home.

It is time to quit fooling around with our farmers and give them a chance. It is time to go into the field. As we talk about this bill now, farmers in the State of South Dakota prepare to go into the fields in a few weeks.

Right now some Senators are playing politics, with each Senator trying to shape this program just the way he would like to see it. This is like waiting for all the bales in the barn to catch on fire before even thinking about getting some water to put it out. Wheat producers in South Dakota can ill afford to see their barn go up in flames while a few Senators tinker with their amendments, thus delaying, or possibly stopping, the opportunity for this Congress to help them.

The least we can do is stick together, cooperate—act in the best interests of farmers—and pass this legislation.

Mr. BAKER. Mr. President, would the Senator yield to me briefly?

Mr. ABDNOR. I would be happy to yield.

Mr. BAKER. I congratulate the Senator from South Dakota, not only for the burden of his remarks, but also the obvious intensity of his emotion on this subject, and for his dedication to passage of legislation for the agricultural community, not only in South Dakota, but elsewhere. I wish to extend to him my hearty congratulations for a well-reasoned statement, with passion naturally delivered. I believe it is effective in determining the outcome of this measure.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 10:40 a.m.

under these same terms and conditions.

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

The Senator from Wisconsin is recognized.

EL SALVADOR BRIEFINGS

Mr. KASTEN. Mr. President, a number of my colleagues have expressed an interest in being briefed by the Defense and State Departments on the current situation in El Salvador and the need for the administration's requested \$92,750,000 in emergency military assistance.

I have, therefore, arranged for briefings in room S-407 in the Capitol at two different times in order to accommodate Senators' schedules. The first briefing will be at 4:30 this afternoon, the second at 10 tomorrow morning.

The officials conducting the briefing will be Under Secretary for Security Assistance, Science and Technology, William Schneider, Jr., and Lt. Gen. Philip Gast, Director of the Defense Security Assistance Agency.

I would strongly encourage my colleagues to avail themselves of this briefing, as it is a good one, and because they will be able to give the briefing in a classified fashion, the information provided is in some detail.

The PRESIDING OFFICER (Mr. KASTEN). The majority leader is recognized.

NATIONAL PHOTO WEEK

Mr. BAKER. Mr. President, I will not take but just a moment. The minority leader is now on the floor. We have talked privately about this matter.

I do not often ask for things to be done because I particularly as an individual want them to be done. But there is one item on the calendar today which is in that category, and that is the passage of Calendar No. 717, which is a joint resolution to designate the week of May 7 through May 13, 1984, as "National Photo Week."

I would say somewhat facetiously that there are some who seriously claim that I am an amateur Senator, certainly an amateur politician, but that just on the basis of my enthusiasm my first and prime interest is photography. That is not so, but it is close.

Mr. President, given those circumstances, could I inquire of the minority leader if he could see in his heart to clear for action at this time that matter on the calendar.

Mr. BYRD. Mr. President, this is an idea whose time has come. Who better than this distinguished Senator—who is a first-class Senator, first-class politician, and a first-class photographer—

should bring this legislation to the attention of the Senate? I am delighted.

I have to say that this man is all three: foremost, a very shrewd politician; foremost, a very fine majority leader; and, foremost, an excellent photographer—excellent.

I am delighted on behalf of 44 other Democrats to give our full consent to taking up this measure at this point.

Mr. BAKER. Mr. President, I am grateful. I am often grateful to the minority leader for his splendid cooperation and great consideration, but never more than today.

Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 717, Senate Joint Resolution 250.

The PRESIDING OFFICER. Without objection, the clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 250) declaring the week of May 7 through May 13, 1984, as "National Photo Week."

The Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, the distinguished majority leader has introduced Senate Joint Resolution 250, declaring the week of May 7 through 13, 1984, as "National Photo Week." I am pleased to be a cosponsor of this resolution which passed the Senate today, because this week in May represents one of the many outstanding talents of the Senator from Tennessee.

Over the years, I have come to appreciate the political, legislative, and personal skills manifested by Senator BAKER, but this resolution brings to mind the artistic talent of an outstanding individual whose interests transcend the narrower political world in which he spends most of his time. HOWARD BAKER is often seen with a camera in hand. His unique perspective of Washington political life, and the city itself, from behind a camera lens, has now become legendary among his colleagues. He has even published a book of Washington photos that is very popular. It is appropriate that the distinguished Senator from Tennessee should introduce such a resolution.

DEVELOPMENT OF PHOTOGRAPHY AS AN ART

When photography first came into being in the early 19th century, it was originally used for portraits and landscapes, and gradually evolved into a visual record of human and historical events. Anyone who has ever seen an exhibit of old photographs from a century ago is impressed with what could be captured through earlier, more primitive techniques.

Photography has now developed into very sophisticated uses, and has made significant contributions to our society and our culture—as well as our records of historical events. It continues to

evolve and grow as an art form, and is only recently being given the kind of recognition it deserves as a form of art.

I commend our distinguished majority leader for his leadership in setting aside this week to be designated as "National Photo Week." I hope he continues to take his camera wherever he goes after he leaves the Senate.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 250

Whereas photography is the prime visual recorder of human events of any dimension, preserving memories, emotion, and sentiment for virtually all the American people;

Whereas photography is an established and growing art form communicating the beauty and diversity of America and its people both within the land and abroad;

Whereas photography is an important contributor to communication, meteorology, justice, medicine, geographic exploration, astronomy, agriculture, and many other fields of science, technology, and inquiry; and

Whereas photography is, and has long been, an indispensable tool in preserving the history of the Nation and the changing panorama of American landscape and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 7 through May 13, 1984, be declared to be the first annual "National Photo Week". The President is authorized, since "National Photo Week" is to be a time dedicated to increasing the American public's appreciation and understanding of photography and to improving individual skill in photography so that the benefits thereof may be appreciated and used on the broadest possible scale, for the greatest number of people, to issue a proclamation to aid in the celebration of said week.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

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

The motion to lay on the table was agreed to.

HENRY M. JACKSON SCHOOL OF INTERNATIONAL STUDIES TO CONDUCT SEMINAR

Mr. STEVENS. Mr. President, I would like to bring to the attention of the Senate a seminar being conducted by the Henry M. Jackson School of International Studies on the potential of Sino-American cooperation. A list of renowned scholars will discuss issues which President Reagan will address during his trip to the People's Republic of China.

Improved relations with the People's Republic of China have important economic and strategic implications for the United States. This forum will provide a better insight into the problems and benefits from future Sino-Soviet

relations. I ask unanimous consent to have printed in the RECORD the invitation to attend the seminar which lists the panel participants, and the time and location of the seminar. I hope that my colleagues in the Senate will have the opportunity to join in the discussion.

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

WE INVITE YOU TO ATTEND

SEMINAR

The United States and China in world affairs—Present agenda, future prospects.

Date: Thursday, March 22—4:00 p.m. to 6:00 p.m.

Place: Room SD-106—Dirksen Senate Office Building, United States Capitol.

SPONSORS

The Henry M. Jackson Foundation.

The Henry M. Jackson School of International Studies of the University of Washington.

The Woodrow Wilson International Center for Scholars.

As President Reagan prepares for his trip to the People's Republic of China a panel of scholars at the forefront of research and policy on China will discuss the issues on the President's agenda and explore the potential for constructive long-term Sino-American cooperation in bilateral and world affairs.

This challenging two-hour seminar, held on Capitol Hill, will be moderated by Professor Kenneth Pyle, Director of the Henry M. Jackson School of International Studies. Short presentations by the scholars will be followed by a period of open discussion to explore topics of particular interest to the participants.

Panel members are:

Michel Oksenberg, Professor of Political Science and Research Associate of the Center for Chinese Studies, University of Michigan; National Security Council staff member 1977-1980.

Elizabeth Perry, Associate Professor of Chinese Politics, Henry M. Jackson School of International Studies, University of Wisconsin.

Dwight Perkins, Director, Harvard Institute for International Development; Professor of Modern China Studies and of Economics, Harvard University.

Nicholas Lardy, Associate Professor of Chinese Economics, Henry M. Jackson School of International Studies, University of Washington.

Mary Bullock, Fellow, the Wilson Center; Director, Committee for Scholarly Communication with the PRC, National Academy of Sciences.

Harry Harding, Senior Fellow (Chinese Foreign Policy), Brookings Institution.

For additional information please call the Henry M. Jackson Foundation 202/331-9400. To reach SD-106 in Dirksen, we suggest you use the Constitution Avenue entrance to the Hart Building.

AMBASSADOR EDWARD L. ROWNY

Mr. TOWER. Mr. President, last week the U.S. Ambassador to the Strategic Arms Reduction Talks (START), Edward L. Rowny, again publicly urged the Soviet Union to return to the negotiating talks in Geneva. I would like

to commend Ambassador Rowny for his ongoing efforts to bring about a resumption of the important process of negotiating a strategic arms reduction agreement. I would also like to take this opportunity to speak to Ambassador Rowny's personal qualities and dedication.

Over the years, I have been in close and frequent contact with Ambassador Rowny. We meet several times during each working recess to discuss the status of current negotiations. In addition, he makes himself available to other Members of the Congress, and to the media in an effort to inform the general public. From my contact with Ambassador Rowny, I can attest to his deep determination to achieve an agreement that enhances American security through substantial reductions in nuclear weapons to equitable and verifiable levels.

Recently, some have questioned Ambassador Rowny's commitment to achieving an arms reduction agreement. Perhaps he is being held responsible for the current lapse of the negotiations, but I remind my colleagues that it was the Soviets who chose to walk out of the START talks. Perhaps this false impression is due to his strong disagreement with the provisions of the SALT II agreement. However, I must remind my colleagues that Ambassador Rowny was not alone in his criticism of SALT II.

Indeed, the Senate Armed Services Committee—with bipartisan support—voted against ratification of SALT II. This was done not because the committee members were against arms control, but rather because SALT II was determined to be incompatible with our national security interests. Many other Senators had very serious reservations with SALT II, which led President Carter to withdraw it from consideration.

I can only assume that those who have criticized Ambassador Rowny have not taken the time to get to know the man as I have. I take a great deal of comfort in knowing that Ambassador Rowny is representing the United States in these important negotiations. He has years of experience in negotiating with the Soviets, both in the current negotiations and previously during SALT. He knows the Soviet negotiators personally. He knows they are shrewd, patient negotiators who rarely—if ever—alter their negotiating tactics as a result of external pressures and he is familiar with the pattern of our past failures at arms control.

In today's political climate, pressure on the United States to accept unequitable and unverifiable treaty terms is considerable. In the interest of our national security, however, we must resist such pressure and insist on an equitable and verifiable agreement regardless of the time involved. When

dealing with the Soviets, patience is more than a virtue, it is a necessity. The record of Soviet noncompliance with their arms control commitments reminds us that arms control must not be viewed as an end in itself. I am confident that Ambassador Rowny understands this, and I am confident that he will exert every possible effort to negotiate a treaty that is consistent with our national security objectives. I applaud his tireless efforts, and wish him the very best of luck.

THE RETIREMENT OF COL. BENJAMIN C. MARSHALL, SR. (USAF-RET.)

Mr. GOLDWATER. Mr. President, I rise today to recognize the contributions of Mr. Benjamin C. Marshall, Sr., Security Director of the Senate Select Committee on Intelligence, who will be leaving our staff this month after many years of dedicated public service.

Ben Marshall has served the U.S. Senate in an outstanding fashion since he joined our staff as Security Chief. He was one of the original staff members of the Senate Intelligence Committee, which was established in May 1976. He has served us loyally, and well ever since.

Before coming to our committee, Ben had a long and productive career in the U.S. military. In February 1942, he joined the U.S. Army as a private, eventually rising to the rank of first lieutenant in the field artillery. He then volunteered for flight training, after which he was promoted to captain and flew 36 missions in the European Theatre. Ben received a regular appointment to the grade of captain in the U.S. Air Corps in 1947, flew B-29's, and eventually was jet-qualified in 1955.

His ground jobs included service as the following: Provost Marshall and Security Director in the Strategic Air Command; Director of Security Training at the Strategic Air Command Security Standardization School; Chief, Security Branch, Headquarters Far East Air Force and Pacific Air Force; Director, Security and Intelligence, Manzano Base in New Mexico; Chief of Security, Field Command, Defense Atomic Support Agency; Director, Security Policy Division at Headquarters, U.S. Air Force; Chief of the Industrial Security Program in the Department of Defense; and Director, Security and Law Enforcement Branch of the Office of the Secretary of Defense.

Ben Marshall retired from the Air Force with the rank of colonel in 1971, after over 30 years of service. His awards and decorations include the Air Medal with four clusters and the Air Force Commendation Medal.

Mr. President, it should be clear from this résumé that the Senate Select Committee on Intelligence was

very lucky to find a man of Colonel Marshall's background and qualifications to serve as our first Security Director. When our committee was established in the spring of 1976, we received a mandate from the Senate to oversee and authorize the budget for the American intelligence community. Obviously, this task involved the handling and storage of tremendous amounts of highly classified information. Ben Marshall was instrumental in establishing and operating our committee security operation. As such, he was charged with physical, personnel and administrative security.

As well, he conducted liaison with security officials in all the executive branch agencies which we oversee—the Central Intelligence Agency, National Security Agency, Defense Intelligence Agency, State Department, Department of Energy, and others. As well, he coordinated with the Architect of the Capitol, the Senate Sergeant at Arms, and the Capitol Police. This was a big job, a difficult job and a job requiring a great deal of meticulous attention to detail, patience and maturity. Ben Marshall served us with all these qualities over these 8 years, and he has served us well.

Mr. President, from the standpoint of our committee security, Ben Marshall is truly the man who kept the secrets.

On behalf of all the members of the committee, past and present, who have enjoyed their association with Ben Marshall, I want to express my personal thanks to him for his support of our activities over the years. He has shown exceptional dedication, loyalty, integrity, and distinguished service to the Select Committee on Intelligence, to the Senate, and to the Congress of the United States. We are grateful to him for his contributions and we wish him the very best for the future.

DEATH OF CLARENCE MITCHELL—A GIANT FOR CIVIL RIGHTS

Mr. KENNEDY. Mr. President, tomorrow men and women from across this land will gather at the Sharp Street Memorial Church in Baltimore to pay tribute to one of the true giants of civil rights, Clarence Mitchell. His passing last Sunday was a loss that will be deeply felt by all who have championed social justice.

I extend my deepest sympathies to his wife Juanita, to his four sons, Michael, Clarence III, Kieffer, and George, and to his brother Congressman PARREN MITCHELL.

Clarence was not only a friend of mine, but a friend to all of those who worked so hard to make this country a fairer, more decent America. For a generation, he was at the heart of the struggle for social justice. He marched with Martin Luther King, and he

marched in the Halls of Congress. And he made an enormous difference.

As a representative of the NAACP, Clarence Mitchell became the conscience of the Congress on civil rights. He was often called the "101st Senator"—and not only by his friends. His humor, persistence and determination never faltered in the face of seemingly insurmountable opposition to each successive piece of civil rights legislation. Every civil rights bill that has been enacted into law over the past generation is a milestone of progress and a monument to Clarence Mitchell's vision, leadership and commitment.

It would take several volumes to record the life and achievements of Clarence Mitchell. I ask unanimous consent that an editorial and two excellent articles from the Washington Post and New York Times, which summarize the rich tapestry of Clarence Mitchell's career, may be printed in the RECORD.

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

[From the Washington Post, Mar. 19, 1984]

CIVIL RIGHTS CHAMPION CLARENCE MITCHELL, JR., DIES

(By Martin Weil)

Clarence M. Mitchell Jr., 73, a lifelong champion of equality for blacks who played a key role in winning passage of much of the major civil rights legislation of the 1960s, died last night at the Maryland General Hospital in Baltimore.

As the chief Washington lobbyist for the NAACP for nearly three decades, Mr. Mitchell combined conviction, persistence and quite persuasive power. In his ultimately successful quest for the landmark measures of the '60s, he displayed skills and talents that won him the sobriquet of "the 101st Senator."

Both as the NAACP's man in Washington, and as a principal in the Leadership Conference on Civil Rights, which he helped found, Mr. Mitchell was instrumental in passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

A lawyer and a former newspaper reporter whose career was galvanized when in 1933 he witnessed his first lynching, Mr. Mitchell was a leading member of a family that in Maryland, his home state, and in Baltimore, his hometown, symbolized civil rights and the NAACP.

Known as a man of courage and integrity, Mr. Mitchell persisted optimistically through years of resistance and rebuff to seek the common ground and consensus that in time permitted him to witness passage of the bills that helped guarantee equality before the law.

Despite his successes, his name was not nearly so well known to the general public as many of the other principal actors in the social and legislative revolution of the 1960s.

Firmly committed to the goal of full integration of blacks into the American mainstream, Mr. Mitchell shunned the separatist doctrine and militant tactics that might have won him greater visibility.

A modest and unassuming man, whose arena of action was congressional office and

conference room, he neither sought nor attained the broad public recognition to which his accomplishments entitled him.

Before the days in which meaningful civil rights legislation was possible, Mr. Mitchell prompted and promoted advances through executive orders, such as the one by which President Truman demanded the desegregation of the armed forces.

During the Eisenhower administration, Mr. Mitchell was credited with guiding to passage the 1957 Civil Rights Act, the first legislation of its kind in years. He was also recognized among legislative insiders as being instrumental in passage of the 1961 act that set up the federal Civil Rights Commission.

Beyond his work in shepherding to passage the civil rights bills of the '60s, Mr. Mitchell is cited as the author of a key section of at least one of them, Title VII of the 1964 bill, which required equal employment opportunity.

As chairman of the leadership conference on civil rights, Mr. Mitchell employed his lobbying skills in helping to bring about the rejection by the Senate of the nominations to the Supreme Court of Clement Haynsworth and G. Harrold Carswell.

Despite the not infrequent bitterness and strong feelings bound up in the long struggle in which Mr. Mitchell was engaged, he was himself viewed as generous and conciliatory towards his foes, often finding it possible to say a good word about all but the harshest among them.

A man who carried a picket sign to help desegregate Baltimore schools, and who was arrested for going through the main door of a South Carolina railroad station, Mr. Mitchell knew the values of direct action.

But, he said, "you've got to know when to stop picketing and sit down at the conference table."

In 1980 the year he left his leadership conference post, and two years after leaving the NAACP post, Mr. Mitchell received the nation's highest civilian honor, the Presidential Medal of Freedom, from President Carter.

He was also appointed as a U.S. representative to the United Nations by President Ford, and at the time of his death, was a member of the board of regents of the University of Maryland, from which he held his law degree.

Mr. Mitchell was born in Baltimore, where he lived for the last four decades at the same inner-city address. His father, a musician, and his mother, a cashier, enforced daily study hours for their seven children, who included Mr. Mitchell's brother, U.S. Rep. Parren J. Mitchell (D-Md.).

"He was one of the most remarkable human beings I've ever met," Rep. Mitchell said last night of his brother.

Sen. Paul Sarbanes (D-Md.) called Mr. Mitchell "a great champion of justice and human dignity" who was "a powerful force for a better America."

John Toll, president of the University of Maryland, described his death as a "serious loss" for the nation and called him "an inspiring leader" in the work for equality, justice and a better society.

After receiving a bachelor's degree from Lincoln University in Chester, Pa., Mr. Mitchell became a reporter for the Baltimore Afro-American newspaper. The lynching he saw as a newsman in Princess Anne, Md. made him decide on a civil rights career.

After work for the Urban League in the Midwest, he joined the federal government

in assignments that included enforcing World War II antidiscrimination orders in shipyards. He was labor secretary of the NAACP from 1945 until becoming director of the Washington bureau in 1950.

In recent years, he and his wife Juanita, the first black woman to practice law in Maryland, were joined by a son, Michael, a Baltimore City Councilman, in the firm of Mitchell, Mitchell and Mitchell. Another son, Clarence III, is in the state legislature.

Survivors include two other sons, Keiffer J., and George D.

[From the Washington Post, Mar. 20, 1984]

CLARENCE M. MITCHELL JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.

[From the New York Times, Mar. 20, 1984]

CLARENCE M. MITCHELL IS DEAD; N.A.A.C.P. LOBBYIST TILL '78

(By Eric Pace)

Clarence M. Mitchell Jr., long the Washington lobbyist of the National Association for the Advancement of Colored People, died Sunday at Maryland General Hospital in Baltimore. He was 73 years old.

Mr. Mitchell's son Michael Bowen Mitchell, a Baltimore City Councilman, said his father died of cardiac arrest after suffering a heart attack at his home in Baltimore.

Mr. Mitchell, a burly veteran of countless legislative skirmishes and undertakings, played a particularly prominent role in passage of the Fair Housing Act of 1968, the last of the landmark civil rights legislation of the 1960's.

He was then acting on behalf of the Leadership Conference on Civil Rights, an organization of 115 church, labor, civil rights and civic groups. He was the chief lobbyist of that organization, and of the N.A.A.C.P., from 1950 through 1978, an epochal era in civil rights.

NIXON NOMINEES DEFEATED

Mr. Mitchell also marshaled civil rights leaders in successful campaigns against the seating, as Supreme Court Justices, of President Nixon's nominees G. Harrold Carswell and Clement F. Haynsworth.

Mr. Mitchell's success as a lobbyist, his admirers said, stemmed largely from his fruitful relationships with Republican as well as Democratic legislative leaders, including John W. McCormack and Everett McKinley Dirksen. He also had good relations with Lyndon B. Johnson as Senator, Vice President and President.

In his civil rights work, Mr. Mitchell believed in working as extensively as possible through existing legislation. "When you have a law," he once said, "you have an instrument that will work for you permanently. But when you branch out on a separate line of direct action, you may wind up with nothing."

So influential did Mr. Mitchell become among Federal lawmakers that he was sometimes called "the 101st Senator." The N.A.A.C.P.'s executive director, Benjamin Hooks, characterized him yesterday as "a legend in his own time," and Senator Paul Sarbanes, Democrat of Maryland, said Mr. Mitchell was "a powerful force for a better America."

Mr. Mitchell became known as a stickler for discipline, respect and courtesy. He used to counsel younger lobbyists to "listen carefully and make no threats," but to stand ready to mobilize public opinion against a legislative opponent in the opponent's home constituency.

Mr. Mitchell came into the national limelight in 1956, when he was arrested for refusing to use a blacks-only doorway to the railroad station in the mill town of Florence, S.C. The case caused a furor.

Other members of the Mitchell family have become prominent in politics. His wife, Juanita Jackson Mitchell, who is a lawyer, is also a widely known civil rights activist. His brother Parren is a Democratic Congressman from Baltimore. Besides Michael, Clarence M. Mitchell 3d is also in politics, as a Maryland State Senator and civil rights activist.

A member of the Maryland bar, Clarence M. Mitchell Jr. once observed: "Success usually comes from action based on facts rather than on vain hopes or groundless fears."

FATHER WAS A CHEF

Mr. Mitchell was born March 8, 1911, in Baltimore, the son of Clarence Maurice Mitchell, a chef at Carver Hall, a popular restaurant in Annapolis, and Elsie Davis Mitchell. He received an A.B. degree in 1932 from Lincoln College in Chester County, Pa., went on to graduate from the University of Maryland Law School. He also did graduate work in Minnesota and at Atlanta University.

After working as a reporter for The Baltimore Afro-American and covering radical violence in Princess Anne, Md., in 1933, Mr. Mitchell in 1937 became executive secretary of the Urban League in St. Paul, Minn.

In 1942, he became assistant director of Negro Manpower Service in the War Manpower Commission, and he went on to take other posts with the Fair Employment Com-

mission, the War Production Board and other Government organizations before joining the N.A.A.C.P. in 1945 as national labor secretary in the Washington office.

After retiring from the N.A.A.C.P. in 1978, he continued to serve it as a consultant, while practicing law in Baltimore.

Mr. Mitchell was named a United States representative at the United Nations General Assembly in 1975, incurring widespread criticism among blacks for publicly defending the former chief delegate, Daniel Patrick Moynihan, author of the controversial "benign neglect" theory for Government treatment of the race issue.

At various times, Mr. Mitchell also served on national and Presidential commissions. He was awarded the Medal of Freedom by President Carter in 1980 and the N.A.A.C.P.'s Spingarn Medal in 1969. He held honorary degrees from six universities.

Mr. Mitchell is also survived by three sisters, Evelyn Mitchell Matthews Ross of Pittsburgh, Anna M. Gittings of Baltimore and Elsie Mitchell of New York; another brother, George A. Mitchell of Baltimore; two other sons, Dr. Kleffer Jackson Mitchell and George Davis Mitchell, both of Baltimore; and 10 grandchildren.

THANK YOU, MR. RANDOLPH

Mr. RIEGLE. Mr. President, I recently came across an article in a publication entitled "LandMarc," which is published by the coal mining industry. In that magazine, an article appeared which touched me in a very special way. Entitled, "Thank you, Mr. Randolph," it highlights—if that is possible in a very short article—the tremendous career and impact that JENNINGS RANDOLPH has had in the four decades that he has been representing West Virginia in the House of Representatives and the Senate.

I commend this article to my colleagues. I ask unanimous consent that the article be printed in the RECORD. It once again serves to remind us all that JENNINGS RANDOLPH will be deeply missed in this body at the end of this session.

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

THANK YOU, MR. RANDOLPH

(By Karen J. Hoffman)

NOTE.—Just as lightning slices through stormclouds to illuminate the earth below, West Virginia's Jennings Randolph has devoted a lifetime to illuminating his fellow man's understanding of the problems facing his state and his nation. He came to the nation's Capital in a time when voices thundered for powerful actions, and since he cast his first vote to help pass the Emergency Banking Act in a special session of Congress on March 8, 1933, he never has held silent on issues of import to energy development, the building of the nation's highway and air transportation systems or assistance to those in need of a helping hand.

(For 40 years, spanning a half-century, Randolph has represented West Virginia, one of America's leading coal-producing states, as a Congressman (1933-1947) and, since 1958, as a Senator. He has chosen not to run for a fifth Senate term and in January 1985 will conclude what Louisiana Sena-

tor Russell Long characterized a "distinguished career in the United States Congress, where he has provided leadership and expertise." Randolph will leave a mark on Congress that should challenge this nation's lawmakers for years to come.)

He is 82 years of age and possessed of an eloquent baritone voice that causes listeners to contemplate the oratorical prowess of Daniel Webster and William Jennings Bryan. Bryan was a close friend of his father, which accounts for his given name—Jennings—and perhaps accounts for his downhome populist style. He talks with his hands, smiles with his hazel eyes and listens with his heart. He has the infectious laugh of a little boy. His combed-back black hair is thinning, but his zest for life is not. He soon will graduate to a "working" retirement.

"I don't understand what retirement means," Senator Jennings Randolph said, raising his strong, workman's hands in a kind of quizzical gesture. Seated behind a desk covered with stacks of mail and government documents, he was both reminiscing and talking of the future. "To most people retirement means you go fishing, you go hunting, you sit in a chair. You can get up at ten instead of seven . . ." He shook his head. "They just can't wait to retire. But for me," he continued, his eyes twinkling, "it's not a question of waiting and working. At a certain time (January 1985) I'll finish this term and, God willing, I'll go on to work and work and work and work."

"That's my whole philosophy."

It is a philosophy he comes by honestly. He was reared "politically" in the hard working atmosphere of the railroad, planning-mill town of Salem, West Virginia, where he was born on March 8, 1902. His grandfather, Jesse, served as Salem's first mayor and founded Salem College, from where Jennings graduated *magnum cum laude* in 1924. His father, Ernest, was a respected lawyer, cattle buyer/shipper and oil and gas producer. He also ran twice, unsuccessfully, for the United States Congress.

"Fleming Alderson, A-l-d-e-r-s-o-n, beat my father for the nomination the first time he ran," Randolph recalled spelling out the last name, a habit he acquired, no doubt, during his days as a newspaper reporter for the Clarksburg Daily Telegram. But that's another story. "The second time, Poppa lost the election. He said Woodrow Wilson did him in with that 'President Asks For Democratic Congress' headline. Made all the Republicans angry," Randolph said. "Poppa took me to the Democratic Convention in Baltimore in Nineteen Hundred and Twelve (he always gives dates longhand.) I like to say I got my start in politics sitting on my father's knee at that convention. I was brought up politically."

Ernest Randolph was his son's political advisor the first time Jennings ran for public office. It was in 1930 when Jennings was a professor of journalism, speech and public relations and the athletic director at Davis and Elkins College in Elkins, West Virginia. Athletic director? "I lettered in basketball, tennis and track," the Senator explained, abandoning his campaign history for a moment. "Looking at me now you'll say, 'Liar Randolph!' but I participated in the high jump and pole vault. 'Oh,' he added as an after-thought, "I ran with the relay team, too."

He won the Second Congressional District Democratic primary that first political "race" but lost the election. In 1932, a year after his father's death, Randolph was elected to the House of Representatives for

the first of seven consecutive terms. Once asked if there was anything in his life he'd do differently, he told a reporter that he would rather have seen his father go to Congress than himself. Those who have served in Congress with Ernest's son are glad he's been there.

"When I first entered the United States Congress in 1965, Jennings Randolph was already something of a legend in Washington," said New Jersey Representative James J. Howard, chairman of the House Public Works and Transportation Committee. "It has been my good fortune since that time to experience first hand the reality behind the legend. In the span of his illustrious Congressional career, Jennings has written, or exerted a powerful influence on legislation in a wide variety of fields, embracing energy development, protection of our national environment and the development of economic assistance programs to bring jobs and business opportunity to lagging areas of the nation."

Freshman Representative Randolph arrived in Washington, D.C., with Mary, his wife of a few hours, late in the day on Saturday, February 18, 1933. They spent their wedding night at the old Willard Hotel. On Monday morning, the Senator recalled, he went to the original Riggs National Bank to borrow \$1,000. "We'd driven to Washington in Mary's little two-door Ford," he said with a fond smile. Randolph had met his future wife a decade before in Keyser, West Virginia, when he stayed at her family's home during a college tennis tournament at Potomac State. "I had to sell my car to pay campaign debts." He got the Riggs' loan and a start on that "illustrious" career.

Randolph's legislative legacy includes authorship of bills as varied as the Randolph-Sheppard Act, which gave blind people the opportunity to operate vending stands in government buildings; to legislation that resulted in the 26th Amendment, giving the vote to 18-year olds; to measures that evolved into the National System of Interstate and Defense Highways. An amateur flyer whose lifelong passion for aviation was born on a sunny summer afternoon when he paid \$2 to fly with a barnstormer at the Preston County Fair, Randolph authored the legislation that created the National Air and Space Museum. Since its opening on July 4, 1976, the museum has attracted more than six million visitors, making it the most popular museum in the world.

As Kentucky Representative Carl Perkins wrote of Randolph's career, "A complete catalog of his accomplishments and interests would require a book of substantial heft." But one interest for which he has worked fervently throughout his career is coal—the backbone of West Virginia's, and indeed perhaps even of the American economy. While a House member, Randolph served as the first chairman of the Mines and Mining Subcommittee on Coal.

Wrote Perkins, "As early as forty years ago, Jennings was talking about promoting synthetic fuel made from coal. If the government—and industry—had followed his advice then, we would have been spared the disastrous slump in the mining industry after World War II when cheap oil from other countries was permitted to flow into the United States. But more importantly," Perkins continued, "we would have been spared the shock of the oil crises of the 1970s and our dangerous dependence upon foreign and often unfriendly sources of energy, the lifeblood of our national economy."

The subject of new coal technologies and synfuels development is of paramount importance to the coal industry and the nation, and of considerable disappointment to the man who attempted to get the United States moving toward energy independence long before most Americans were introduced to the cruel vagaries of the world energy market. In listening to Randolph recount his decades-long struggle to awaken the federal government to the need for energy security, one gets the distinct impression that he'd trade all of the scores of awards crowding the walls of his Dirksen Senate Office Building suite for one gallon of honest-to-goodness, economically available, coal-derived synthetic fuel.

"It was my responsibility (*responsibility* only as in, 'I'm an elected representative of coal-rich West Virginia') to develop the first Congressional initiative on new coal technologies in the mid-Forties," the Senator explained after an emotional "No! No, no, no . . ." to the question of whether Congress had fulfilled its obligation to promote synfuels development. "It's been one of the disappointments of my Capitol Hill work, because that program was so soundly based."

In 1944, then-Representative Randolph and Senator Joseph O'Mahoney of Wyoming introduced the Synthetic Liquid Fuels Act. Randolph had demonstrated the feasibility of synthetic fuels in November 1943 by flying from Morgantown, West Virginia, to Washington, D.C., in an airplane fueled with 42 gallons of a liquid coal mixture produced at the Bureau of Mine's Bruceton Laboratory in Pittsburgh. The Synthetic Fuels Act authorized the first federal programs for gasification of coal, liquefaction of coal and lignite, and production of synthetic crude oil from oil shale.

"During the eleven years of the program, under the Synthetic Fuels Act, approximately \$82 million in federal funds were expended from the appropriations total of \$85.2 million," continued the Senator, who, ironically, was not a member of Congress during most of the time the Act was being implemented. He was one of the Democratic casualties of the election of 1946 in which 156 incumbents were ousted. "I think we shortchanged the people of this country by failing to go forward with that program . . ."

Randolph paused a moment, gazing at the rows of photographs, illustrating his Congressional career, on the wall opposite his desk. "I was not here . . . and I don't want to say I could have stopped them, but when you aren't here on the Hill you can't do too much and I could see the program dwindling, diminishing and then being completely dropped . . . I think that's a sorry chapter in the history of the use of synthetic fuels as a part of the alternative supply of energy with which to fuel America on wings and wheels," he said. "I feel very, very sad about that situation."

Despite the fact that he could secure less than a pint of synthetic fuel after a nationwide search when he recreated his historic synfuels flight on November 6, 1983, almost 40 years after passage of his Synfuels Act, Randolph has good reason to feel proud of his contributions to issues of importance to energy development, especially during his tenure as a Senator. After a hiatus from public life from 1947 to 1958, when he served as director of public relations for Capital Airlines ("I could have gone with American, but I'd have had to live in New York City and I wanted to keep my West

Virginia ties," he said), he was elected in 1958 to finish the unexpired term of Senator M. M. Neely. Randolph was sworn in two days after the election, giving him seniority over the Senatorial Class of 1958, which included his West Virginia colleague, Robert Byrd.

"We've been here together for twenty-six years," Randolph said of the Senate Minority Leader.

"Jennings Randolph has been a friend to the coal and other energy industries," Byrd said. "His hard work and contributions on the Senate Environment and Public Works Committee reflect an understanding and concern for the energy industry in West Virginia and nationwide."

That understanding has been manifested in the many energy-related bills he has been instrumental in developing. As a member of the Senate Committee on Environment and Public Works, of which he served as chairman for 1966 to 1980 and on which he currently is the ranking minority member, Randolph can point with satisfaction to his energy issues contributions. With Washington Senators Warren Magnuson and Henry Jackson, he sponsored the National Emergency Petroleum Act of 1973, the first coal conversion bill. "We recognized that coal, as a resource, could have widespread economic impact on the reduction of oil and gas consumption," he explained. "Many of the provisions of that bill were eventually incorporated into the Energy Supply and Environmental Coordination Act of 1974, a law passed as a measure to offset many problems faced by powerplants during 1973 when they were unable, in many areas of the country, to obtain adequate supplies of oil and gas."

In 1975, Randolph introduced the National Petroleum and Natural Gas Conservation Act, aimed at achieving permanent large-scale coal substitution by mandating coal use in a broader range of utility and industrial boilers. He reintroduced the measure in 1977 and it was passed by the Senate and later became one section of the National Energy Act, approved by Congress in October 1978. The measure prohibits utility or industrial boilers built after April 20, 1977, from using natural gas or oil, effectively encouraging the conversion to coal.

And Randolph was a leader in pushing for formation of a national energy plan, first proposing the idea in 1959 in a concurrent resolution to create a joint committee on a national fuels policy. It wasn't until the 92nd Congress, in 1971, that the Senate passed a resolution introduced by Randolph and Jackson to make a comprehensive study of the programs and policies required to meet national energy needs. A formal National Energy Policy Plan finally came to life as part of the Department of Energy Organization Act passed in 1977.

Even with those successes, Randolph remains outspoken on the continuing need for concrete action by the federal government to assure development of the nation's energy resources. "The Reagan Administration, in my opinion, is providing only token support for a viable synthetic fuels industry and has abandoned a vigorous domestic policy based on coal," he said. "Administration leaders seem to be saying that with present oil decontrol and future gas decontrol the energy crisis is over. They are as wrong now as when the Eisenhower Administration stopped the first U.S. synthetic fuels program. They create the international illusion that the world is permanently awash in oil. I emphasize that their reason-

ing is faulty," he said, slapping his hands together. "Yes, they are wrong."

When asked if Congress has become more or less aggressive, during his long tenure, in promoting development of the country's natural resources, Randolph said Congressional action, as in all human endeavors, runs in cycles. "We have great causes that seem to surface and then they seem to vaporize," he said. "Our ability to cope in a positive manner with promoting natural resource development has been affected by the recent advent of thousands of advocacy groups. To have a coherent national energy policy we must reverse the destructive methodology being applied to evaluation of energy sources in the country."

Randolph moved into high gear with a Bryanesque description of how energy issues are mishandled by Congress, the media and the public in general.

"We isolate each energy resource, especially those nationally plentiful, and dissect it in committee hearings, debate and slanted media coverage," he began, pointing his right hand in the general direction of the Capitol. "After potential, and many times manufactured negatives are exposed, the decision is made not to use it as a major energy source because there are too many challenges associated with its development. This has happened with nuclear power. The next target is coal. Then synthetic fuels. Then wood, oil shale, offshore drilling, liquefied natural gas, geothermal and others could be discredited one by one."

"The end result?" he asked with an ironic smile. "No fuel supply on which this Republic can rely as an alternative to conventional domestic oil and gas . . . and increased imports."

The Senator provided some statistics on oil and gas production worldwide to support his argument for the need for a unified national energy policy. The Organization of Petroleum Exporting Countries (OPEC), he said, currently has the capability to produce 35 million barrels of oil per day, with essentially no capital investment. In 1983 OPEC produced less than 15 million barrels per day. United States production, in comparison, is 10 million barrels daily, meaning that OPEC has idle twice the U.S. capability to provide petroleum. And, whereas the U.S. has 580,000 oil and more than 200,000 gas wells, Saudi Arabia alone produces 12 million barrels of oil daily with just 750 wells.

"The difference associated with capital investment needs is conclusive in competitiveness," Randolph explained. "Alternate technologies requiring large capital investment, such as producing synthetic gasoline from coal, have no opportunity for widespread application under these conditions without government support. Our government leaders should recognize this fact now—not later. I fear they will not act for the best interest of America. People of all parties must be realistic citizens. Time runs out on us. . . ."

There are those who feel time is running out on dealing with the problems of acid deposition, thought to be caused by sulfur dioxide and nitrogen oxide from coal-burning utility and industrial boilers. As a Senator from a high-sulfur coal producing state, Randolph obviously is concerned with Congressional efforts to impose costly emission controls to reduce acid deposition. He was asked if the sense of urgency for Congress to take action on the acid rain issue is justified and whether he believes acid rain control legislation will clear the Environment

and Public Works Committee in the current session.

He was thoughtful for a moment. "Responding to crises is nothing new for the Congress," he began. "Because of the nature of our system, we frequently do not act until situations reach a level of seriousness that force their way to our active attention. But this is not bad, because we should not always take early actions that are ill-advised and anticipate circumstances that may not develop."

"Many people believe that action on the acid rain problem is overdue," he continued. "There is substantial evidence that sulfur emissions result in distant problems that must be alleviated. This is true even in West Virginia, where there are occasional reports of damage to our forests, lakes and streams from acid deposition. The problem arises when we try to devise a solution that is both effective and equitable. So far, no such solution has been found. The desire to achieve balance requires that we develop some program to reduce sulfur emissions without disrupting traditional patterns of coal marketing and without adding to the severe unemployment already existing in coal mining areas."

Randolph said it always is difficult and often impossible to predict what will happen in Congress but that it appears unlikely that this Congress can arrive at the compromises needed to produce an acid rain program that can be enacted. "I suggest that if we are going to be able to reach agreement it will be apparent in the early months of the session," he said.

He also expressed his hope that the Congress will "act expeditiously" on Senator James Abdnor's omnibus water resources development bill (S. 1739), which includes provisions for replacement of locks 7 and 8 on the Monongahela River. "It has been eight years since enactment of major water resources development legislation," he said. "With the need so great, I would hope that the Senate can act expeditiously on S. 1739 during the Second Session. However, this legislation will in all probability be referred to the Finance Committee for review of the user charge aspects of Titles V (inland waterways) and X (ports). I would hope this action would not delay this vitally needed legislation."

The Senator said that while S. 1739 is "of vital interest to all of the states, particularly West Virginia will benefit. Replacement of the locks at Gallipolis will benefit movement of West Virginia coal and chemical products on the important Ohio River waterway," he said. "Coal from this region will continue to have effective transportation to market" through this legislation, which "will assure a continuing viable transportation system."

While the chances are good that the Senator will not be in Congress when, and if the acid rain controversy and water resources issues are resolved, he has witnessed the implementation of the Clean Air and Clean Water acts and the Surface Mining Control and Reclamation Act, all of which have greatly influenced the manner in which coal is mined. Throughout Congressional debate on each measure, Randolph's concern was balancing environmental needs with miner safety and coal productivity.

"We have had problems with implementation of the (Surface Mining) Act but I support the Act to help assure that our Appalachian states continue to be safe places to work and to sustain the scenic beauty inherent to our region of the country for people

to enjoy," he said. "My major concern as we worked on the Act in 1976 and 1977 was to make sure the environmental objective was accomplished, while guaranteeing the coal industry would continue to increase production. Coal again must be on the 'front burner' of both state and federal Congressional energy agendas. The ultimate question is whether or not West Virginia coal has a long-term future. I am firmly convinced it does, but to what degree it will effect West Virginia's economic future depends on well-reasoned initiatives in education and leadership."

His career has provided a blueprint for those who would assume leadership positions in fighting for resource development. Said Congressman Molloyhan, "Senator Randolph has left a legendary trail of outstanding statesmanship in his efforts to make America energy independent through the use of coal."

His leadership also has been instrumental in government actions to better the lot of America's less fortunate citizens. As Senator Wendell Ford of neighboring Kentucky said of his colleague, "We've both been interested in seeing that more attention be paid to development of synthetic fuels. But, certainly, none of us will forget the consistent, behind-the-scenes efforts Jennings has made over the years on behalf of the handicapped."

Randolph is reticent on how he came to be so deeply involved in working with the blind and handicapped. It could be because he had a friend who was blind. It could be because his wife of 48 years, Mary, who died of cancer in March 1981, for years worked in child welfare in West Virginia. More than likely it's simply because Jennings Randolph loves people. Rather than recount his own considerable legislative initiatives on behalf of the handicapped, he told a story of a Bluefield, West Virginia, doctor and the West Virginia District of the Lions Club, of which Randolph served as president in 1931 and in which he still maintains membership.

"I shall never forget Dr. J.E. Blaydes," he began, spelling the name as if it were his own. "He had a reputation for operating a fine eye clinic in Bluefield. I'd studied about work on how to bring partial eyesight back to blind children and the Lions Club had raised \$3,000 for transportation from Romney (location of the state's School for the Blind) which is near Cumberland, Maryland, to Bluefield, down in the southwest corner of the state. I went to Bluefield to see him and ask how much it would cost for operations on sixty children. We only had the \$3,000 . . ."

"I remember Dr. J. E. Blaydes stood and looked me in the eyes and put his hands on my shoulders and he said, 'Mr. Randolph, there won't be a cost of one penny.' He performed some sixty operations and not one penny was paid. More than a third of those children were given legal or partial sight. Seven of them were able to leave the institution and enroll in public school. Isn't that something? I've spoken often of him and his life . . ."

Dr. Blaydes performed those operations in 1931. When Randolph came to Congress two years later, one of his first projects was to research and write legislation for the blind and handicapped. With Morris Sheppard, Senator from Texas and a fellow Lion, Randolph sponsored legislation "whereby blind people are to operate the vending stands inside government buildings." The Randolph-Sheppard Act was signed by President Franklin Roosevelt on June 20, 1936, "the

73rd birthday of the state of West Virginia," the Senator said with unabashed pride. The gross income from the program in fiscal year 1982 was \$270 million, with average annual earnings for nearly 4,000 vendors of \$16,000.

The Randolph-Sheppard Act set the tone and style for other government programs for the handicapped, including the deaf and the retarded. The Act was the framework on which the standing Subcommittee on the Handicapped was established in the Senate. Randolph served as its first chairman, a fitting tribute to a man who has set an example for Congressional leadership not likely to be lost on those who follow.

"It is difficult to summarize Senator Randolph's accomplishments," said Nick Rahall, Representative from West Virginia's Fourth District, "but his impact on the state of West Virginia and on his colleagues is something we all will not soon forget. He has set a very high standard for public service, and those of us in government must strive very hard to meet it."

During his long career, Randolph has striven toward and met challenges overwhelming the people of his state, region and nation. The creation of the Appalachian Regional Commission and Economic Development Administration programs were initiated in legislation introduced by Randolph in 1965. The Appalachian Regional Development Act provides federal funds for improvement projects for the economic development of a 13-state region encompassing his native West Virginia. He knows no boundaries in his ties to Appalachia and its people.

"I'm not one of those rich Virginia Randolphs," he said with a chuckle when asked if West Virginia's Randolph County was named for his family. "Not even a kissing cousin." He lowered his voice and leaned forward, hands folded and arms on the edge of desk as if he were about to reveal one of those closet-kept secrets all politicians are supposed to have.

"The first time I ran for Congress in Nineteen-Hundred-and-Thirty in Jefferson County, West Virginia," he began, his eyes flickering just a bit, "why, it was fall, you know, apple picking time and I was walking through the orchards and, not stopping the work but calling 'Hello!' and who I am . . . They were boxing apples on the ground. This one man . . . I remember so well. He said, 'Mr. Randolph, we're so glad to meet you and to know you're running for the Congress. But do you realize you're a half mile over in Virginia?' And I replied, 'Well, I know, but I think you all have relatives and friends in West Virginia.' And that's true, you know."

He's had friends and relatives in West Virginia, and America, all his life. And just as younger members of Congress today look at Randolph's career as a blueprint for their own, he, too, remembers those who have influenced his life. He reached to the left of his desk and pulled from a jam-packed office library the books of William Jennings Bryan, complete with the former Populist Presidential candidate's handwritten margin notes. "Bryan was a person I looked up to," Randolph said of his father's famous friend.

So was Michael L. Benedum, "the most noble man ever born in West Virginia," Randolph called him. "He established the Claude Worthington Benedum Foundation that I work on. We work with colleges and hospitals and health clinics and the like. Fifty million dollars a year. He named the foundation for his son, Claude, who was

killed in the first World War, and John Worthington, head of the South Penn Oil Company, who gave him his first job. Wouldn't name the foundation for himself. The greatness of that man . . ."

One can see a lot of William Jennings Bryan and Michael Benedum in Jennings Randolph. Thunder and lightning. "His grasp of the issues, his genuine consideration for the views of others and his inborn, unfailing courtesy are a constant reminder to all that politics can, indeed, be a great and honorable profession," said Representative Howard.

Certainly, the United States Congress will lose a character of considerable worth when Randolph exercises his decision to leave the Senate. The impending end of his political career prompted comment from another Senator who won't return in 1985. "Many individuals have wondered why I have decided to join Jennings in retirement from the Senate," said Tennessee's Howard Baker, Senate Majority Leader. "The reason is quite simple. I can't imagine and don't want to be in a Congress that doesn't include Jennings Randolph."

"What he has done for West Virginia, her people, and, of course, her coal industry will stand for generations as a testimony to this great man."

PORK IMPORTS

Mr. PRESSLER. Mr. President, today I bring to the attention of my colleagues a growing problem with pork imports from Canada. Last year I chaired a hearing in the Senate Small Business Subcommittee on the family

farm exploring the effects on the domestic farm economy of the increase in farm product imports from Canada. The hearing focused on imports of potatoes and other vegetable products. However, Canadian exports of farm products to the United States go far beyond these products.

For example, in recent years, the amount of pork and live hogs exported to the United States by Canada has increased from about 29,000 metric tons in 1977 to 125,000 metric tons in 1982, and imports have continued to increase since then. During this same time, imports of live hogs have also skyrocketed from 43,000 head in 1977 to 295,000 head in 1982. These numbers represent a relatively small percentage of total U.S. pork production, but these imports are directed to specific geographic areas. For example, I recently talked with one of my constituents in South Dakota who said that approximately 15,000 Canadian hogs were being shipped to one packing plant in South Dakota every week. This number of imported hogs in that area has a significant impact on local hog prices.

The rapid increase in pork production in Canada can be attributed to several factors, including grants and subsidized interest programs to encourage hog production, a change in the dairy program to reduce milk production, and support programs for hog

production. As a sovereign nation, Canada is, of course, free to make whatever farm program changes it desires, but we cannot allow Canadian programs to take unfair advantage of American producers. The United States has a long history of friendly and open trade relations with our neighbor to the north, but our farmers cannot afford to lose their domestic market to surplus Canadian products. American pork producers and other farmers can compete with anyone on an equal basis, but these Canadian products benefit from various Government subsidy programs. Something must be done to protect our domestic producers from unfair foreign competition.

I have contacted the administration urging them to take action to protect the American farmer from these Canadian imports. Some restrictions need to be placed on pork and live hog imports, as well as several other farm products from Canada. I urge my colleagues to join me in working to protect the interests of the American farmer.

Mr. President, I ask unanimous consent that a table on Canadian pork imports be included as a part of my statement.

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

TABLE 1.—UNITED STATES: IMPORTS FROM CANADA OF PORK PRODUCTS, BY COMMODITY AND TSUSA NO., 1970-82 ANNUALLY

[In metric tons]

Year	Pork, fresh or chilled (1064020)	Ham, cnd, 3 lb and over (1073525)	Fresh pork sausage (1071000)	Bacon, mcd or boned (1073040)	Pork frozen (1064040)	Pork sausage exc fresh (1071500)
1970	1,982	408	133	1,095	23,098	637
1971	2,856	435	84	917	25,369	775
1972	2,663	433	101	986	24,622	979
1973	2,322	865	225	648	24,948	1,088
1974	3,278	315	265	602	18,220	964
1975	2,539	173	328	262	12,339	986
1976	2,163	35	335	177	9,008	980
1977	2,266	34	258	165	9,877	966
1978	10,491	107	256	139	17,271	1,036
1979	28,971	93	292	107	17,165	1,223
1980	64,353	395	499	264	24,160	1,015
1981	61,867	964	554	381	25,088	876
1982	91,165	1,104	430	713	30,909	1,009

Source: U.S. Department of Commerce, Bureau of the Census, Dairy, Livestock and Poultry Division, July 20, 1983.

POSTAL SAVINGS CERTIFICATES

Mr. PRESSLER. Mr. President, for many years the Postal Service issued postal savings certificates. These certificates were much like savings bonds and accrued interest for the holder. In 1966, the Postal Service chose to discontinue the sale of these certificates and to stop paying interest to the certificate holders. The Postal Service turned over the accounts to the Department of the Treasury in 1967 in accordance with Public Law 89-377.

As a result of the discontinuance, most certificate holders cashed in their certificates. However, some

people did not. They include an elderly gentleman in my home State of South Dakota who attempted to cash his certificates in May of 1983, and was told by the Department of the Treasury that the account was depleted. His certificates amount to \$1,550 in principal and \$415.54 of accrued interest. The Department of the Treasury has approved a payment of \$1,965.54 to him, but it does not have the funds to make payment on his postal savings account. Those accounts are depleted because, in 1971, the Department of the Treasury divided up the remaining moneys in the postal savings certificate account and gave it away to the

States. I am sure the Department felt it was doing the right thing in assuming that most people holding the certificates would have cashed them in by that time.

The fact remains that this man in South Dakota and many others like him are holding postal savings certificates which should be honored by the Federal Government. These certificates were purchased in good faith. The South Dakotan to whom I have referred would like to pay for his nursing home care and I believe his certificates should be honored.

My amendment calls for \$1 million to pay the remaining holders of postal

savings certificates. I urge my distinguished colleagues to support this effort to justly compensate these certificate holders.

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

AMENDMENT BY MR. PRESSLER

At the appropriate place in the bill, insert the following:

CLAIMS BY DEPOSITORS IN POSTAL SAVINGS SYSTEM

For payments of claims by or on behalf of depositors in the Postal Savings System established under chapter 85 of former title 39, United States Code, \$1,000,000, to be available until expended, which shall be deposited in the trust fund receipt account of the Treasury entitled "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown" and used to pay such claims in accordance with section 1322(c)(1) of title 31, United States Code.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business has expired, I believe.

The PRESIDING OFFICER. The majority leader is correct.

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The PRESIDING OFFICER. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will now resume the consideration of the pending business, H.R. 4072, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 4072) to provide for an improved program for wheat.

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, the pending question is the Pryor amendment, is it not?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. I thank the Chair.

Mr. President, there are other amendments on which yeas and nays were ordered last evening that were temporarily laid aside without any provision for their sequence. It is not true that they will be considered in the inverse order to which they were brought to the floor?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. I thank the Chair. What that means is that we shall vote first on Pryor, then on Bumpers, then on Melcher.

Mr. President, I hope we can get on with the business at hand and that we can finish this bill today. That is my wish. Maybe it is a forlorn hope, but I

am not sure it is. I think the best thing we can do is try to finish this farm bill today, notwithstanding that cloture motions have been filed and that they will require votes on tomorrow.

Mr. President, once again, I hope we can finish this business during the course of today. I remind Senators that the Senate is scheduled to recess at 3:10 this afternoon in order to go to the Hall of the House of Representatives to hear an address by the President of France. I urge Senators to come to the floor, abbreviate their debate if possible, and get the bill started.

I see a smile on the face of the Senator from Arkansas, and with that encouragement, I yield the floor.

AMENDMENT NO. 2818

(Purpose: To require the Secretary of Agriculture to conduct a grain loan program to compensate those farmers who lost grain due to a grain elevator bankruptcy which occurred between the date of the Soviet grain embargo and the date of enactment)

Mr. PRYOR. Mr. President, I do not know at this point whether to proceed with this amendment, because I do not see the manager on the other side or anyone on the other side of the aisle who has come over anticipating a discussion on this.

Mr. BAKER. Mr. President, the Senator is right. I thought we had the manager here, but we misplaced him. I shall find him now.

Would the Senator like to suggest the absence of a quorum?

Mr. PRYOR. I would like to 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. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

AMENDMENT NO. 2818 (AS MODIFIED)

(Purpose: Modification of the amendment to require the Secretary of Agriculture to conduct a grain loan program to compensate those farmers who lost grain due to a grain elevator bankruptcy which occurred between the date of the Soviet grain embargo and the date of enactment)

Mr. PRYOR. Madam President, I have the pending amendment at the desk. This amendment is offered in behalf of myself, Senator HUDDLESTON, Senator BUMPERS, Senator BOREN, Senator EXON, Senator BAUCUS, Senator FORD, Senator SASSER, and Senator ZORINSKY.

Madam President, notwithstanding the fact that yesterday the yeas and nays were granted on the amendment, I wish at this time to ask unanimous consent that I be given the opportunity to modify this amendment in two places.

I have discussed this briefly with the very distinguished Senator from North Carolina.

One change would be to add a subrogation clause. The other minor change would be to give the Secretary of Agriculture a little more flexibility in determining the loss of the depositor.

With that in mind, Madam President, I propound that unanimous consent request, notwithstanding the fact that the yeas and nays have been ordered.

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

Mr. PRYOR. I thank the President. The PRESIDING OFFICER. Will the Senator notify the clerk of the modification?

Mr. PRYOR. The modification is being sent to the desk at this time.

The modification is as follows:

TITLE VII: FARM STORAGE COMPENSATION

SEC. 701. This title may be cited as the "Farm Storage Compensation Act of 1984."

SEC. 702. As used in this title, unless the context clearly requires otherwise—

(1) the term "depositor" means the owner or holder of a scale ticket, a warehouse receipt, or other original source document issued by a warehouse for grain or cotton who resides in a State and who is entitled to possession of, or payment for, the grain or cotton represented by such ticket, receipt, or other document;

(2) the term grain means barley, corn, dry edible beans, flaxseed, grain sorghum, oats, rice, rye, soybeans, sunflower seeds, wheat, and any other commodity which is commonly classified as a grain and traded at, or stored in, a warehouse;

(3) the term "insolvent" has the same meaning given to such term under section 101(26) of title 11, United States Code;

(4) the term "Secretary" means the Secretary of Agriculture;

(5) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific;

(6) the term "surplus commodities" means agricultural commodities owned and held by the Commodity Credit Corporation that are not obligated for any other purpose under any other provision of law; and

(7) the term "warehouse" means every building, structure, or other protected enclosure in which any agricultural commodity is or may be stored.

COMPENSATION FOR INSOLVENCY OF WAREHOUSES

SEC. 703. (a) Subject to subsection (b), in any case in which, a depositor has sustained a loss as determined by the Secretary of grain or cotton, the loss of such grain or cotton was the direct result of the insolvency of a warehouse in which the grain or cotton was stored, and the insolvency occurred at any time during the period beginning on December 1, 1979, and ending on the date of the amendment of this Act, the Secretary shall transfer to such depositor, in accordance with this title—

(1) surplus commodities of the same type as the lost grain or cotton in such amount and quality as the Secretary determines suf-

ficient to compensate such depositor for such loss; or

(2) if the Secretary determines that there are insufficient quantities of grain or cotton to meet the requirements of clause (1), surplus commodities other than such grain or cotton in such amount, type, and quality the Secretary determines sufficient to compensate such depositor for such loss.

(b) To be eligible to receive such compensation under this title, a depositor must enter into a contract with the Secretary under which the depositor agrees to—

(1) transfer to the Secretary in no more than ten equal annual installments agricultural commodities in such amount, type, and quality as the Secretary determines equal the amount of compensation received by the depositor under this title;

(2) convey to the Secretary any rights of ownership or possession with respect to the lost grain or cotton for which compensation is received under this title: *Provided*, That, to the extent the Secretary recovers the lost grain or cotton or damages related thereto, the Secretary shall reduce the repayment required under clause (1) to reflect the value of such recovered commodities or damages; and

(3) comply with such other terms and conditions as the Secretary determines necessary to effectuate the purposes of this title or to facilitate the administration of this title, or both.

NOTICE OF COMPENSATION

SEC. 704. (a) Within sixty days after the dates of the enactment of this Act, the Secretary shall publish—

(1) in the Federal Register a notice containing a list of the warehouses throughout the United States which became insolvent during the period described in section 703; and

(2) in a newspaper of general circulation in the area of each warehouse which became insolvent during the period described in section 703 a notice containing the name of such warehouse.

(b) The Secretary shall include in each notice described in subsection (a) a summary of the compensation program provided for in this title, including a summary of the eligibility requirements described in section 703(a).

PAYMENT OF COMPENSATION

SEC. 705. (a) To be eligible to receive compensation under this title, a depositor must, within sixty days after the date of publication of the notice described in section 704(a)(2), file a written application for such compensation with the depositor's local office of the Agricultural Stabilization and Conservation Service. The application must describe the type and quantity of grain or cotton lost as a result of the insolvency of a warehouse described in section 703.

(b)(1) Within thirty days after the receipt of an application described in subsection (a), the Secretary shall determine if a depositor qualifies for compensation under this title.

(2) If the Secretary approves an application for compensation under this title, the Secretary shall, at the earliest practicable time, transfer to such depositor surplus commodities, or title to such commodities, in accordance with section 703.

(3) If the Secretary denies, in whole or part, an application for compensation under this title, the depositor shall have the right to appeal administratively such denial.

SEC. 706. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. PRYOR. Madam President, I see Senator HELMS in the Chamber. I understand that the Senator from Kansas (Mr. DOLE) is going to be involved in this issue, and I guess we will wait for Senator DOLE, if that is the pleasure of the Senator from North Carolina.

Mr. HELMS. Madam President, will the Senator yield?

Mr. PRYOR. I am glad to yield.

Mr. HELMS. Madam President, I say to my friend that Senator DOLE obviously is tied up with a committee, and I have been advised that he is on his way. We are urging him to come to the Chamber.

In the meantime, Madam President, I have a statement in connection with the amendment of the able Senator from Arkansas which I wish to present.

Madam President, I must oppose the amendment offered by the distinguished junior Senator from Arkansas. This amendment would require that the Secretary of Agriculture make interest-free loans of surplus Commodity Credit Corporation owned and held commodities to those persons who had stored grain in a warehouse that subsequently became insolvent. While I sympathize deeply with those farmers who have lost grain as a result of a warehouse insolvency, this proposal is not the way to redress their situation.

This proposal would create a whole new Government program to assist a relatively small group of persons who have suffered a loss. In addition, this program would be open to anyone who stored grain in an insolvent warehouse, whether the person produced that grain or not. I believe that existing Farmers Home Administration and other Government programs can be used to assist the farmers who suffered losses in this situation. Provisions in this bill, for example, mandate that the Secretary provide \$310 million for insured economic emergency loans this fiscal year. It is reasonable to assume that some of these funds will be used to assist those in dire economic circumstances resulting from the loss of grain due to warehouse insolvency.

As a result of the 1983 payment-in-kind program, the stocks of many Commodity Credit Corporation surplus commodities have been substantially reduced. Thus, for grains other than wheat, it would be difficult to lend the same kind of grain as was lost in the insolvency. Consequently, the Department would be forced to come up with equivalent amounts of other grain, which may or may not be satisfactory to the person seeking the grain loan. If the grain borrowers objected to receiving substitute grain, the Department might be asked to go into the market and purchase grain so that loans of like grain could be made.

It is not clear how well the provisions of this amendment would mesh with the provisions of the Bankruptcy Act. The farmer whose grain is caught up in bankruptcy proceedings may receive a distribution from the bankruptcy court, giving him all or a portion of the value of his grain, yet this fact is not taken into account in the text of this amendment.

Madam President, the short-term solution to the problem highlighted by this amendment is to use other Government programs already in place to relieve the economic stress caused by losses due to elevator insolvencies. The long-term solution, however, is enactment of S. 445, sponsored by Senator DOLE and others, which would reform the Bankruptcy Act by preserving the rights of farmers and others who store grain in warehouses that become insolvent. The Dole proposals have passed the Senate five times, the last time by unanimous consent. I understand that the House has just taken final action on Senator DOLE's proposals. Thus, while Senator DOLE may have more to say about his elevator bankruptcy bill, it appears that a long-term solution to this problem is near at hand.

In light of these developments, I urge my colleague to withdraw his amendment.

THE GRAIN STORAGE COMPENSATION AMENDMENT

Mr. HUDDLESTON. Madam President, this amendment incorporates many of the provisions of S. 596, the Grain Storage Compensation Act of 1983. That bill was introduced by Senator PRYOR last year, and I was pleased to join him as a cosponsor of the bill.

As I understand it, Senator PRYOR has modified the provisions of his proposal to address issues that have arisen since S. 596 was first introduced, and I commend him for working to achieve these improvements.

The amendment responds to an inequity that has faced a number of farmers in recent years. These are farmers who have put their harvested crops into storage with a commodity warehouse, and then discovered that they cannot get their commodities out of the warehouse because the warehouse has become insolvent and the commodities stored in the warehouse have been seized to cover the warehouse's debts.

The amendment requires that surplus CCC commodities be made available to farmers who have suffered losses because of the insolvency of a warehouse.

Specifically, the amendment provides that, in any case where a depositor has sustained a loss of grain, cotton, or any of a number of other agricultural commodities as a direct result of the insolvency of a warehouse in which the commodity was stored, the depositor will be eligible

for surplus commodities held by the Commodity Credit Corporation in an amount that the Secretary of Agriculture determines sufficient to compensate the depositor for his loss.

To be eligible to receive surplus commodities, a depositor must enter into a contract with the Secretary of Agriculture under which the depositor agrees to pay back the Secretary for the surplus commodities over time. The depositor will be required to agree to transfer to the Secretary, in not more than 10 equal annual installments, agricultural commodities in an amount that the Secretary determines will equal the value of the surplus commodities received by the depositor.

For the bill to apply to a warehouse, the insolvency of the warehouse must have occurred at any time between December 1, 1979, and the date of enactment of this legislation.

The amendment specifies certain other criteria for eligibility for surplus commodities. A depositor who has sustained a loss must file a written application for commodities within 60 days after the Secretary of Agriculture publishes written notification of the compensation program. The application must be filed with the depositor's local agricultural stabilization and conservation service office and must include a description of the type and quantity of commodities lost as a result of the insolvency.

I urge my colleagues to support the amendment.

Mr. PRYOR. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PRYOR. Since the amendment has been modified, is it correct to assume that the amendment, as modified with the two modifications, does have the yeas and nays ordered at this time?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRYOR. I thank the Chair.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Madam President, I have been looking at the amendment of the distinguished Senator from Arkansas (Mr. PRYOR) and I am sympathetic with what he proposes to do. I am not certain it is very good policy, which is not a requirement either around here. But I just suggest that we passed the bankruptcy bill in this Chamber about five times, and I wish to indicate that finally, not because of anything we have done in the Senate, but because

there is another matter that has caught the attention of many of the majority party on the House side, we are getting movement on bankruptcy legislation.

I doubt whether this provision is even germane to H.R. 4072 and, of course, if cloture had been invoked it would not be before the Senate.

It is a matter that I understand the Agriculture Committee does not have any jurisdiction of.

But I again suggest that if we are going to load up what should be some compromise with amendments that are distasteful and opposed by the administration, in this case for good reason, then I think we are in effect threatening final action or final approval of the bill.

Madam President, I would like to express my opposition to passage of the amendment offered by the distinguished Senator from Arkansas, Senator PRYOR, regarding the protection of farmers who have grain or other farm commodities stored in bankrupt elevators. In the first place, this amendment is not germane to any provisions of H.R. 4072, and would only increase the possibility that further amendments would be added when the bill reaches the House. We have already burdened this legislation with a number of items which the administration will have to strain to accept, and I would encourage my colleagues to show some restraint in pressing for their own favorite amendments.

As I understand, the amendment would try to relieve the consequences of grain elevator failures for individuals who have their property stored in bankrupt facilities by setting up the Commodity Credit Corporation as a guarantor of last resort. I am not certain—maybe the Senator from Arkansas knows—the CCC even owns sufficient inventories of the various commodities involved in such bankruptcies to allow it to perform such a role. Even if it does, placing the Federal Government in such a direct and potentially expansive insurance position would only open up new vistas for increased Treasury outlays and bring Washington into one more sector of people's lives in rural America. I am not certain we can afford the additional costs. I am certain it would help a small number of farmers, but we are being faced with a massive Federal deficit, and everyone is making speeches about it, and I just left the committee where we added about \$400 million to a bill this morning that we did not intend to do. So I suggest that we have a larger problem, and I do not know how many farmers or their neighbors want another layer of bureaucracy back here and want the Government to get involved in their business.

There is a third reason why I oppose the amendment, as I started to indicate earlier. Up until yesterday, there

was no expectation that a comprehensive method for handling bankruptcy procedures would receive congressional approval in the near future. Indeed, the elevator bankruptcy bill which I have sponsored for nearly 3 years, and which has passed the Senate five times with the support of the Senator from Arkansas, has been repeatedly blocked by the chairman of the House Judiciary Committee, Congressman RODINO.

Madam President, I have indicated the House now has something that organized labor very much wants, and suddenly Mr. RODINO very quickly, along with the Speaker, wants to pass the bankruptcy bill. It is a question of who has the priority, whether it is the American farmer or the AFL-CIO.

When the AFL-CIO got interested, that moved many of my Democratic colleagues in the House and they are prepared to move forward.

I would summarize the provisions of the bankruptcy bill as they relate to expediting bankruptcy proceedings:

It would require the Bankruptcy Court to distribute grain that has been stored in a bankrupt elevator to the farmers who own it within 120 days of the filing of the bankruptcy case;

Require the courts to accept valid warehouse receipts or scale tickets as proof of ownership of grain;

Grant a lien against assets of the elevator to farmers who have sold grain to the elevator operator but have not received payment at the time of the bankruptcy filing; and

Bring State regulatory agencies, which have experience in liquidating insolvent elevators, into the bankruptcy proceedings to assist the court and expedite the determination of ownership questions.

Madam President, I am certain the Senator from Arkansas very much supports this amendment, as he has in the past. I understand what he would do is sort of retroactive relief for some farmers. Again, I question whether our Government should try to cover every loss. Where do we draw the line?

I will just read from testimony in the House that the Department of Agriculture gave on S. 596:

In our view, it is inappropriate to divert CCC stocks, which have been acquired in connection with the administration of the Department's price support and production stabilization programs and are intended for use in carrying out CCC activities, into a program which guarantees not only agricultural producers but virtually everyone else in the grain trade, against losses because of a warehouse bankruptcy. We believe it particularly inappropriate that CCC assets be used to provide compensation for the bankruptcy of warehouses which have not met minimum federal standards by obtaining a license under the U.S. Warehouse Act or entering into a Uniform Grain Storage Agreement with CCC.

There may become changes in the bill since this testimony was given, but

I think the purpose is still pretty much the same.

Madam President, I am not unsympathetic; I am just saying again I hope we can dispose of some of these amendments and pass the bill that many of us sort of agreed upon and then see what happens in the House.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Does the Senator from Kansas yield the floor?

Mr. DOLE. I yield.

Mr. PRYOR. Madam President, I would like to respond to the Senator from Kansas. I am not trying to delay a vote or be an obstructionist. I am simply trying to bring some equity to the lives of some 3,600 farmers across this country who, through no fault of their own, had their grain deposited in grain elevators and suffered a loss due to the elevator's failure. This was as a result of the grain embargo of 1980. This amendment would compensate those farmers with those losses, not by grant, as the distinguished Senator from Kansas alluded to, but, Madam President, by a loan, a payment-in-kind loan, of grain then existing in surplus supply payable to those farmers. Those farmers would have to agree, in a contract with USDA or the CCC, to repay that grain in kind within a 10-year period.

The distinguished Senator from Kansas has talked about policy. I would like to address that, Madam President, because the policy of this country right now seems to be—and I support it—that we are going to take extra grain and surplus grain from our existing CCC surplus and give this grain to foreign countries that are in need. Madam President, I strongly support that. I think that should be the policy of this country. I strongly support the Public Law 480 program that the Senator from Kansas referred to.

But, I would also like to say that when our own farmers are in trouble, through no fault of their own, and have lost a year's crop in a grain elevator, that in many instances were insured and bonded and in many instances were not, I think this country, when we have a surplus, ought to compensate them and try to restore equity as much as we can.

That is all this amendment does. It is a simple amendment. It is not going to increase the deficit of this country 1 cent.

I have worked for the last several weeks with the very distinguished Senator from Kansas, the most able chairman of the Senate Finance Committee, and in the final package yesterday on the deficit reduction proposal I supported Senator DOLE's effort to have a deficit reduction package. I will continue supporting his efforts to reduce the deficit.

But this amendment does not increase the deficit.

Madam President, finally, I would like to say that the distinguished Senator from Kansas talked about another layer of bureaucracy. This amendment will not increase the Federal payroll by 1 cent nor will it increase the personnel of the Federal Government by one employee. It is very simple in its whole policy; it is very simple in its implementation.

I think this amendment certainly not only speaks to equity; I think it will help those farmers who through no fault of their own lost their grain, in many instances a whole year's work, in bankruptcy situations.

Madam President, the distinguished Senator from Kansas has stated that this issue should be handled in a bankruptcy bill. I would just challenge the distinguished Senator from Kansas if he can point back in the last 5 years and see if I have ever opposed any of the bankruptcy bills.

Mr. DOLE. I know the Senator has supported them.

Mr. PRYOR. I have been a strong supporter.

Even assuming we passed the bankruptcy bill, and I am in strong support of bankruptcy reform, if we passed it tonight and it was signed into law tomorrow by the President, that bill is not going to help these 3,600 farmers across America in these dozen or so States to recoup what they lost in these elevator bankruptcy situations due to a policy of this country in 1980—when the embargo was imposed against the Soviet Union on further grain shipments.

Madam President, that is basically my position on this and I am very hopeful that the Senator from Kansas, after hearing that argument, will change his position and be supportive of this amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I do not want to quarrel with my friend from Arkansas. He has been supportive of the bankruptcy legislation and also these deficit reduction measures which have been considered in our committee in the last few weeks. But there are a lot of unanswered questions. I assume that a lot of these farmers who lost have already charged that off through the Tax Code. I am not sure how they will be treated. It seems to me there are a lot of questions that have not been answered. I do not know what the cost of this amendment will be. How many farmers are we talking about? Are we going to set a precedent for anybody who loses money in a bankruptcy proceeding? There are a lot of people who lose money to creditors every day who never recover their money. Why should they not come and have a 10-year loan from the Government? It

seems to me that it is certainly a well-intentioned amendment. It may not cost very much. Do we know what the cost is?

Mr. PRYOR. There will be no cost. In fact, in my estimation we will see a lessening of the cost of the USDA programs because we will have fewer dollars to pay out for the storage of grain because that grain will be given back to the farmers who lost money pursuant to the policy of this country in 1980, the Soviet embargo.

Mr. DOLE. Given back or loaned?

Mr. PRYOR. The payment in kind to them will be given in grain. The farmers at that time will sign a contract with the Federal Government and will pay back the grain loan over a 10-year period. For example, assume a farmer lost 10,000 bushels of soybeans. He would get the 10,000 bushels of soybeans out of CCC and will pay back possibly 1,000 bushels a year, whatever was contained in the contract between USDA and that particular farmer.

Finally, on the taxation issue, I would like to say to the distinguished Senator that of these people who have lost money in grain elevators pursuant to the Soviet embargo of 1980, I do not think there are any of those individuals who have to worry about taxation. I do not think they have to worry or we have to worry about any abuse in the code or whether they are paying enough taxes because generally speaking I would say that 95 percent of them did not even pay any taxes in the past 4 years anyway. They have been losing money. We are trying to help them out by giving them a payment in kind, with 10 years to pay back that loan. It will cost no one anything. It should not cost the Government 1 cent. It will not increase the deficit.

Mr. DOLE. I do not suggest there will be abuse, but I am suggesting that this is a loss which could be deducted from their taxes, and farmers do pay taxes. Even bad farmers pay taxes. If, in fact, they take a tax loss and then we come in with a loan program over a 10-year period, I am just suggesting that there ought to be some modification so that you offset one against the other so there is not a double benefit. Again, I am not as familiar with the amendment as the Senator is.

It just seems to me that it is an area that we ought to address in the Judiciary Committee not the Agriculture Committee.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Madam President, I am prepared to offer a motion to table. I would not do that if the Senator from Arkansas, who has the floor, wishes to say anything further, or, if other Senators wish to speak. But I am anxious to get the voting sequence started. We

have a lot of work to do. If there is no other request—

Mr. PRYOR. Madam President, if I may have 1 more minute to close, I would say to the majority leader that with regard to the tax issue, it is my understanding that a farmer, if given, say, 10,000 bushels of soybeans, or payment in kind, and he sold those soybeans, that would be income to the farmer. Taxes would be paid.

So we probably would be generating some revenue from the farmer at that time. I hope that would lay to rest the particular argument relative to the possible or potential abuse under the program.

Finally, I would say, Madam President, that those States that have farmers who are affected under this program are Arkansas, Tennessee, Louisiana, Texas, Missouri, Kentucky, Iowa, Indiana, North Dakota, South Dakota, Montana, Idaho, Washington, Minnesota, and Illinois. I believe the farmers in these States would say that this Congress and this Senate had spoken with a great deal of equity and clarity on this issue. I am very hopeful that this amendment will be adopted.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, if there are no other Senators wishing to speak, I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER) to table the amendment (No. 2318), as modified, of the Senator from Arkansas (Mr. PRYOR). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

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

The result was announced—yeas 31, nays 34, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—61

Abdnor	Danforth	Grassley
Andrews	Denton	Hatch
Armstrong	Dole	Hatfield
Baker	Domenici	Hawkins
Boschwitz	Durenberger	Hecht
Bradley	East	Heflin
Chafee	Evans	Heinz
Cochran	Garn	Helms
Cohen	Goldwater	Humphrey
D'Amato	Gorton	Jepsen

Kassebaum
Kasten
Laxalt
Lugar
Mathias
Mattingly
McClure
Mitchell
Moynihan
Murkowski
Nickles

Nunn
Packwood
Pell
Pressler
Proxmire
Quayle
Roth
Rudman
Simpson
Specter
Stafford

Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Welcker
Wilson

NAYS—34

Baucus
Bentsen
Biden
Bingaman
Boren
Bumpers
Burdick
Byrd
Chiles
Dixon
Dodd
Eagleton

Exon
Ford
Glenn
Hollings
Inouye
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga

Melcher
Metzenbaum
Pryor
Randolph
Riegle
Sarbanes
Sasser
Stennis
Tsongas
Zorinsky

NOT VOTING—5

Cranston
DeConcini

Hart
Huddleston

Percy

So the motion to lay on the table amendment No. 2818, as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2813

(Purpose: To amend the farm disaster emergency loan program to require the Secretary of Agriculture to base single enterprise production loss determinations on actual production only, and to prohibit the Secretary from including production determinations from sources such as PIK or land diversion program participation)

Mr. BAKER. Mr. President, if I may have the attention of the Senate for a moment, first, what is the pending question?

The PRESIDING OFFICER. The amendment of the Senator from Arkansas (Mr. BUMPERS).

Mr. BAKER. I thank the Chair.

Mr. President, it is my hope that there might not be demand for much more time on this amendment. I propose then to move to table the amendment, as soon as it is clear that there is no further need for debate.

I do hope that we can get in one more vote before other matters are going to occur off the floor, and the Senate will probably have to wait. I hope we can get on with the tabling motion in the next 5 minutes or so.

Mr. President, I yield the floor.

Mr. BUMPERS. Mr. President, I certainly want to accede to the wishes of the majority leader. This Senator has never been known for brevity, but I am going to be as brief as I can.

Senator BENTSEN is a cosponsor. He wishes to speak on the amendment, and I do not want to deprive him of that opportunity. I think that by the time he finishes, even the Senator from North Carolina will want to vote for the amendment, and it probably

will be accepted on a voice vote. [Laughter.]

Mr. BENTSEN. I thank my distinguished friend from Arkansas.

Mr. BAKER. The Senator has put us to a tremendous challenge. [Laughter.]

Mr. BENTSEN. Mr. President, I am pleased to join the distinguished Senator from Arkansas (Mr. BUMPERS) and my other distinguished colleagues in offering this amendment to require the U.S. Department of Agriculture to provide disaster assistance to farmers in a fair and equitable manner. I urge the Senate to adopt this amendment.

Mr. President, this provision was adopted by the Senate last fall as an amendment to the continuing resolution. Unfortunately, it has never been adopted by the USDA.

This amendment will simply require the USDA to determine disaster loan eligibility for farmers under the same procedures that were used for determining county eligibility. This would seem to be a very reasonable and fair way to do things, but USDA has not chosen to do it this way. USDA has ignored acreage enrolled in the payment-in-kind program in determining disaster losses on a county basis. However, they have required that PIK acreage be included in determining disaster loan eligibility for individual farmers.

This double standard has allowed USDA to make many disaster declarations, with attendant publicity, and then refuse disaster aid to the farmers from that county who apply. It is theoretically possible that a county could be declared a disaster area by USDA, but that not a single farmer in the county would be eligible for a disaster loan.

Not only has the Farmers Home Administration changed the rules on individual farmers by including PIK acreage in computing eligibility, but they have also distorted the income actually received by the farmer from the PIK program. Cotton farmers in west Texas who got paid under the PIK program at a rate equal to 80 percent of their farm program yield are having their PIK payments counted as income by the FmHA at a rate equal to 100 percent of the farm program yield. This further restriction is denying disaster loan eligibility to many farmers who were almost, but not quite, cut off by the initial inclusion of PIK payments.

Mr. President, fairness and equity should be a basic part of our Government. But this administration is continually playing tricks with these programs. They are using these programs to generate favorable press releases for the administration, and then when it comes time to deliver the announced help they are snatching it away. These shenanigans, together with the politi-

cal games that were played with the actual announcements of the disaster declarations last year, are making a mockery of the basic purpose of these programs.

A number of us recognized last year that this policy was not only unjust, but was also going to deny disaster loans to many farmers who had suffered severe losses and would need financial help to keep farming. We offered this amendment last fall, and the Senate passed it. The conference report on the continuing appropriations bill addressed this issue as follows:

The conferees expect that the Secretary of Agriculture will not implement or enforce that portion of any regulation, ruling, policy, or administrative determination which allows the inclusion of projected production determinations from payment-in-kind or land diversion program participation, or any source other than actual production, in making a single enterprise production loss determination for the 1983 crop year under section 1970 of title 7, United States Code.

That congressional directive should be clear, but it is clearly being ignored.

Now farmers are going in to FmHA offices all over the country. They are applying for disaster loans, and those applications are being denied. By including PIK acreage, and in the case of cotton by calculating PIK payments to be 25 percent higher than they actually were, FmHA is able to tell these farmers that they do not qualify for disaster assistance. Farmers are learning that disaster declarations are delivered with loud fanfare, but when it comes time to sign the check that promised aid has vanished into a regulatory maze.

As I said last year, these partisan political games must stop. If the Secretary of Agriculture is not willing to use his vast discretionary powers to administer these programs fairly, then the Congress must use its oversight authority to force a correction of these inequities.

I believe that our farm programs should be administered fairly, and that is clearly not the case now. This amendment will restore that necessary equity to our farm disaster assistance programs.

I strongly commend the Senator from Arkansas for his leadership in this matter, and I urge the adoption of this amendment.

Mr. DOLE. Mr. President, I do not fully understand this amendment, but I do understand that we are talking about creating about \$7 billion more in loan activity. We are trying to put together some package that would reduce the cost of this total program.

I think if they just say that there should be a review of all the Farmers Home Administration loans, I could support that. But this goes beyond that. No doubt there are some areas that should be changed; but, based on

information we have, this would raise total Farmers Home lending up to \$7 billion. I cannot verify the figures that were given to me. But if we want to pass the other parts of the bill, we cannot adopt this amendment.

Mr. BUMPERS. Mr. President, I am very pleased that the Senator from Kansas said he cannot verify those figures. We have been trying to get cost estimates in this matter from every Government agency that has even a passing interest in or knowledge of this program. We have been unable to get anybody committed.

I want my colleagues to understand precisely what we are talking about. We have a provision in the Constitution of the United States that says Congress will pass no laws ex post facto. What does that mean? That means that you cannot pass a law making something a crime after the crime has been committed. We do not make laws to fit previous conduct.

Last November, this body adopted this amendment unanimously on a voice vote. It said to the Secretary of Agriculture, "In the future, in determining whether a farmer is eligible for disaster relief, you may not take into consideration the PIK acres that he set aside."

When it went to conference, it was agreed to make that a sense-of-the-Senate resolution, and it said, "Mr. Secretary, we expect you to use the same formula you have always used in determining disaster relief."

Senator STENNIS, Senator EAGLETON, Senator HATFIELD, and I signed a letter to the Secretary saying, "We sincerely hope you will comply with the interests of Congress, what Congress has said they want you to do."

He wrote back a letter saying, "Thank you very much. We will certainly take your views into consideration."

And proceeded to continue the same thing, counting PIK acres.

It is very simple. In order for a county to be eligible for disaster relief, there has to be a 30-percent loss in that county. Then each individual farmer in order to be eligible for loans—we are not talking about anything except loans; we are not talking about grants—but for that farmer to be eligible for a loan, he has to have a 30-percent loss.

So what happens is they declare over 50 percent of the counties in this country disaster counties last year and the farmers started flocking into the Farmers Home Administration offices to get relief. And they said: "Here is the way it works. If you had 200 acres of land and you set 100 acres aside and did not plant it, if you only had a 30-percent loss on the 100 acres you did plant, you are not eligible."

The farmers said: "Why not? The law says 30 percent."

They said: "Yes, but we are going to count in the formula the 100 acres you did not plant. So you had a 30-percent loss on 100 acres you planted, you had no loss obviously on the 100 acres you did not plant, so your total loss is only 15 percent on the 200 acres."

The farmer said: "It hasn't never been done this way before. You didn't tell me this before I put my acres in PIK."

They said: "Yes, but this is the new rule. We have to save some money."

The net effect of it is you can have 1,500 counties in this country declared as disaster areas and not one single farmer will be eligible for disaster relief. That is the way this thing works. I have 5,000 applications for disaster relief in my State that have not been processed and many of them will not be eligible because of the craziest administrative rule I have ever witnessed in my 9 years in the Senate.

Farmers in this country are contemplating suicide. They are talking about guns. I have never seen such a depressed group of people in my life.

While I am totally sympathetic to saving money, as the Senator from Kansas has said, what do you say to these people who were planning on loans for disaster relief, and go out and find the Farmers' Home Administration has been told by the Secretary: You cannot give money unless you include the PIK acres, and in effect if you set 50 percent of your acres aside, you have to have a 61-percent loss on the acres you did plant before you are eligible?

No one here believes that is right. No one believes it is equitable.

Senators from the corn States and the wheat States, call your farmers and ask if they are not up against the same proposition that the rest of us are.

Mr. President, I offer this amendment on behalf of my good friends from Texas, Senator BENTSEN, from Nebraska, Senator EXON, from Kentucky, Senator HUDDLESTON, and my distinguished colleague from Arkansas, Senator PRYOR.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. May I have the privilege of cosponsorship?

Mr. BUMPERS. The distinguished Senator certainly may.

I ask unanimous consent that Senator RANDOLPH be added as a cosponsor.

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

Mr. ZORINSKY. Likewise.

Mr. BUMPERS. And I ask unanimous consent that the Senator from Nebraska (Mr. ZORINSKY) be added as a cosponsor.

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

Mr. DOLE. Mr. President, may I say one additional word?

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, before we all get carried away here, we all are sympathetic to the farmer. We all get up and talk about the plight of the poor farmer.

One of the reasons the farmers are in such bad shape is that we have added up the deficits, and the farmer's interest rates keep going up.

Before we get into too much sympathy, we have to recall, when the Senator is talking about the crop damage and all this, that in the wheat States the farmer received compensation in kind at the rate of 95 percent for wheat of his former yield on that PIK acreage that year, that that amendment would now exclude. Let us not suggest there was not any payment there.

Plus we have the administrative nightmare of going over thousands and thousands of loans, plus the fact that the PIK program is a very unique program, and it may operate under different circumstances.

I just suggest again if we take the other provisions in this bill and we adopt this amendment, according to the USDA, and again I am not going to quarrel with the Senator from Arkansas—figures can never be verified around this place from any agency in any administration—they are suggesting what it would cost, that they will make about \$5 billion in additional loans and the outright subsidy costs because of the 5-percent interest rate would be \$1 billion over the 7-year terms of these loans.

We can argue that all day long. Everyone else is paying 11, 12, and 13 percent interest, and farmers are paying 14 percent for operating loans.

It just seems to me that we have to say no, as much appeal as this amendment might have.

Mr. BAKER addressed the Chair.

Mr. BUMPERS. Mr. President, 1 minute, I say to the majority leader.

No. 1, the cost figures cannot be obtained. No. 2, if the cost figures given by the Senator from Kansas are anywhere near correct, let me ask him to offset that and think for a moment about the terrible devastation the farmer suffered, and finally let me remind all Senators from agricultural States what their farmers came and told us last year about the drought and the effect that it had on them. They are just barely hanging by their thumbs. We are not giving anything but loans here and those farmers who are credit-worthy we do not even give them loans except at the going rate.

So, lend a hand. Help these people who are in desperate straits.

There are over 22,000 applications in this country that have not even been processed.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD.)

● Mr. HUDDLESTON. Mr. President, the Department of Agriculture—for purposes of making loss determinations under the natural disaster emergency loan program—has been assuming normal production on acreage set aside under the PIK program. These imaginary crops that the Department includes in making loss determinations effectively attribute more income to a farmer than he has actually realized.

The amendment offered by Senator BUMPERS would require the Department, in making loss determinations, to count only crops that were actually produced.

I will point out that even when a farmer does not incur production expenses on land that is not cultivated, he must still pay the mortgage, taxes, and install soil conservation measures.

It is only fair that the Department of Agriculture should base loss determinations solely on the acreage actually put into production.

Some critics of this amendment will charge that it will be very costly. This is simply not the case.

The cost of FmHA loan programs is arrived at by determining the difference between the cost of borrowing and the interest rate at which the loans are made to farmers—while considering the time required to make loan repayments.

Under the most adverse economic conditions, FmHA budget officials believe that an additional \$5 billion in natural disaster emergency loan funds would be made available under the amendment.

Assuming that all of the additional loan funds would be made available at 5 percent interest—in fact many loans would be made at a higher rate—and assuming the Department's worst case scenario that an additional \$5 billion would be loaned to farmers and that they would all take the maximum 7 years allowed to repay the loans, based on a Federal cost of borrowing of 11 percent, the maximum cost of the amendment would be \$30 million a year or \$210 million over 7 years. I believe that the actual cost would be much less.

I urge my colleagues to support the amendment.

I ask that the correspondence between the Department of Agriculture and me and a number of other Senators be printed in the RECORD.

The correspondence follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,

Washington, D.C., January 31, 1984.

Hon. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On November 18, 1983, we wrote to you expressing our deep concern over the decision of the Department of Agriculture to include projected

production determinations from the 1983 payment-in-kind and diversion programs in calculating production losses under the Farmers Home Administration natural disaster emergency loan program. Further, we brought to your attention the direction given by Congress on this matter in the conference report on H.J. Res. 413, that you not implement or enforce a policy that includes projected production determinations from the payment-in-kind or land diversion programs in making a single enterprise production loss determination.

Enclosed is the response we received from Deputy Secretary Lyng, which we find wholly inadequate. The decision to ignore the intent of Congress on this matter is certainly not in the best interest of the farmers devastated by last summer's drought. It penalizes those who participated in the 1983 acreage set-aside programs and will serve to discourage future participation in acreage reduction programs.

We urge you to personally review this matter and reconsider the Department's position.

Sincerely,

THAD COCHRAN.
JOHN C. STENNIS.
LLOYD BENTSEN.
WALTER D. HUDDLESTON.
THOMAS F. EAGLETON.
MARK O. HATFIELD.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 30, 1983.

Hon. D. HUDDLESTON,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR HUDDLESTON: This is in response to your letter concerning the 1983 Payment-In-Kind (PIK) program and its relationship to the Farmers Home Administration (FmHA) natural disaster emergency (EM) loan program.

We are well aware of Congress' concern about the PIK acreage and how that acreage will be used in calculating production losses for EM loan purposes. The PIK acreage and the acreage in other land diversion programs are not considered when determining whether a county has suffered a 30 percent reduction in normal income. The only acreage considered in the calculations are those acres actually planted and in production during the disaster year.

Thus, a county that had heavy participation in the PIK program, but also suffered a substantial loss due to a natural disaster, will not be denied a designation. This insures that no individual operator who has suffered a qualifying loss will be denied consideration for an EM loan because of heavy participation in the PIK program by other farmers in the county.

In order to encourage participation in acreage set-aside programs, a major consideration in the development of the program is whether the operator will receive a return comparable to the net return expected, had the land been placed in production. Since the operator received payment comparable to that expected in a normal year from full production on the acreage not planted, the normal year's yield is used for the unplanted PIK acreage for both the normal and the disaster year, when calculating the operation's farm income. This method insures that all acreage is considered in the determi-

nation, but does not diminish the operator's legitimate loss on the acres in production.

Sincerely,

RICHARD E. LYG, Jr.
Acting Secretary.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., November 18, 1983.

HON. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: We are deeply concerned about the recent decision of the Department of Agriculture to include projected production determinations from the 1983 payment-in-kind and paid diversion programs in calculating production losses under the Farmers Home Administration natural disaster emergency loan program.

This decision comes at a most inopportune time for farmers. The Department has taken a program designed to provide needed assistance after a natural disaster and reduced its availability considerably. After the worst drought in over fifty years, which seriously affected production in over thirty States, farmers must have access to disaster assistance as intended by Congress and as the emergency loan program was administered in past years.

We call your attention to important language relating to production loss determinations agreed to by the conferees on H.J. Res. 413, which makes continuing appropriations for fiscal year 1984. During the Senate's consideration of the resolution, which was signed into law as Public Law 98-151, an amendment offered by Senator Bumpers to prohibit the Department from implementing this new procedure relating to the calculation of production losses under the emergency loan program was agreed to. Although the amendment was deleted from the resolution, as finally approved by Congress, the joint explanatory statement of the committee of conference makes clear the expectation of the conferees that the program be administered in a manner consistent with the language of the amendment.

Amendment No. 30: Deletes Senate language relating to loss determinations under the disaster program. The conferees expect that the Secretary of Agriculture will not implement or enforce that portion of any regulation, ruling, policy, or administrative determination which allows the inclusion of projected production determinations from payment-in-kind or land diversion program participation, or any source other than actual production, in making a single enterprise production loss determination for the 1983 crop year under section 1970 of title 7, United States Code.

Many farmers in this country are desperately in need of assistance—despite the grain and cotton they may have received under the payment-in-kind program. The department's decision regarding the emergency loan program is, in our judgment, fundamentally unfair to farmers and inconsistent with the intent of Congress.

We, therefore, ask you to comply with the intent of Congress as expressed by the conferees on H.J. Res. 413.

Sincerely,

MARK O. HATFIELD.
LLOYD BENTSEN.
WALTER D. HUDDLESTON.
THAD COCHRAN.
JOHN C. STENNIS.
THOMAS EAGLETON.
DALE BUMPERS.®

Mr. THURMOND. Mr. President, I would like to quickly comment on the amendment offered by the Senator from Arkansas (Mr. BUMPERS).

This amendment will require the Secretary of Agriculture to base single enterprise production loss determinations on actual production only, and it will prohibit the Secretary from including production determinations from sources such as PIK or other land diversion programs. This amendment certainly has a degree of merit. However, during this period of massive Federal deficits, I feel that it is important to look at the budget ramifications posed by this amendment.

Mr. President, it is my understanding that this amendment would cost the Federal Government \$1 billion over the next 5 years. That type of outlay would certainly result in a veto of this legislation. This bill is needed desperately by the farm community. It makes several advancements in loan programs administered by the FmHA. These advancements are essential, and to insure that they are signed into law, I cannot support the amendment offered by the Senator from Arkansas.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I appreciate the Senator yielding to me for 30 seconds.

The doctor heals; the lawyer pleads; the miner follows precious leads; but this or that, whatever befall, the farmer feeds us all.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, once again I am not in the business of trying to cut anyone off, but we do need to move on, and I now move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Arkansas.

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

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) is necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

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

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—58

Abdnor	Gorton	Pressler
Andrews	Hatch	Proxmire
Armstrong	Hawkins	Quayle
Baker	Hecht	Roth
Biden	Heflin	Rudman
Boschwitz	Helms	Simpson
Bradley	Helms	Specter
Chafee	Humphrey	Stafford
Cochran	Kassebaum	Stevens
Cohen	Kasten	Symms
D'Amato	Laxalt	Thurmond
Danforth	Long	Tower
Denton	Lugar	Tribble
Dole	Mathias	Tsongas
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
East	Mitchell	Weicker
Evans	Moynihan	Wilson
Garn	Murkowski	
Goldwater	Nickles	

NAYS—36

Baucus	Glenn	Melcher
Bentsen	Grassley	Metzenbaum
Bingaman	Hatfield	Nunn
Boren	Hollings	Packwood
Bumpers	Inouye	Pell
Burdick	Jepsen	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
Dixon	Lautenberg	Sarbanes
Eagleton	Leahy	Sasser
Exon	Levin	Stennis
Ford	Matsunaga	Zorinsky

NOT VOTING—6

Cranston	Dodd	Huddleston
DeConcini	Hart	Percy

So the motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 2812

(Purpose: To modify the target price for the 1985 crop of wheat)

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana (Mr. MELCHER).

Mr. BAKER. Mr. President, I expect we will have a vote on that, but it may take a little longer to debate. I would hope the managers of the bill would move on with debate.

If there is a desire to temporarily lay this aside once more and go to some other amendment, that is perfectly agreeable to the leadership on this side. I would urge we try to finish this bill, if it is possible to do so, shortly after noontime today.

Mr. HELMS. 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. ZORINSKY. 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. ZORINSKY. Mr. President, the Senate today is taking up the legislation that freezes target prices for wheat, corn, cotton, and rice at the 1984 levels, provides a 2-year paid land diversion for wheat, and makes various other adjustments in the current farm programs. These changes were reported out of the Senate Agriculture Committee a little over a week ago over my objections. I wanted to make a few points to my colleagues before we do vote on this bill.

These changes were approved in the Agriculture Committee partly under the guise of saving money and reducing the deficit. But the \$3.5 billion savings estimated by Office of Management and Budget Director Stockman is based on multiyear projections—projections that extend well beyond the fall elections and into fiscal year 1987. The savings amount to less than \$1 billion a year, a minuscule amount compared to the overall Federal budget.

The changes repeal major provisions of the 4-year farm bill passed by Congress and signed by the President in 1981. How can farmers plan if Congress, at the whim of the Budget Director, is constantly changing the rules in the middle of the game? David Stockman's appearances before the Agriculture Committee last week confirmed the common belief among farmers that Mr. Stockman has no understanding of their problems or the current, substantial economic difficulties in American agriculture.

Much has been made of the "carrot" in this bill—advance payments for the 2-year wheat land diversion program. But it is important to remember that legislation is not needed to make this change. The administration can make advance payments under existing law.

The whole point of this bill is the 1985 target price reductions. They are substantial, amounting to 15 cents per bushel for corn and 27 cents per bushel for wheat. They break the commitment made to farmers by the administration and this Congress when we enacted the 1981 farm bill. And they are harmful to agriculture. Advance land diversion payments will in no way compensate for the losses farmers will suffer as a result of these sharp reductions. Unless I misread the attitude of Nebraska farmers, there is no support at this time for further cutting farm income through a target price reduction.

Mr. President, there is no question that the deficit problem this Nation

faces is real and immediate. So, too, is the deepening crisis in agriculture.

It is rather curiously unique, the dichotomy that we face wherein, in this hall, we talk about cutting the farmers' budget and saving money by \$3.5 billion over a multiyear period when, in another hearing I have to attend this afternoon, we shall be talking about sending \$8 billion to Central America, of the same tax dollars that the farmers are expected to send in to provide for those dollars in our foreign policy objectives.

Mr. President, after adjustment for inflation, net farm income in 1984 could be down more than 25 percent from 1983. It will mark the fourth consecutive year farm income has stagnated. Agricultural exports in 1983 declined 11 percent and estimates are they will decline once again in 1984. The prospect for even lower prices at harvest and continued high interest rates are making it hard for farmers to finance production expenses. Existing Federal farm programs offer few incentives to reduce crops. And, with all winter wheat seeded, little increase in participation can be expected from the incentives in this change in existing law.

Mr. President, this is no time to further reduce farm income through a target price freeze. It is no time to attempt to balance the budget on the backs of farmers. To approve the legislation reported out of the Agriculture Committee would amount to callous disregard of the very serious economic problems faced by agriculture today. And it would be tantamount to turning our backs on farmers at a time when they desperately need our help.

Mr. President, I come from a family that raised me with the philosophy that once you shake hands with an individual, that becomes your word and your bond. In 1981, Congress shook hands with the farmers of America that their word was their bond in evolving a 4-year farm bill. Those farmers took that document, took it home, looked at the far-range future, decided what their planning needs were, what their costs of production would be estimated at, and then went to the banker carrying that 4-year farm bill. Bankers of America looked at that 4-year farm bill and said, "Our Government certainly would not change any rules in the middle of a ball game, and this is a valid document upon which to make loans to agriculture."

So, farmers borrowed and bankers loaned based on a commitment, based on a covenant, based on an agreement, and based on the honor and word of the U.S. Government in 1981, when we evolved a 4-year farm bill. Now, here it is, before the expiration date, and Congress went into a room and decided, let us balance this budget and start with the farmers by cutting \$3.5 bil-

lion off the target prices by freezing them and lowering them.

Senator MELCHER's amendment provides still a saving, as is requested by David Stockman of the Office of Management and Budget and this administration, because what his amendment does is require a \$4.45 per bushel target price on wheat in 1985. Had it not been for the abrogation of our commitment to the farmers in the 4-year farm bill, that target price would have gone to \$4.65 per bushel in 1985. So Senator MELCHER's amendment is saving vast sums in the budget for this Government. Yet, the administration feels those sums are not enough. Instead of \$4.45 per bushel, they are requesting \$4.38 a bushel.

I submit to my colleagues that it is a matter of priorities in this Hall, Mr. President. I further submit to them that we can burn down all our cities and save our farms and those cities will spring back up as if by magic; but burn down the farms and grass will grow in the streets of every city in this country.

Four percent of the people of this country engaged in agricultural production of farm commodities are not only feeding this Nation domestically, but also a great portion of the rest of the world. I think our priorities are misspent and misappropriated when we continue to look at agriculture with which to set foreign policy and with which to balance budgets.

I also submit, Mr. President, it is as important as the defense budget. Nobody is really taking big axes to that budget, but they sure turn to agriculture when they look to save \$3.5 billion, which is projected over several years into 1987, which the Office of Management and Budget has even admitted in the year 1987 may not even amount to a saving in the budget.

I should like to continue to relate to the seriousness of the problems that we do have in agriculture and why it is imperative that the amendment of the Senator from Montana be considered as seriously as we have considered any amendment, because not only is it an amendment to this target price freeze bill but it is a signal, an indication to the farmers of America and agriculture of whether we are going to embark upon a policy which says we are not concerned about where our food is produced, we are not concerned as to the economic welfare of agriculture, and we just do not give a damn about the future of how many people continue in the farming industry.

I should like to read a letter I received on March 16 from one of my constituents in the State of Nebraska. He writes:

DEAR SENATOR ZORINSKY: I am writing this letter to you out of sheer desperation. First of all, I would like to enlighten you on my particular situation. I had been born and raised on a farm. After I finished high

school, I helped my father farm till the Korean Conflict. I went to the Service and served two years in the Army. I was then released and I came home and worked with my father farming. He helped me start farming on a 160 acre farm of which I had to pay for part of it. I was married and raised my family on the farm. After 12 years of farming I bought another farm of 160 acres. In 1974, I put down an irrigation system. In 1975, I had a heart attack which required open heart surgery. I had no health insurance because I thought that if and when I would require hospitalization the veteran's hospital was there for me. My conditions were such that the heart specialist would not let me go to the veteran's hospital. Therefore, I had to pay a very large hospital and surgery bill. I worked after recovery for a while but couldn't do very much work. In March of 1983, I had another major heart attack at which time after extensive tests and medication I was released and declared disabled.

What I'm really getting at is this; I have two sons who are farming and ranching. One started in 1979 and the other started in 1981. As you very well know, the business of farming has deteriorated to the point where my sons cannot even get help from the bank to farm this year. One son has applied for an emergency FmHA loan, but was told that no more emergency loans are being accepted. My other son went to the Production Credit Association for help of which he hasn't gotten any help. I have put in just about all my assets in order to help them. Don't get me wrong, these two young men are farming over 1,900 acres and have had a 350 cow-calf herd. They each bought a parcel of land and are leasing the rest; and as you can tell, they work very hard and with the economy, the only thing they've accumulated is more debt. Incidentally, they are using tractors that were new in the 1960's. So you can see they have not gone out and splurged on new big machinery. They have a few pieces of machinery as they can get by on. I have a third son graduating from high school wanting to farm, but can't, so has to go on to school to study computer science.

As I said before, I've mortgaged my farm trying to help these young men get a start by which I have put myself in a vulnerable position. I guess what I am trying to say is that the farmers and the Agriculture of the United States is in great jeopardy. I've worked hard with all my family all my life and as you can see all I have from my farming is poor health, as do many farmers my age.

Many, many young farmers are forced off the farms, I would estimate between 15 to 25 percent this year because of inability to get operating credit. Should we experience another year as we had in 1983, at least 40 to 50 percent more farmers will have to quit because of the credit squeeze.

I hope and pray you can relate our very, very serious situation to the rest of the senators and representatives so that by some means we can save our basic and most valuable resource which is agriculture. As you very well know, the farm population is only three percent of the U.S., but 90 percent of the economy is directly or indirectly dependent upon agriculture. I hope that immediate action on this can be taken because as we know, the livelihood and future of many of our farmers need help very soon, or much land will have to remain idle because no funds will be available to these farmers. By all means the future of America depends

upon the success of the Agricultural industry. Incidentally, I am 55 years old and I consider this a poor reward for a life of hard work toward this country. So please let us help these farmers, namely the young farmers, in order for them to have a more rewarding life and a better feeling of true Americanism, and not feel like second-rate citizens.

If you would like more data on this very grave situation which needs immediate action, I would be glad to further inform you. Thank you for taking time to read and observe this carefully.

Respectfully yours,

Mr. President, I have an article from the Des Moines Register dated March 11, 1984, of which I would like to read several paragraphs into the RECORD.

Iowa banks could be carrying more than \$1 billion in questionable or bad loans by the end of this year primarily as a result of Iowa's poor farm economy, State Banking Superintendent Thomas Huston predicts.

"In 1975 when I started as bank superintendent, classified loans equaled about 16 percent of capital accounts. In 1983, it was 39.5 percent," Huston said in an interview last week.

While that represents a sharp increase, Huston says Iowa banks generally remain financially strong noting that many of those classified loans are "substandard," loans that are likely to be repaid eventually.

But the banking superintendent, whose family has been farming since 1846 near Columbus Junction, has warned Gov. Terry Branstad and state lawmakers that things could get worse by the end of 1984.

"I'm not an economist because I don't like predicting things. I like facts, and they tell me there is big trouble this year," Huston said.

"There are a lot of people in this state who are terminally ill financially," he added.

Huston's warnings are important because as the state's top bank regulator, he is privy to some of the best and earliest information about the condition of Iowa's farm economy as a new growing season approaches.

Mr. President, I ask unanimous consent that the remainder of the article in the Des Moines Register dated March 11 be printed in the RECORD.

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

[From the Des Moines Sunday Register, Mar. 11, 1984]

FARM ECONOMY CAUSES A CROP OF TROUBLED BANK LOANS

(By Tom Witosky)

Bank regulators are continually in the field conducting audits of state chartered banks. As a result, they also are listening to reports of problems farmers across Iowa are having trying to get operational money for this year.

Branstad and lawmakers, already faced with a state treasury barely in the black, say they are taking Huston's predictions seriously.

"I'm not as pessimistic as Mr. Huston, but he is making an excellent point," said State Representative William Harbor (Rep., Henderson), a grain elevator operator who has discussed the problems with Huston. "It's clear to me that he may not be that wrong, either."

House Speaker Donald Avenson (Dem., Oelwein) said many individual bankers have seconded Huston's assessment. "Some bankers are saying they might have to turn down as much as 25 percent of the operational loan applications" from farmers, he said.

Huston said he has met twice with Branstad and his staff in recent weeks and plans to meet with them again as the planting season progresses.

It was in the wake of these sessions with Huston that Branstad confronted U.S. Treasury Secretary Donald Regan, the superintendent says. The governor, who was in Washington, D.C., attending last month's meeting of the National Governors Association, was critical of the high interest rates farmers must pay.

After the meeting, Branstad accused Regan of being "insensitive" to the plight of farmers, who are entering another growing season facing as much as 14 percent interest on the operational loans.

In dollars, Huston said bank regulators last year classified more than \$308 million in loans, or almost 40 percent of all bank capital in the state, in three categories—substandard, doubtful and losses.

Substandard loans are those considered by regulators to have only minor problems and are likely to be repaid. Of all classified loans, substandard ones make up the greatest share.

Doubtful loans and those classified as losses are those for which regulators have little or no hope for repayment, usually forcing banks to write-off and pay for the loans.

Huston says he has little hope the growing tide of questionable loans can be standard in the near future.

"I just can't see anything that is going to turn this around. I don't know what we are going to do," he said.

As a result, he now predicts that classified loans by year's end will equal 60 percent of the capital accounts held by banks. In 1982, all Iowa banks reported capital accounts totaling \$2.2 million.

Capital accounts are those financed by bank stockholders with their own investment as well as any profits held over the years of operation.

On average, capital accounts in Iowa banks equal 9.5 percent of total assets, which Huston said is higher than the national average. He said that shows the relative strength of the state's banks.

The \$808 million in classified loans is less than 10 percent of all loans, according to 1982 bank figures reported to the Iowa Department of Banking.

Because of those factors, Huston maintains that almost all banks in Iowa remain solid. But, he adds, "I don't care how well fixed you are, you can't take a battering for a long time without getting into trouble."

"High interest means high risk and that is what this state has right now," he said.

"It isn't even the new farmers anymore," Huston explained. "I'm talking about the 50-year-old who has always paid his bills and always got the job done right. Interest rates are killing him and there is nothing he can do about it."

Already, Huston said, a number of banks are facing the reality of writing off a large amount of bad debt.

"It's tough telling a bank with \$20 million in assets that they have losses of \$500,000 to write off. That's two years of earnings for them," he said.

Huston and others contend there is a three-prong problem attacking even some of the most successful Iowa farmers.

Interest rates, they contend, are now so excessive that the costs of production far outstrip any profit possible from the sale of grain and livestock.

In addition, the interest rates are major factors causing plummeting land values that have cut the net worth of some millionaire farmers by as much as 50 percent.

To recover, some lenders are forcing their borrowers to put some of their land on the market. By doing that, however, it places greater downward pressure on land values.

Now, property once valued at \$3,000 an acre in some counties is for sale at \$2,000 or even less. And there is little or no market for it.

"With interest where it is, who wants to buy more land?" asked Huston.

Patricia Berry, director of the Farm and Land Institute of the Iowa Association of Realtors, said that multiple listings of Iowa farmland increased during the last two years and are expected to continue rising.

In 1982, there was 169,386 acres put up for sale in Iowa through these real estate brokers. In 1983, that increased to 230,582 acres or almost 25 percent. In addition, listings for January and February 1984 reflect a 27 percent increase when comparing figures for the same period in 1982 and a 6 percent increase from a year ago.

Berry said those figures don't include the amount of land put up for sale by forced auction or land sold without a real estate agent.

The declining land values place many farmers in a bind. Farmers who still owe money on loans which were acquired in the days of higher land values suddenly are staring at reduced equity in the same property. Yet, they still need additional loan money to finance this year's purchase of seed fertilizer, fuel and feed.

Huston said a majority of the state-chartered banks will be confronted with very tough decisions this month, particularly when considering an operational loan for a farmer already heavily in debt.

"The majority of banks will face those kinds of problems one way or another. It has grown the last two or three years, but this will affect just about everyone," he said.

Huston said that no one should be fooled by reports that the recovery in the national economy is having any effect here on the farm industry.

"Things might be better in Michigan, but there is real trouble here, Iowa is in a quagmire that it can't escape. No one should be fooled that Iowa is going to get out of it. High interest rates won't work to help Iowa," he said.

(Mr. EVANS assumed the chair.)

Mr. ZORINSKY. Mr. President, I would now like to conclude with an article from the Lincoln Star newspaper. It is a story about a family that sold its farm after 284 seasons of farming and now they are going out of business.

The story begins with Elmer Stone first seeing his family's new farm.

[From the Lincoln Star, Mar. 9, 1984]

STONE FARM SOLD AFTER 284 SEASONS TO PAY BANK

(By Andrew H. Malcolm)

When Elmer Stone first saw his family's new farm here, he was 3 years old. The

president's name was William Howard Taft. And there was no such thing yet as a World War.

Now there is no such thing as an Elmer Stone farm.

This year there is a new dimension to the farm bankruptcy problem. Among the hundreds going out of business are long-established farmers once considered largely immune to catastrophic financial difficulties.

Despite optimistic talk out of Washington about adequate farm credit, three years of high costs and soft commodity prices have eroded farmers' equity so much that substantial operations are threatened. And the failure of men considered leaders by their peers adds to the fears of the remaining farmers.

There are no overall statistics yet. But spot checks indicate continuing high interest rates are taking an unexpectedly heavy toll this year in farm bankruptcies, foreclosures and forced sales.

"I'm booked every day all winter into next month," said Leo Wolf, one auctioneer.

"I've never seen it like this," said Dale Frederickson, a neighbor of the Stones. "It's a bloodbath out here this year."

Page after page of county newspapers around the region are filled with farm sale advertisements: Eugene Shafer, Howard Overton, Ross and Dorothy Reeve, Norm Yates, the Bundy brothers, Dennis and Cindy Stradley and, this week here, Elmer and Mildred Stone.

Work hard on the land, his father taught him, and everything else will work out. Stone's father, Stone and Stone's son did work hard on the land here in central Nebraska.

For 71 years, or 284 seasons, the Stones raised thousands of cattle, mowed tons of hay, milked millions of pounds of milk and harvested thousands of bushels of corn. All the hard work seemed to pay off—until Tuesday morning.

"Elmer," said the loudspeaker voice of Wolf, the auctioneer, "everything's going, that right?"

"You're the boss," said Stone. And within seven hours and 27 minutes all the accumulated property of three lifetimes—the tractors and trucks, the balers and wire, the seeds and the cows, the troughs and the nails, the house and all the family land—was sold, going to the highest bidders to pay the bank.

Hundreds of strangers and neighbors, farmers, gardeners, speculators, small contractors, collectors and the merely curious, picked the Stones' farm clean. Everything went except the crippled calf. Nobody wanted it so Stone's son bought it back for \$10.

Mildred Stone, who at the age of 70 was milking cows at dawn until the last day, stood in the yard bundled against the cold and spoke little.

"Oh," she said into hands covered with oft-darned gloves, "there goes the old shovel. Oh, God!"

"The banks are just clamping down all over," said Frederickson, who is worried about his own loan this year. "What do you think's gonna happen to food prices when all the small farmers are gone and the banks and big food companies control the land?"

"It's tougher than it's ever been," said Gary Klein, a loan officer. "We have more delinquent loans. Interest rates stay high. Crop prices are marginal. Land values are falling. These guys lose a little one year and

the next they're paying interest on last year's interest. They're pushing a snowball up a hill; it gets bigger and bigger and one day it falls back down on them. And these are very good farmers, shrewd hard workers. The losers are long gone."

One banker, who asked not to be identified because he gets angry calls at home, said this year's typical farm sale involved a father and son who expanded in the late 1970s, according to all the advice of banks and government to get bigger to survive.

Profits were poured into expansion instead of debt retirement and now the burden of 15 percent interest rates is overwhelming farmers who feel lucky to make a 5 percent profit.

"The lenders were perhaps too eager for the business," said the banker, "We told ourselves, 'If we don't make that loan, someone else will.'"

"When you see community pillars like Elmer go," said Norman Marsh, another farmer, "everybody starts wondering about himself. There's a lot of bitterness."

Personally, the toll is great too. The 74-year-old Stone, former chairman of the county hospital board, the school board and the co-op grain elevator, has had two heart attacks.

His 33-year-old son, Steen, whose 15-hour days helped build their farm to around 500 acres and their herd to 125 head, experienced strains in his marriage. And most mornings out in the barn milking about 4 a.m. if he thought too much about the debts, he'd find himself coughing. His 5-year-old son, Nicholas, was silent for two days before his mother, Rogene, discovered the reason: he thought the auctioneer was going to sell Brandy, his dog.

"It's a relief like getting out of prison," said the younger Stone, a university graduate, "I'm mailing 100 resumes to 48 states. I don't care if I never farm one more acre. I know a college degree won't guarantee a job, but I'm no stranger to hard work."

The Stones told friends they wanted no demonstrations or protests. Elmer Stone said all the proceeds, around \$80,000 for the machinery and personal belongings plus \$385,600 for all the land and buildings, would go toward his \$700,000 debt. Mrs. Stone said the bank, which let them keep a cottage in town, had promised to hold them responsible for only half the remainder, at 13 percent annual interest. "But since we can't earn a living now," she said, "I don't know how we'll pay."

An officer at the bank, Commercial National Trust Co. of Grand Island, refused to discuss specifics of the Stone family's loan. To avoid emotional confrontations, the family attorney, Pat Shaughnessy, asked bank officials not to attend the sale.

"They always come all dressed up in their big shiny cars," said one farmer. And his neighbors in their muddy coveralls and baseball caps laughed loudly.

The Stones spent weeks taking inventory and arranging their possessions. While a pale sun tried to melt the frost on bare trees overhead, the auctioneer's rapid-fire banter led more than 400 buyers to bid on fence posts, metal gates, calves, trucks, buckets of nails, chains. A \$60,000 self-propelled silage chopper went for \$8,100. The first thing to go was a pitchfork for \$6.50. The last was a vise for \$1.50.

In the late afternoon, by joking, prodding, shaming, even offering bids himself, Wolf, the auctioneer, had moved the price per acre of Stone's 322-acre homestead from

\$405 up to \$800, still barely two-thirds its estimated worth.

"Elmer, where's Elmer?" Wolf called out to the crowd just before the end. "Elmer, I want you to see Mr. Forbes there before I say, 'Sold!' He's buying your land for \$800. OK?"

Stone, who was standing by his wife, said something, "What did ya say, Elmer?" asked the auctioneer.

Stone cleared his throat. "I said," he said, "if that's it, that's it."

Mr. President, these are typical of events taking place on a daily basis in the rural areas of America.

While we may talk back here in Washington about how great the economy is, it is pretty hard to convince the rural areas, specifically the Mr. Stones who have farms in jeopardy as the Stone farm was, that there is a light at the end of the tunnel that they can count on.

I think one of the lights, a small glimmering light, is the amendment that is being offered on the floor today that the Senator from Montana has offered.

On behalf of all the Stone farms and on behalf of all the farmers in this type of an economic position, Mr. President, I beseech my colleagues to support the Melcher amendment in increasing the target price on wheat in 1985 to \$4.45 a bushel which will still in effect be 20 cents a bushel less than it would have been had this administration and had this Congress had the guts and integrity and the honor to honor the commitment of the 4-year farm bill wherein these target prices were written.

Mr. President, I will in all probability vote against the final passage of this bill regardless of the outcome of the Melcher amendment, inasmuch as I think it is very important in this day and age, especially, with what is taking place around the world, to once again gain respect for making a commitment to people, whether it be to foreign nations or whether it be to our own citizenry in this great country of ours.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. 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. MELCHER. Mr. President, in a few minutes we will be ready to vote on the amendment that we have offered on the 1985 target prices for wheat. This amendment deals simply with increasing the 1985 target price from \$4.38 as is carried in the bill to \$4.45.

Now, it is an easily understood amendment. It is an amendment that, in factoring out the savings in reduc-

tion of the 1985 target price from \$4.65, as is in the current law, down to \$4.45 for the 1985 crop, can be represented as a savings of \$340 million. The effect of the amendment is to hold that savings on target price reduction for the 1985 wheat crop to just that amount. If the additional 7 cents reduction in target prices is allowed, as is recommended in the bill, down to \$4.38, it also follows that that would be an additional savings of \$120 million which my amendment would wipe out.

Now, is that prudent? I think we have to view the bill as it affects the other commodities of cotton, rice, and corn in comparison to wheat.

The only commodity of the four in the bill that will have a reduction in the target price for both the 1984 and 1985 crops is wheat. So wheat in itself gets sort of a double whammy in that the bill will lower the target price for both years, 1984 and 1985.

It also should be noted that the Secretary of Agriculture has announced the loan rate for wheat will be reduced from \$3.65 per bushel where it was for the 1983 crop to \$3.30 for the 1984 crop and subsequent years after that.

So, in effect, the wheat producers of this country are getting a triple whammy: a reduction in the target price for their 1984 crop, which no other commodity is asked to sacrifice; a reduction in target price of 27 cents per bushel for the 1985 crop; and a reduction in the loan rate of 35 cents per bushel for both crop years 1984 and 1985, and carried on into the future, so far as the Department of Agriculture computations and estimates are concerned.

I think that is probably hitting wheat too hard. That is my judgment, and that is why we seek to alleviate some of that hit by reducing the amount of the target price reduction for the 1985 crop.

There has been discussed from time to time—and part of that discussion was yesterday—on a delay of consideration of modifications to the wheat program. That should be brought into proper context and should really be factual rather than some sort of mythical discussion.

The delay of the wheat program was brought about by the actions of the administration and the delay in consideration of the wheat program, modifications for the 1984 and 1985 crop, until just the past several days. Last year, the administration asked us early in the fall to consider freezing the target price for wheat at \$4.30 for the 1984 and 1985 crop years. That was not appealing to any of us from the wheat country, and it certainly would have been extremely damaging to wheat farmers throughout the country. So no action was taken by the Senate.

Late in the session last year, the House did act on a target price reduction for those 2 years, for wheat and wheat alone. That bill came from the House with the very number of the bill we are working on now, H.R. 4072. No action was taken by the Senate. The bill was referred to the Senate Agriculture Committee, where it was held during the rest of that session, the remaining days of last year's session of Congress, and began to be discussed afterward, in January and February of this year.

The final action on that, or the definitive action on that, in the committee came only when the administration approached us, in the personages of Secretary John Block and Office of Management and Budget Director David Stockman, not only to consider reducing the target prices for wheat but also for the 1985 crops of cotton, rice, and corn. The committee did that, and that brings us to the point we are at right now.

We have, of course, come a long way from the point of just freezing target prices for wheat for the 1984 and 1985 crop years. The bill before us, as it affects wheat, is much more appealing to wheat producers than had been thought possible and still receive administration endorsement.

To the extent that the Senate Agriculture Committee patiently dealt with Secretary Block and Budget Director David Stockman, to arrive at the point we are at now, there has been some real gain on the part of the committee in its efforts to help wheat producers.

However, I must point out that as it affects the wheat program for wheat producers throughout the country, where we arrived at is exactly what the House passed in their wheat program in the waning days of last year's session. We have not gone beyond that. The amendment I offer would go beyond it in a very modest way—7 cents additional target price for the 1985 crop, bringing it up to \$4.45.

There has been some discussion on what will happen to this bill in conference. Adoption of the amendment we have offered will in no way inhibit or delay in conference the agreement by the House to this bill. As a matter of fact, if we are not going to amend this provision as we have offered, what we could do is simply return H.R. 4072, the House-passed wheat bill, to the House exactly as they passed it, without any of the additional commodities being involved.

I do not recommend that. However, it is not because of the additional commodities that have been added to the bill. That particular point does raise problems in the House. There may be problems in conference. If there is a problem with the House accepting this legislation passed by the Senate in

anywhere near its present form, it will be because of the addition to the bill of rice, cotton, and cotton in the 1985 crop. If it were agreeable to the rest of the Senate, I would be perfectly delighted to drop those other three commodities from the bill. I have no quarrel with dropping them. The advantage to dropping them would be the advantage of easier passage in the House. The conference would be quicker. It could be resolved quickly, and we would have a wheat program for 1984 and 1985 laid on the President's desk, and very quickly.

However, there are other provisions in this bill to which I must pay homage, and they deal with food for peace, credit allowances for Farmers Home Administration, and credit allowances for exporting commodities from the United States, in the form of credit extension and blended credits and various means of assisting exports of U.S. surplus commodities.

So those features that have been added to the bill should be retained in the bill, even if they do cause us some problem in conference. I doubt whether they are objectionable to the House. The problem we face over there will simply be created—if there is a problem—by addition to this bill of the rice, cotton, and corn provisions for the 1985 crop.

Mr. President, 1985 is going to be a very significant and critical crop year for agriculture producers. The loss of protection on target prices for various commodities will be felt by then, and I want to address myself principally to the loss of target price protection for the wheat producers in the 1985 crop. That reduction from \$4.65 to \$4.33—in other words, the 27-cents-per-bushel reduction—is a very significant reduction. Coupling that reduction with the fact that there will be some paid diversion for cooperators in the farm wheat program for next year does not mean they are going to break even with what they give up on target prices and get the same amount of money back on paid diversion.

That will not be the case. They will lose more than they gain on the paid diversion for the 1985 crop.

In light of that, we offer this amendment to be the equalizer effect, and myself and others offering the amendment have attempted to find any means of finding an acceptable method and an acceptable level to have this amendment agreed upon by, first of all, the members of the committee from the Republican side and, second, by the manager of the bill.

So far we have not succeeded and it does not appear that we will succeed to have any agreement at any level for improving the target price for 1985.

I wish that we could find an agreeable level so that 1985 target prices for wheat producers would not be as bad as it is in this bill as recommended, in

other words, the loss of 27 cents per bushel in target price protection.

So far, nothing has been acceptable at any level. We waited and anticipated perhaps something less than 7 cents per bushel for the 1985 crop would be acceptable but so far nothing has been found to be acceptable.

So, the 1985 wheat production will be under further stress than should be the case. I hesitate to predict how serious this will be for wheat producers for next year, but let me just state that I fear the consequences of it and I hope that there are other means of helping wheat producers between now and then.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TRIBLE). The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I shall take only 1 minute.

First, I compliment the distinguished Senator from Montana, Senator MELCHER, because, as he has indicated, over the course of the past several months we have been trying to get legislation passed, and I think very honestly, although I have disagreed, his reluctance to let us move ahead may have contributed directly to improvements in the bill. If that is the case, then I compliment the Senator from Montana.

But I do believe we have reached a point that we need to move. Every minute we wait or every day we wait just causes farmers that much more frustration.

Even though we are reducing the target prices in the wheat areas, that does not distress the farmers. They are distressed more about interest rates, Federal deficits, grain embargoes, and things of that kind, high interest rates, high fuel costs.

I might suggest I just had a postal card this morning from Meade, Kans., from a farmer saying go ahead and reduce the target prices but let us get the bill passed.

So I think that is the thing we really need to do.

I wish to thank the Senator from Montana for letting us reach this point, and I also thank the distinguished chairman for his leadership.

Mr. HELMS. Mr. President, the Senator from Kansas is exactly right.

Congress simply must act and act without delay, if these revised programs are to be in place for the 1984 wheat crop. Every day that we delay is that much more inconvenience and that much more burden on the farmers. Winter wheat will be harvested in the South within a few months.

Beyond that, farmers are now preparing for spring planting, and are meeting with their bankers to arrange financing for the spring season. The farm credit provisions of this bill can be of immediate help to hard-pressed farmers who are borrowing money

from the Farmers Home Administration.

In North Carolina, an average of 15 percent of the corn is planted by April 4 in a typical year, and 31 percent by April 11. Farmers—and their lenders—cannot afford to wait much longer for Congress to act, or these dates will be upon us. We must move quickly in order for USDA to implement these new provisions in time for the 1984 wheat crop.

Mr. President, I remind my colleagues that this legislation must still go to the House of Representatives before it can go to the White House. These additional steps make it all the more important that the Senate move quickly.

Mr. BAKER. Mr. President, I am prepared now to move to table the amendment. Once again, I have no desire to cut off anyone who wishes to speak, but I believe we have exhausted the debate on this amendment.

Therefore, I move to table the amendment and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER. I announce that the Senator from Illinois (Mr. PERCY) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

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

The result was announced—yeas 68, nays 25, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—68

Abdnor	Evans	Long
Armstrong	Garn	Lugar
Baker	Glenn	Mathias
Biden	Goldwater	Mattingly
Bingaman	Gorton	McClure
Boschwitz	Grassley	Metzenbaum
Bradley	Hatch	Mitchell
Chafee	Hatfield	Moynihan
Chiles	Hawkins	Murkowski
Cochran	Hecht	Nickles
Cohen	Heinz	Nunn
D'Amato	Helms	Packwood
Danforth	Humphrey	Pell
Denton	Jepsen	Pressler
Dixon	Kassebaum	Proxmire
Dole	Kasten	Quayle
Domenici	Lautenberg	Roth
Durenberger	Laxalt	Rudman
East	Levin	Simpson

Specter	Thurmond	Wallop
Stafford	Tower	Warner
Stevens	Trible	Wilson
Symms	Tsongas	

NAYS—25

Andrews	Ford	Pryor
Baucus	Heflin	Randolph
Bentsen	Hollings	Riegle
Boren	Inouye	Sarbanes
Bumpers	Johnston	Sasser
Burdick	Kennedy	Stennis
Byrd	Leahy	Zorinsky
Eagleton	Matsunaga	
Exon	Melcher	

NOT VOTING—7

Cranston	Hart	Welcker
DeConcini	Huddleston	
Dodd	Percy	

So the motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I am encouraged to think that we may be coming down the homestretch. I would urge Senators to remain here and try to finish this bill before we recess subject to the call of the Chair at 3:10 p.m. for the joint meeting with the House of Representatives.

Mr. President, in any event I think we can finish very soon and we ought to be able to finish the bill before the recess.

AMENDMENT NO. 2830

(Purpose: To add a provision to the bill relating to surplus food commodities trade and donations)

Mr. MELCHER. Mr. President, I send an amendment to the desk on behalf of myself and Senators ZORINSKY, BAUCUS, HUDDLESTON, and BURDICK, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself, Mr. ZORINSKY, Mr. BAUCUS, Mr. HUDDLESTON, and Mr. BURDICK, proposes an amendment numbered 2830.

Mr. MELCHER. 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:

Add at the appropriate place in the bill a new title as follows:

TITLE—SURPLUS FOOD COMMODITIES TRADE AND DONATION
SHORT TITLE

SEC. . This title may be cited as the "Surplus Food Commodities Trade and Donation Act of 1984".

FINDINGS AND POLICY

SEC. . (a) Congress finds that—

(1) the Commodity Credit Corporation owns substantial amounts of surplus dairy

products and wheat and pays millions of dollars each year to store such commodities;

(2) the amount of dairy products and wheat it is estimated will be disposed of under current domestic Government distribution programs during 1984 and 1985 will be less than the surplus of such commodities that will accumulate during those years;

(3) approximately 1,000,000,000 people (one-fourth of the world's population) currently suffer from malnutrition;

(4) chronic malnutrition results in high death rates, blindness, severe physical and mental damage, reduced motivation, learning, and work capacity, and increased vulnerability to infectious diseases (especially among the young and elderly populations of developing nations), and (in nations where chronic malnutrition is prevalent) hinders national development;

(5) over 100,000 children go blind every year because of malnutrition;

(6) many nations lack the means to acquire sufficient supplies of nutritious foods to combat malnutrition because of the cost of such products and the weak economies of such nations; and

(7) an increase in the quantities of surplus dairy products and wheat provided by the Commodity Credit Corporation to other nations through concessional sales or donation programs, under single year or multiyear agreements, will reduce malnutrition, stimulate development, reduce surpluses that overhang the markets and depress United States farm prices, improve markets for United States exports, and develop trading partners and allies for the United States.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest that efforts be made to increase the quantities of surplus dairy products and wheat that are provided by the United States to other nations by authorizing the Commodity Credit Corporation to undertake concessional sales and foreign donation programs, under single year or multiyear agreements, in addition to those currently being undertaken by the Commodity Credit Corporation.

SALES AND DONATION OF DAIRY PRODUCTS AND WHEAT

SEC. . Effective for the period beginning on the date of enactment of this Act and ending September 30, 1994, section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), as amended by section 502 of this Act, is further amended by—

(1) striking out the last two sentences of subsection (a); and

(2) adding at the end thereof a new subsection (c) as follows:

"(c)(1) To the extent the Secretary of Agriculture determines appropriate to dispose of surplus quantities of dairy products and wheat, the Commodity Credit Corporation shall export dairy products and wheat acquired by the Commodity Credit Corporation through price support operations through (A) sale on concessional credit terms; (B) donation; or (C) any combination of such sales and donations: *Provided*, That such exports may not be made in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available under this section, through donations, to domestic nonprofit feeding programs or agencies. The Commodity Credit Corporation may export dairy products and wheat under this subsection under agreements with foreign governments and public and nonprofit private humanitarian organizations under such terms and conditions as

the Secretary of Agriculture deems appropriate. The Commodity Credit Corporation may enter into agreements to provide dairy products and wheat under this subsection in installments over an extended period of time. The Commodity Credit Corporation may exchange its stocks of such commodities for similar products produced domestically that will more nearly meet the needs of importing nations, under this subsection.

"(2) For the purpose of carrying out concessional sales of commodities under this subsection, the Commodity Credit Corporation is authorized to finance the sales and exportation of such commodities and, when requested by the purchaser of such commodities, may serve as the purchaser's shipping agent in arranging the ocean transportation of such commodities.

"(3) With respect to commodities furnished for donation under this subsection, the Commodity Credit Corporation may pay costs for packaging, enrichment, preservation, and fortification of the commodities, and processing, transportation, handling, and other incidental costs up to the time the commodities are delivered free on board vessels in United States ports; ocean freight charges from United States ports to designated ports of entry abroad; transportation from United States ports to designated points of entry abroad (A) in the case of landlocked nations, (B) whenever ports cannot be used effectively because of natural or other disturbances, (C) whenever carriers to a specific nation are unavailable, or (D) whenever a substantial savings in costs or time can be effected by the use of points of entry other than ports; and charges for general average contributions arising out of the ocean transport of such commodities.

"(4) All costs and expenditures incurred in connection with the furnishing of commodities under this subsection shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954. In order to ensure that the provision of commodities under this subsection is coordinated with, and complements, other United States foreign assistance programs, agreements shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954.

"(5) In furnishing dairy products and wheat under this subsection, the Secretary shall ensure that—

"(A) the commodities exported for donation will be used for humanitarian feeding programs that directly benefit needy persons except that any agreement entered into under the authority of this subsection may permit the sale or barter—by the government of the importing nation or by a private voluntary organization or cooperative within the importing nation, or in any nation, for use in assisting needy persons—of the dairy products or wheat furnished in any fiscal year under such agreement. The proceeds of such sales or barter shall be used in accordance with section 201(a) of the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That not more than thirty percent of the total dairy products and wheat provided under this subsection worldwide may be used in any fiscal year for such sale or barter; and

"(B) insofar as possible, (i) any disposition of the commodities is made in such manner as to encourage increased use of commodities and (ii) agreements avoid displacing usual marketings of dairy products, wheat,

or wheat products by the United States or any other nation.

"(6) Section 110 of this Act shall not be applicable to concessional sales made under this subsection.

"(7) The Secretary shall issue such rules and regulations as are necessary to carry out this subsection."

SPECIAL UNITED STATES AGRICULTURAL TRADE OFFICES

SEC. . Title VI of the Act of August 28, 1954 (7 U.S.C. 1761 et seq.), is amended by—

(1) inserting, before the period at the end of section 605A(a) (7 U.S.C. 1765a(a)), a comma and the following: "and three special United States Agricultural Trade Offices to carry out the program provided for in section 605H of this title"; and

(2) inserting after section 605G (7 U.S.C. 1765g) a new section 605H as follows:

"Sec. 605H. (a) The three special United States Agricultural Trade Offices, established under section 605A of this Act, shall have the special responsibility of assisting in the implementation, in the parts of the world in which they are located, of the program of concessional sales and donation of dairy products and wheat provided for under section 416(c) of the Agricultural Act of 1949. The Secretary shall maintain such offices in operation until September 30, 1994. One such office shall be located in Manila, Philippines, one such office shall be located in Mexico City, Mexico, and one such office shall be located in Dakar, Senegal.

"(b) Not later than March 31, 1994, the Secretary shall assess the effectiveness of the special United States Agricultural Trade Offices established under section 605A and submit to Congress a report of the Secretary's assessment, including the Secretary's recommendation on whether the offices should continue in operation.

"(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Mr. MELCHER. Mr. President, for the past 10 months or so some of us have been working on amendments to be offered to section 416 of the Agricultural Act of 1949. Section 416 of the Agricultural Act allows for distribution of surplus dairy commodities abroad under very favorable circumstances to those people who are truly malnourished and who are in friendly countries in relationship to the United States.

It is a program that has a great deal of latitude, and, as far as the international charitable organizations are concerned that deal with food distribution abroad, recommendations that they feel are necessary to improve section 416 are incorporated in this amendment.

The organizations I am speaking of include CARE, Lutheran World Relief, Catholic Relief Services, the Cooperative League of the United States of America, Bread for the World, other church organizations, and a whole host of international organizations that participate in food distribution abroad to friendly countries.

It is through their efforts that much of the hunger and malnourishment that the United States can alleviate abroad has become effective.

What they are telling us is to broaden section 416 to include wheat along with dairy products to become available for this type of distribution abroad.

In addition, these organizations tell us that they want multiyear programs, that they want a little more latitude than is available under title II of food for peace or Public Law 480; that they want monetization of the commodities in order to aid in the distribution and reprocessing and educational needs for the proper use of the commodities in these friendly countries.

In addition, there must be some effort in arriving at conditions where the agricultural production in the particular countries involved is improved. This monetization that they request and feel to be very necessary is included in this amendment. The multiyear provisions are included in this amendment.

Also, Mr. President, they want it clear that the farmer can be part of the process. That is included in this amendment. I think that it is fair to say that the amendment is looked on very favorably and strongly supported by the State Department, because the AID people who work with our foreign friends and food distribution programs also agree that amendments to section 416 would make the program much more effective.

Mr. President, it is in this light that we offer this amendment at this time and hope that the Senate will agree to it as a wise step forward.

Mr. President, I ask unanimous consent that Senator BOREN may be added as a cosponsor.

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

The Senator from Kansas.

Mr. DOLE. Mr. President, as I understand it, the Senator from Montana will modify his amendment. Is that correct?

Mr. MELCHER. Mr. President, it is my understanding that in order to have it acceptable, the amendment should have some modifications in it. I am willing to do so.

I have a modification before me. Several people on the committee and others in the Senate have been working on amendments to section 416 and we wish to make this a joint effort and a satisfactory effort to all concerned.

Mr. DOLE. I take it if the amendment is modified, it would delete references to concessional financing arrangements; confine section 416 authority expansion to wheat only in addition to dairy; it would not require monetization of section 416 commodities; and would delete mandatory language setting up an agricultural trade office—ATO's—in Manila, Mexico City, and Dakar.

As I understand it, after discussing this with the chairman, there is a 1-page modification. If the Senator from

Montana modifies his amendment, I would think it would be helpful.

Mr. President, I say to the chairman I think if he modifies his amendment, it will be accepted.

Mr. HELMS. Mr. President, I would want to see the final version.

Briefly, 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. HELMS. 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. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Does the clerk have the modification?

The PRESIDING OFFICER. The clerk does have the modification.

Mr. HELMS. Has the amendment been so modified?

The PRESIDING OFFICER. It has not been so modified. It requires a request by the Senator from Montana to amend his amendment, to be done by unanimous consent.

Mr. HELMS. I thank the Chair.

Mr. MELCHER. Mr. President, the modification to the amendment that I am going to send to the desk in a moment will incorporate the points that I stressed in my previous remarks. Wheat will be added to section 416, along with dairy products. It will be made clear that monetization will be allowed and that monetization, I repeat, refers to the opportunity for reprocessing or packaging or handling or other charges that are concerned with distribution and utilization of the food. It should be noted that we viewed that this would include some educational needs that would be met and instructions on how to use the food. It should also be noted that we are yet concerned over the opportunity for the monetization to be allowed to cover the provision of some assistance in development of the agricultural production of the countries involved.

The last point we would like to make is that we want to make clear that, under the discretion of the Secretary and the Commodity Credit Corporation, these can be multiyear programs. It is on that basis that I send this modification to the desk, Mr. President, to modify my own amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment was modified.

Amendment No. 2830 as modified is as follows:

Add at the end of Title V a new section as follows:

Sec. . Section 416(a) of the Agricultural Act of 1949 (7 U.S.C. 1431), as amended by section 502 of this Act, is amended by striking out the last two sentences and inserting in lieu thereof the following: "Such dairy products and wheat acquired by the Commodity Credit Corporation may also be donated through foreign governments and to public and nonprofit private humanitarian organizations for the sale or barter, as approved by the Secretary, and direct distribution of such commodities for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities and products thereof so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery. The Commodity Credit Corporation may enter into agreements to provide dairy products and wheat under the preceding sentence in installments over an extended period of time. The proceeds and services realized from the sale and barter of such dairy products and other commodities and products thereof by public and nonprofit private humanitarian organizations shall be used exclusively for such activities as are approved by the Secretary that are consistent with providing assistance to needy people. No portion of the proceeds or services realized from such sale or barter may be used by such organizations to meet their operating and overhead expenses. To ensure that any such donations for use outside the United States complement, and are coordinated with, other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act."

Mr. MELCHER. Mr. President, I think I have adequately described the modification. I hope the Senate can accept the amendment.

Mr. HELMS. Mr. President, the Senator has indeed described the amendment accurately. Not only am I willing to accept the amendment, I endorse it. I commend the Senator on his work.

The PRESIDING OFFICER. Is there further debate?

Mr. ZORINSKY. Mr. President, the minority concurs with the Senator from North Carolina in accepting the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Montana, as modified.

The amendment (No. 2830), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

ORGANIC FARMING

Mr. LEAHY. Mr. President, the American farmer today faces ever-increasing costs of production, from fertilizer and pesticides to gasoline for his machinery. The cost of financing farm operations has soared.

Too often, conservation measures are abandoned as too expensive as farmers must plant as many acres as possible to keep up with production costs, particularly when farm prices are low.

As a result, soil erosion and other problems with natural resources have increased measurably.

Mr. President, the Department of Agriculture released a report in 1980 entitled "Report and Recommendations on Organic Farming." It found that alternative methods of crop production can save farmers money and improve their overall financial picture. At the same time, these methods can reduce soil erosion, and because of less emphasis on chemical inputs, pollution associated with runoff from fields is significantly lessened.

Interest in organic farming is high. Thirty-eight thousand copies of the report were requested and it was translated into three different foreign languages.

Mr. President, organic farming does not, as some charge, mean a return to the horse and buggy days of agriculture. It is an approach to farming that has its roots in the proud and independent tradition of the family farm which includes preservation of land and a respect for self-sufficiency.

This tradition has a home in Vermont, and I am sure in other parts of the country as well.

Organic farming methods include crop rotation, intercropping, and non-chemical control of weeds and pests.

Mr. President, I have introduced legislation, S. 1128, that would set up 12 on-farm research projects. This hands-on research will provide us with information on the feasibility and practicality of organic farming.

Farmers will be able to watch as these demonstration farms make the transition from chemical-intensive agriculture to organic farming over a 5-year period.

Many variables will be tracked during the study. Soil strength, costs of production, water and energy use, crop yields, and pest control will be among the items scrutinized carefully.

Farmers will be able to visit these farms, to see for themselves whether organic techniques could work on their operations. It is an opportunity they should have.

In addition, the Secretary of Agriculture would be required to conduct an inventory of existing USDA research materials and insure that those dealing with organic farming are available through the extension service. The Secretary would also have to recommend to the Congress areas which may need additional study.

The general lack of information available on organic farming only underscores the necessity for the research contained in my bill.

This legislation has already passed the House of Representatives. The bill I introduced here in the Senate has been cosponsored by 17 of my colleagues—Senators ANDREWS, BAUCUS, CHAFEE, CRANSTON, D'AMATO, HART, HAWKINS, HUDDLESTON, MITCHELL, SASSER, STAFFORD, ZORINSKY, MOYNIHAN, KENNEDY, SARBANES, LEVIN, and CHILES.

It is supported by the National Governor's Association. I ask unanimous consent that a letter from the distinguished Governors of the States of Montana and North Dakota be entered into the RECORD.

It is also supported by 24 other groups. I ask unanimous consent that a list of these groups appear in the RECORD at this point.

The Des Moines Register, an acknowledged leader in agricultural journalism, contained the following editorial on organic farming nearly 2 years ago. I ask unanimous consent that this article appear in the RECORD.

It is clear, Mr. President, that the time is now to move forward on this needed research. I ask that my colleagues join with me in this positive effort.

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

NATIONAL GOVERNORS' ASSOCIATION,
December 16, 1983.

HON. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR LEAHY: We are writing to offer our strong support for S. 1128, the Agricultural Productivity Act of 1983, which you introduced with 12 cosponsors, which is designed to promote more efficient and sustainable methods of farming. We note that the House companion to this legislation, H.R. 2714, recently was reported out of its Committee on Agriculture and could reach the floor of the House for a vote in early 1984.

The U.S. is blessed with one of the most innovative agricultural systems in the world. At the same time, we are faced with soil erosion rates which threaten our future food supply and increasingly limited water resources due to competition and degradation by silt, agricultural and industrial chemicals, and salinization. The consequences of such threats to future productivity are seldom immediately visible because the impacts take decades to assess. Mechanisms for addressing these problems must be created now.

We support the Agricultural Productivity Act because there is a pressing need to develop alternative agricultural cultivation practices that minimize the degradation and loss of our eroding soil declining water resource base and that reduce the dependence of our agricultural producers on expensive and limited forms of energy.

The Agricultural Productivity Act is a positive first step for diversifying our system of farms and building a more sustainable agricultural industry. This legislation would require that our state-federal agricultural research and extension stations develop and promote successful agricultural methods that have been demonstrated to

make more efficient use of our natural resources.

The National Governors' Association is committed to the protection of our natural resource base and we support prompt consideration and enactment of this important and timely legislation.

Sincerely,

Governor TED SCHWINDEN,
Chairman, Committee on Agriculture.
Governor ALLEN I. OLSON,
Chairman, Soil Conservation Task Force.

SUPPORTING GROUPS

National Farmers Union.
National Grange.
National Association of Conservation Districts.
Texas Department of Agriculture.
Center for Science in the Public Interest.
Texas Center for Rural Studies.
Wisconsin Natural Foods Association.
The Rural Coalition.
National Nutritional Foods Association.
Clean Water Action Project.
National Audubon Society.
Friends of the Earth.
National Farmers Organization.
American Farmland Trust.
Soil Conservation Society of America.
Massachusetts Department of Agriculture.
Carolina Farm Stewardship Association.
California Agrarian Action Project.
New York Natural Foods Association.
Center for Rural Affairs.
National Coalition Against the Misuse of Pesticides.
Sierra Club.
Natural Resources Defense Council.
National Sharecroppers Fund.

[From the Des Moines Register, June 17, 1982]

A "No" TO ORGANIC FARMING

Interest in organic farming is spreading, fed by growing concern over rising farm costs and the depletion of soil and water resources. More farmers and farm organizations are urging the Department of Agriculture to increase research on organic-farming methods.

Worried congressmen have introduced legislation to pump \$14.5 million into organic research over the next five years, but Agriculture Secretary John Block has declared strong opposition to the measure and has dispatched top aides to try to undercut it.

Block's excuse is that this is the wrong time to start new programs requiring more federal spending—a shortsighted approach that owes more to bureaucratic bookkeeping than to concern for the fate of American farmers and their productivity.

Block's thinking is all too typical of the Reagan administration, which has backed the continuation of government programs that favor or subsidize big industries while rejecting promising experimental ventures. It happened in energy policy, where the administration bet on the costly nuclear and synthetic-fuels plans of the big power and oil industries while turning away from solar development.

Organic farming attracted considerable interest after a 1980 Agriculture Department report concluded that its techniques are practical for large-scale operations, that organic farming can cut production costs and curb soil erosion, and that a producer doesn't have to be "purist" who forswears all use of chemicals. USDA officials estimate that possibly as many as 40,000 of the country's 2.4 million farms concentrate on organic methods.

Why should the federal government, in effect, refuse to help this group of farmers while continuing programs that aid farmers who rely on chemical fertilizers and pesticides? Is there to be a caste system in agriculture based on chemical dependency?

Granted, most American farmers probably will continue to rely on chemicals for short-term financial gains. Yet neither tax money nor government-backed research should be stacked in favor of the agricultural status quo. All farmers, all consumers, have a financial stake in government programs.

The Agriculture Department has an obligation to examine optional farming practices and experimental methods that could save costs and resources. If the Reagan administration won't do that on its own, Congress should see that it does.

Mr. LEAHY. Mr. President, I understand that the distinguished chairman of the Agriculture Committee, Senator HELMS, will give his assurance that a hearing will be held on my legislation before June 15 of this year.

Mr. President, I also want my colleagues to understand that I am serious about pursuing organic farming research. It is, in my view, very important that we begin to look seriously at this method of farming as a way to insure a more sustainable and viable agriculture in the future.

Mr. HELMS. Mr. President, I thank the Senator from Vermont for not pressing this issue today with the assurance that hearings be held on his proposal. I give my pledge to the Senator that hearings will be held prior to June 15, 1984.

HAYING AND GRAZING

Mr. BOREN. Mr. President, I would like to address an inquiry to the distinguished senior Senator from Kansas regarding the intention of the committee with respect to provisions governing haying and grazing privileges under this legislation. As we are all aware, the bill would allow, on a State-option basis, unrestricted haying and grazing of diverted acres for the 1984 wheat crop. It was decided to leave the decision to offer haying and grazing of the 1985 wheat crop to the discretion of the Secretary.

The committee did, however, propose to offer some guidance to the Secretary in making a decision on 1985 haying and grazing, as I understand it, and I would ask the Senator from Kansas to clarify the nature of our concerns in this matter. I believe Senator WILSON also would be interested in your clarification of the committee discussion on this issue.

Mr. WILSON. Yes, and I thank the distinguished Senator from Oklahoma. As I stated in the committee discussion, I have real concerns about unrestricted haying and grazing and prefer the State-option arrangement.

Mr. DOLE. I thank the distinguished Member from Oklahoma, Senator BOREN, and the distinguished Senator from California, Senator WILSON, for raising this timely point regarding

our deliberations on the pending legislation, and would be pleased to relate the results of the committee's discussions. First, in recognition of the strong and compelling arguments on both sides of the issue, it was decided to recommend that a State option be provided in the event that the Secretary decides to include haying and grazing among the various terms and conditions for participation in the 1985 wheat program.

We were particularly impressed by the concerns expressed by the distinguished Senator from South Dakota, Senator ABDNOR, and the distinguished Senator from Utah, Senator HATCH, that their livestock industries not be disadvantaged by our decision, and it was the committee's intention to respect these concerns.

Second, as the Senator from Oklahoma himself pointed out during the various meetings last week, much of the concern of wheat producers in his State, and my State, and several other States in the Great Plains area would be satisfied if wheat grazing were allowed during the first 2 weeks of May. Under past programs, grazing has been confined to only the six principal non-growing months, or through the month of April. However, the feeding cycle of many cattlemen and livestock operators in Oklahoma, Kansas, and other States would be greatly assisted if this period were extended to include the first half of May. It was the intention of the committee to offer this possibility for the Secretary's consideration as he decides the terms and conditions for participation in the 1985 wheat program.

Finally, and at the request of the distinguished Senator from California, Senator WILSON, the committee would urge the Secretary to make any decision that would allow either haying or grazing of 1985 crop wheat, or any combination thereof, contingent on the approval of the ASC Committee in each affected State. This so-called State option is included in the haying and grazing provisions on an on-request basis for the 1984 wheat program, and it was the hope of the committee that the Secretary would continue to honor the State option in 1985 in the event these provisions are included in the program.

On behalf of the Senator from California, I want to make clear his personal opposition to any extension of unrestricted haying and grazing privileges, as expressed on several occasions during the committee's deliberations. It was only through his willingness to accommodate the concerns of other committee members, as well as similar understanding on the part of the Senator from South Dakota, that we were able to work out a compromise on the haying and grazing issue

that is acceptable to certain members of the wheat and cattle industries.

I understand that the distinguished Senator from Utah, Senator HATCH, has a few comments on this matter.

Mr. HATCH. Mr. President, I thank the distinguished Senators from Kansas, California, and Oklahoma for their discussion of the haying and grazing provisions contained in this legislation. As they indicate, the State-option compromise is acceptable to certain members of the wheat and cattle industry. But despite the fact that this represents a compromise, some segments of the industry continue to have concerns over the potential impact this provision could have on the cattle market.

Like all segments of the agriculture community, the cattle industry suffers from price volatility and market uncertainty. In addition, the cattle producer must frequently contend with uncertainty induced by Government programs for other commodity groups. Among these impacts is the volatility introduced into cattle markets by haying and grazing on set-aside acreage.

When wheat producers make their decision to participate in the Government wheat program, the haying or grazing option can encourage or discourage their entrance into the cattle market. Their decision to run cattle is based less upon the economics of the cattle business than it is upon the economics of the wheat program. Cattle markets must continually deal with the uncertainty from year to year of whether or not the grazing option will be allowed and can make no long-range assumptions on the potential impact on their markets.

It is unfortunate that a program intended for wheat producers has such a dramatic impact on other segments of agriculture. But, as the following statement from the Utah Cattlemen's Association indicates, the cattle industry suffers when programs such as this are initiated:

Senator ORRIN HATCH,
Senate Russell Building,
Washington, D.C.:

The new wheat legislation includes provisions for state approved haying and grazing of set-aside acres. This places program participants in a favored competitive position relative to other cattlemen. The serious volatility in cattle marketing caused by 1983 PIK cost the U.S. Cattle industry 1.42 billion dollars and Utah Cattlemen 9.8-14.6 million dollars. The cattle industry is adversely impacted each time a "quick fix" solution is lobbied for by various Ag commodities such as the grain and dairy farmers.

Recognizing the political realities of exclusion of the Haying/Grazing Section, which we would prefer, the Utah Cattle Industry would hope you could put Congress on Notice that:

1. Quick fix PIK programs should not be included in the 1985 farm bill.
2. Government must start reduction of specific farm commodity support prices.

3. The 1985 Farm Bill must support all agriculture rather than supporting some commodities without regard to the negative economic impacts to other commodities.

4. Stop consideration on issues that tend to polarize Agriculture and the nation. (i.e. Cattlemen vs. Grain Farmers, vs. dairy farmers Western States vs. Corn Belt States, etc.)

5. Cattlemen are going to be very active in the 1985 Farm Bill.

Thanks for your support,

UTAH CATTLEMEN'S ASSOCIATION,
Salt Lake City, UT.

Mr. HATCH. While my cattlemen remain dissatisfied with the compromise language in this bill, I am appreciative that we, at least, were able to get a State-option provision in place for 1984 and urge the conference committee to do everything within its power to keep the Senate language in place if and when this provision is considered with the House.

Thank you, Mr. President.

Mr. HELMS. Mr. President, the distinguished Senator from Iowa (Mr. JEPSEN) desires to make a statement. He has advised me he will return to the floor forthwith. I suggest the absence of a quorum, Mr. President.

Mr. COCHRAN. Mr. President, will the Senator withhold for a moment?

Mr. HELMS. Certainly, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am very pleased that this bill being considered today contains provisions to improve farm credit opportunities for farmers who find themselves in difficult situations in obtaining credit because of existing rules at the Farmers Home Administration that have not been changed in many years. Because of that problem, I introduced legislation over a year ago that would have brought up to date some of the operating loan limits, the repayment period permitted by those who have operating loans, the decisions regarding the interest rates to be paid on restructured loans, and other such changes that would have improved the opportunity of farmers who find themselves burdened with heavy debt loads to operate profitably and with proper levels of cash flow.

I am happy that the legislation we have before us refers by its terms to such earlier bills as S. 24 and S. 1949 which I had either earlier introduced or cosponsored, one with the Senator from Georgia (Mr. NUNN) and the other with the Senator from Kentucky (Mr. HUDDLESTON). Those Senators had been active in exploring ways to improve the farmers home loan programs. This is a provision of the legislation, Mr. President, which I think has not received as much publicity as some of the other provisions of the bill, but it is, nonetheless, one of the most important changes that we are making by approving this legislation.

Mr. President, when we go to the urgent supplemental appropriations bill that contains Public Law 480 funding, I intend to offer, with the support of the administration, an amendment to substantially increase the funds available for title II of the Public Law 480 program.

As a matter of fact, if the plan that we are working on now does work out, to be consistent with the conference that is going to be held this afternoon at 4:30 on the energy assistance supplemental, which has added to it some Public Law 480 money, we could have in the urgent supplemental as much as 175 million additional dollars for the donation program and the credit sales program of Public Law 480.

That is going to do a great deal, in my judgment, Mr. President, to help improve the opportunity of American farmers to move these products in international markets.

Mr. ANDREWS. Mr. President, will my colleague yield for a moment?

Mr. COCHRAN. I would be happy to yield.

Mr. ANDREWS. I salute the Senator from Mississippi in what he says. The continued emphasis on Public Law 480 is so important. The Senator from Mississippi is doing an excellent job, and we intend to do everything we can to support him.

We appreciate, those of us in the grain States, the forbearance of our colleagues. It has been a long couple of weeks and none of us got all that we wanted to get in this remedial legislation, but it is a lot better package than exists today. So I hope that we can move it rapidly today, go to conference with the House, and get it passed out so that the farm families in the land and the economy as a whole will benefit from the unique provisions for loans and credit for overseas sales.

I again commend the distinguished chairman of the Agriculture Committee, Senator HELMS, for the great job he did in conjunction with Senator HUDDLESTON on the other side of the aisle. We appreciate it in the wheat country. It is not what we wanted but it is a whale of a lot better than what we have now. It is time to say thanks to our colleagues for their cooperation.

Mr. COCHRAN. Mr. President, I thank the Senator from North Dakota for his comments. I appreciate very much his compliments, but he has really done a great deal to help put this compromise together—and it is a compromise. Certainly, in my judgment, it is going to serve the long-range interests of agriculture in America. I thank the Senator.

Mr. BOSCHWITZ. Will the Senator yield for 30 seconds?

Mr. COCHRAN. I will be happy to yield, Mr. President.

Mr. BOSCHWITZ. I join with Senator ANDREWS and say exactly as he does. It is a good bill. It is a compromise to be sure. It is not all that we wanted, but it is a good compromise.

I join, too, with the Senator in saying that provisions with respect to export are among the most significant of the bill, and I hope we move on now to third reading and get the bill passed.

Mr. HELMS. Will the Senator yield to me?

Mr. COCHRAN. I will be happy to yield to the distinguished Senator from North Carolina.

Mr. HELMS. I do not want the Senator to lose his right to the floor, but if he will permit me, I would like for us now to adopt the committee amendment and have third reading. Then the Senator may continue with his remarks.

Mr. BUMPERS addressed the Chair.

Mr. PRYOR addressed the Chair.

Mr. COCHRAN. Mr. President, I have the floor; is that correct?

The PRESIDING OFFICER. The Senator from Mississippi does have the floor.

Mr. COCHRAN. I would be happy to yield for a question to the distinguished Senator from Arkansas.

Mr. BUMPERS. I do not have a question.

Mr. COCHRAN. I will be happy to yield for a question to the distinguished Senator from Arkansas (Mr. PRYOR).

Mr. PRYOR. I will ask a question because I wonder, when we adopt this committee amendment, exactly what relationship that is going to have to a pending amendment I have talked about for some time and I understand the managers of the bill knew I was going to offer relative to rice.

Mr. BAKER. Mr. President, maybe we celebrated too fast, I think.

Mr. PRYOR. I think we did celebrate too fast.

Mr. HELMS. I was not aware of the amendment. I am sorry. The Senator is within his rights.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Does the Senator from Mississippi yield?

Mr. COCHRAN. I do not yield any further to the Senator from Arkansas. I have heard about the amendment. We were hoping that we could get it worked out somehow.

Let me conclude my statement and then I will yield the floor for whatever purpose anyone wants to seek recognition.

Mr. PRYOR. Mr. President, I hope the Chair will recognize the Senator from Arkansas when the Senator concludes.

Mr. COCHRAN. Mr. President, it is not my intent to control the floor. I was just in the process of concluding a

statement as to the provisions of the bill. Other Senators asked me to yield and so I did.

Mr. President, I know that the changes in this bill are not going to completely solve the farm credit problems facing agriculture today. As a matter of fact, there is pending in the Senate, before the Agriculture Committee at least, legislation which would call on the President to convene a task force on farm credit. My hope is that leaders in the Congress, the administration, and the private sector could come together to try to develop a comprehensive proposal to deal with the farm credit issue. I think that is an issue which is in desperate need of attention, immediate attention. And while we do make some changes in this bill which will help alleviate some problems, there are very serious structural problems that exist. Farmers are having a hard time obtaining credit in many cases. The terms of credit are very difficult to manage in terms of cash flow. Existing sources of credit such as the production credit associations, the Federal Land Bank, traditional banks, insurance companies, and other sources, in my judgment, are just not getting the job done. There are people who are being turned away by those lenders and who are not qualified for the Farmers Home loan program either because of low-loan operating limits or for other reasons.

So I am hopeful we will not stop with the passage of this bill in our effort to find a good solution, a workable solution to the farm credit problem. But I am very grateful to the managers of the bill, Mr. President, for including such provisions as are included from legislation that had either been sponsored or cosponsored by me that I earlier referred to, specifically S. 24 and S. 1949.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, a parliamentary inquiry. If I were to suggest the absence of a quorum, could I be protected when the quorum call is called off to be recognized by the Presiding Officer?

The PRESIDING OFFICER. That would require unanimous consent.

Mr. PRYOR. I so ask unanimous consent, Mr. President.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Arkansas.

Mr. PRYOR. Mr. President, I think it is time at this point, with regard to this particular agriculture bill that is before the Senate, to talk about a very, very famous recipe for Arkansas rice casserole, six servings. First, one cup of rice, uncooked. Then, Mr. President, one cup of water.

By the way, this is very serious. This is a very fine casserole made with rice.

One can (10½ ounces) of beef consommé. One can (4 ounces), sliced mushrooms, drained. One-fourth cup or one-half stick of butter. One bell pepper, sliced. One jar or 2 ounces of chopped pimiento. One onion, diced. One teaspoon of salt.

Mr. President, to properly make Arkansas rice casserole as delicious as it should be, preheat oven to 375° F. Mix together and pour into a 9-by-12 greased baking dish. Cover and bake for 1 hour. And it freezes very, very well.

Mr. MATSUNAGA. If the Senator will yield, do not forget the pineapple, Hawaiian pineapple.

[Laughter.]

Mr. PRYOR. I have several recipes, I say to my distinguished friend from Hawaii, that combine Hawaiian pineapple with Arkansas rice—or Mississippi rice or Texas rice or Louisiana rice or California rice. Because, Mr. President, as we know, those are the five States in this country that grow rice.

We know that every crop in this particular bill has had something working in its favor. The wheat people are taken care of, and I support that. The corn people are taken care of, and I support that. The cotton people, who make up an awful lot of Arkansas farmers, basically are taken care of to some degree, and I support that.

So I come to the Senate, I guess, as someone came to Abraham Lincoln one day and said, "Mr. President, we do not appeal for justice. We appeal for mercy." That is exactly what we are talking about today—five rice States that have watched for 3 weeks this particular so-called farm bill move through the Senate, move through the Agriculture Committee, and yet there has not been one iota of compromise or give and take as it relates to the rice industry.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PRYOR. I yield for a question.

Mr. BAKER. Mr. President, the question I will put is that we are going to recess at 3:10 p.m. The further question I put is that we are going to have to come back here and continue on the farm bill, and Senators should be on notice that that may take a long time.

Mr. PRYOR. I ask a parliamentary question of the Chair. I understand that we will recess at 3:10. My inquiry is this: Does the Senator from Arkansas have the floor immediately when we come back into session, when the joint session has concluded?

The PRESIDING OFFICER. The floor will be open at that time, when we reassemble, and Senators may seek recognition at that time.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be recognized at the time when we go back into session, after the joint session of Congress.

Mr. BAKER. Mr. President, reserving the right to object, I do not plan to object, but I do not plan to decide that right now. I am always a little discomfited when people start reading recipes on the floor. If we are going to have a filibuster on this thing, I have to reserve my rights.

So I object to the request, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. PRYOR addressed the Chair.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the hour of 3:10 p.m. having arrived, the Senate stands in recess subject to the call of the Chair.

At 3:10 p.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled, at 4:21 p.m., when called to order by the Presiding Officer (Mr. SPECTER).

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, when we recessed to hear the address by the President of France, we were engaged in a colloquy about an amendment offered, or to be offered, by the Senator from Arkansas.

There are certain conversations going on now with respect to the course of such an amendment, whether or not something can be worked out, or how we might arrange a vote. I think a little time might help that. Therefore, I ask unanimous consent that there be a period now for the transaction of routine morning business for the next 15 minutes in which Senators may speak for not more than 3 minutes each, except that no time limitation in that respect would apply to the majority and minority leaders.

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 5 minutes each.

The minority leader is recognized.

STATE VISIT OF PRESIDENT FRANCOIS MITTERRAND OF FRANCE

Mr. BYRD. Mr. President, the Senate has just returned from a joint meeting with the House of Representatives to hear an address by the very distinguished President of the Republic of France, his excellency Francois Mitterrand. I am certain that my colleagues share my admiration and appreciation for the eloquent and statesmanlike remarks of President Mitterrand.

His visit reinforces the importance we attach to an alliance which has weathered the test of time for America—indeed, France is America's oldest ally. The close relationship between our nations began even before our forefathers won America's independence and, as is well known, was crucial in winning that victory. His references to our interwoven histories and experiences as comrades-in-arms strike a deep and responsive chord in all of us.

I welcome also President Mitterrand's sensitivity to the vital role of legislatures in Western political systems—a sensitivity evolving from his 35 years as a Parliamentarian.

I would take particular note, Mr. President, of the very strong commitment that President Mitterrand has made to the strength of the Atlantic Alliance. Last June, he convened the first meeting of NATO to be held in Paris in 17 years—an important symbol of this commitment. This was one of many elements of a process to reestablish France's ties to NATO; a process which has accelerated since President Mitterrand was elected in May 1981. Indeed, I understand that working relationships between U.S. Military Forces and those of France are today as healthy and productive as at any time since World War II.

It has not gone unnoticed, Mr. President, that at the time of greatest challenge to the NATO alliance—the implementation of the decision to deploy Pershing II and cruise missiles in Europe—France stood solidly with the United States. The reaffirmation of that policy this afternoon by President Mitterrand is to be welcomed and commended.

France has shown a distaste for the bullying tactics of the Soviet Union. She has not shrunk from exercising her legitimate rights as a sovereign nation—she did not hesitate to expel 47 Soviets from France as spies last year. She has condemned Soviet actions in Afghanistan and Poland. She is making vigorous efforts to modernize her armed forces and this constitutes an independent and important factor which complicates Soviet military planning.

It has not gone unnoticed, Mr. President, that it was France that stood with us as our key partner in the multinational force arrangements in Leba-

non. France, too, had to bear the immense national pain of losing many of her men as a result of terrorist attacks in Lebanon.

As the Paris newspaper *Le Monde* noted recently: "France is today the European country least affected by neutralism and pacifism."

I congratulate the French President for his realistic attitude toward the world as it exists, and for taking the necessary steps to make the Atlantic Alliance more secure.

On the economic front, President Mitterrand is acting as a responsible and active leader as the current President of the European Economic Community, to achieve equitable reconciliation of disparate European economic interests.

Mr. President, there are, of course, areas of disagreement on various policy matters—and this is the case in some areas of economic policy. When such disagreements occur, they are manageable when approached in an understanding and conciliatory manner by both parties. State visits and interchange between the leaders of our two nations are a vital part of this important process. It is in this spirit that I, together with my colleagues, welcome this visit by President Mitterrand and I wish our guest a successful and enjoyable sojourn across America.

Mr. President, I ask unanimous consent to insert into the RECORD at this point the address by the President of the French Republic.

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

ADDRESS BY FRANCOIS MITTERRAND, PRESIDENT OF THE FRENCH REPUBLIC, TO CONGRESS, MARCH 22, 1984

Mr. Speaker, thank you for your words of welcome. I know that beyond my person they are addressed to France, and therefore I am even more touched by them. On the first day of my official visit to your country, at a time when we have so many things to accomplish together in a world filled with "sound and fury," I wanted to come to the Capitol to pay tribute to the great American democracy, to its founding fathers and those who have followed in their footsteps, to the ideals and the ties that so closely bind the United States and France.

I myself served in my country's parliament for more than 35 years, and thus I appreciate the honor shown me in being invited to address you, the representatives of the American people, members of this Congress whose prestige extends far beyond the borders of your country. Congress, a strong and confident symbol of the legislative power, is an essential element in a constitution that has already succeeded in traversing two centuries, becoming richer over the years; yet it has lost nothing of its original spirit and remains true to its original letter.

From the time of the first voyagers and those who first introduced new ideas, down to our own time, intellectual and material has never died away. Despite fleeting differences or disagreements, our spiritual ties have never weakened. And the best among

us, ever quick to seize the rapid march of time as it arrests or changes us, have always been able to read true meaning into the history, already so long, than has brought us together.

Few peoples can boast of such a firm and deep-rooted friendship as those of America and France. Franklin, Lafayette, Rochambeau, General Pershing, General Eisenhower—these hallowed names stud our history and the struggles we have shared. But how many others, quite unknown, have signed with their blood the pact that binds us? I commemorated our friendship two and a half years ago at Yorktown. It will once again be honored on June 6, when I welcome the President of the United States to the coasts of Normandy for ceremonies commemorating the Allied landings in 1944. There we will celebrate the liberty, the dignity and the human rights that inspired our decisive choices in the past and continue to do so today. May the shared ideals of this past be the foundation for our common future!

May it show us the path in our search for peace!

May it inspire us with the ambition to bring the world economy out of the recession, finally and together!

At this time two great systems, in the East and in the West, continue to face each other, whereas two-thirds of mankind is striving to break out of the painful cycle of underdevelopment. In this world in which your country plays the major role, no one—be it friend or foe—can act without taking the United States into consideration. This power gives your decisions a far-reaching importance that reflects the dimensions of your responsibility in world affairs.

France's position is clear: as you know, together with your country, and with 14 others, we formed the Atlantic Alliance. Within this defensive alliance, France pursues its own defense policy which is understood and supported by a large majority of French men and women. Among free countries, an alliance presupposes not only sincerity, frankness and on-going consultations but also the acceptance of different viewpoints. In being true to themselves, the United States and France can understand and respect each other. What is most important is that our two countries be able to rely on one another.

Since the alliance operates in a specific domain, each of us determines the nature of his relations with the others. This is especially the case with the Soviet Union and the countries of Eastern Europe. I often think that geography, though it does not explain everything, determines history and that in the end history, as it emerges, must take the same paths. Look at a map of Europe and you will see where Russia and France lie—neighbors on the same continent, separated by a distance that diminishes as this hurried century rushes forward; yet at the same time customs and systems give the illusion of no longer moving. I repeat at every occasion that the primary guarantee of peace is a balance of forces. This is why we are so committed to maintaining a balance in this same Europe. This is why, when we perceive this balance to have been broken, as was recently the case with intermediate-range nuclear weapons, we do everything in our power to restore it. Let us be firm and clear in words as in deeds. But at the same time let us remain open, let us not be afraid to enter into dialogue with the Soviet Union once the bases and purposes of such talks have been defined in a clear and lasting manner.

What should be the first objective of such a dialogue? Peace, of course, and more specifically bringing the arms race under control. When you think of the waste of resources, of the additional threat posed by so many new armaments, nothing is more urgent than to slow this race. Then, and only then, will we be able to speak of disarmament, bearing in mind that two powers—your country is one of them—have extensive nuclear arsenals, while three others—including France—have a deterrent force capable of discouraging all attack. It is clear from this where our respective responsibilities lie.

But the problems of war and peace concern not only the major powers. First of all, of course, there is the Middle East, where dialogue must be renewed. When I went to Israel, I spoke in the Knesset. I told the elected officials and leaders of this country, which is our friend, to seek out the paths of a negotiation that would ensure them, as well as all interested peoples, including the Palestinian people, the right to a homeland, to security within sure and recognized borders and to the realization of their legitimate rights.

Many other conflicts, so called "regional" conflicts, have brought destruction and bloodshed to the Middle East, Africa, Asia and Latin America which are continuing in those regions today. At this point I would like to share with you the analysis of my country which has a special knowledge of some of these regions and which has commitments to them—in Africa and in the Middle East—that we assume with the necessary determination. A case in point for example, is Lebanon—where our soldiers are carrying out their task of peace—and Chad—where France's action has put a stop to ambitious strivings.

But it is my conviction that many of the revolutions and wars in the Third World are rooted first of all in the soil of poverty and in the economic exploitation that exacerbate the traditional confrontations between ethnic groups, religions and parties.

Civil wars are not triggered by external influences alone, even if they may serve foreign interests. Their roots lie deep in the legacy of the past. Thus the peoples of Central America have a long history marked by military oppression, social inequality and the confiscation of economic resources and political power by a few. Today each of them must be allowed to find its own path toward greater justice, greater democracy and greater independence and must be allowed to do so without interference or manipulation. My country has in the past encouraged sincere action aimed at finding a peaceful solution to conflicts and refusing recourse to force between neighboring countries, and it will continue to do so in the future.

But let us understand that before calm can return we must first reduce the level of misery in the world. It serves no purpose to hammer away at building peace while we allow the underlying causes of war to prosper.

This is why developing a shared prosperity is an urgent priority.

The economic situation of the industrial countries has improved, it is true.

However, this convalescence must not be merely a remission, nor must our progress vanish as quickly as it has come.

I am pleased to note the progress of the United States in this battle against recession and inflation. The strength of your recovery, in spite of certain weaknesses—no doubt the object of debate in this forum—

bears witness to your vitality and your dynamic and inventive capabilities.

France, for its part, is beginning to see the results of its own economic policy. Our inflation rate has decreased by five points over the past three years, and the rise in prices was reduced to an annual rate of 6 percent during the last quarter of 1983. During that same year we reduced our foreign trade deficit by more than half; we anticipate a similar reduction this year. Our budget deficit does not exceed 3 percent of our GDP and the budget for social programs is now balanced.

These initial successes indicate a significant improvement in our economy.

At the same time France is modernizing its industries. We are developing high technology sectors: already half of our electricity is produced by our nuclear power plants. With its nuclear industry, its telecommunications, its high speed train, its metros and aeronautic industry, France makes its presence felt in all markets. France owes these successes to some of its large public and private concerns but also to the multitude of small- and medium-sized businesses that are being started all the time, that are innovative and take risks.

When I describe these rapid stages of our national recovery I often have the impression that I surprise my audience, as if they were, in general, more disposed—or more accustomed—to hearing the contrary. I am sure that you will appreciate the fact that today, more than ever in the past 25 years, France is confronting the demands of world competition. It prefers the risk—the noble risk—of modernity to the comfort—the false comfort—of standing still.

This mobilization and dynamism have been encouraged by a variety of reforms. To strengthen social cohesion, we have taken measures for greater fairness and justice. To facilitate adaptation, we have mounted a program of education and job training, and to free up initiative we have—and this may appear paradoxical to many—cut red tape and limited state intervention. Traditionally, as you know, France has been a centralized country and in the past all the decisions were made in Paris. But now locally elected officials have considerable powers. Certainly, we know our weaknesses and are aware of the difficulties that we will have to overcome to bring about a harmonious alliance between economic progress and social progress. At least we have chosen the path of effort for, and receptivity to, the future.

In this way France has unambiguously rejected the temptations of protectionism in all its forms. You see, a country such as France which buys abroad, and in dollars, two-thirds of its energy, is forced to keep its borders open. In order to finance these imports we are obliged to export, to meet, each day, the strongest competitors in the most difficult markets.

We welcome fair competition, as do our European partners. The European Community is the world's foremost trading power. It is also the economic entity that is most open to external trade; it is the primary customer of the developing countries and the largest market for the United States.

As you know, there is a traditional topic of discussion between the United States and Europe—trade in agricultural products. Well, Europe buys many more agricultural products from the United States than it sells to your country. Can we be blamed for wanting to find a solution to this situation?

Although in Brussels in the past few days the ten countries of Europe were not able to

solve their differences this should not lead one to believe that there is no future for Europe. Europe is a living entity. It is working. It is trading. It is becoming aware of itself. It will emerge more vigilant from this crisis. In a two-week period it has just decided to build a new 150-seat Airbus; it has chalked up a new success for the Ariane space rocket; it has drawn up a program for scientific and industrial cooperation in the area of information technologies, the "Esprit" program. If it is raising the question of its political identity and beyond that of its own defense and security, this only goes to demonstrate to what degree opinion is becoming accustomed to new concepts that in the past would not have dared to be presented. No one doubts that such a task is arduous. But great ambitions require a great plan.

Let us speak once again of ourselves, of the United States and Europe, associates in the greatest undertakings of contemporary man, and turn our attention to two threats. The first is monetary instability. What is cause for concern is not so much the level of currencies—whether high or low—but the extent of their fluctuations. Imagine Atlantic tides of 300 feet. The American coast could not withstand them any more than the European coast could. Without a minimum of monetary stability, trading with foreign countries is equivalent to gambling at the race track or playing roulette.

The second threat stems from the rapid and dramatic deterioration of the economic situation in the southern hemisphere. So many nations have no other resource than to borrow more and more and yet do so not to acquit themselves of debt but merely to service it.

When financial crisis comes on top of economic crisis, the stability of whole continents is at stake, as are the values of the civilization we share.

At Williamsburg last May the heads of state and government agreed to put a halt to protectionism; to define the conditions for improving the international monetary system and the role that a high-level international monetary conference might play . . . ; to maintain an adequate flow of resources, in particular public aid to development to the poorest countries.

A year later, not without difficulty, we have made progress toward the first goal. For the other two everything still remains to be done.

As is so often the case in history, economic mutations bring about crises that threaten freedom in all its forms—the freedom to live in one's own fashion under the system of one's choice, but also the freedom not to die of starvation.

To extend throughout the world, against all opposition, the powers of freedom—this is an ambition worthy of our hopes.

Mr. Speaker, I first came to your country 38 years ago. It has been present in my mind ever since. As a child I learned my mother's way of "telescoping" the great men of the Bible, the book from which we took our daily inspiration, with the heroes of your independence, which she saw as harbingers of the eternal message, the simple but sublime principles that give meaning to the life of each individual and justification to all societies: Freedom, law, respect for others and for oneself, a time to dream and a time to act, love of life and acceptance of death. It seems to me today that all that could be summed up in one word: civilization.

Civilization is an idea so rich, so strong, so fragile, so threatened, so often broken and

so often betrayed. It is a concept that originated deep in my past and deep in yours, welling up to become a great river here where everything takes on large dimensions. It fills my being as I stand here in this hallowed place to bring you greetings from France.

I feel greatly honored to have had the opportunity to tell you this. I thank you.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

MARYLAND DAY 1984

Mr. MATHIAS. Mr. President, March 25 is the 350th anniversary of the founding of the Free State of Maryland. The commemoration of an historic anniversary tends to turn our minds to the past, to the people and the deeds being remembered and celebrated.

So it is that we remember George Calvert, a functionary of the Stuart Court who was rewarded for his loyalty with an Irish peerage and might have thereafter been forgotten except for his vision. He saw the value of establishing some spot on Earth, maybe in Newfoundland, maybe in Virginia, where men and women could live together in peace and harmony despite different habits in religious practices.

So it is that we remember Henrietta Maria, who otherwise might only be recalled as the unhappiest woman to sit upon the throne of England. Born a princess of France, daughter of Henry IV, the Catholic convert who thought Paris worth a mass; widow of Charles I, an English king who lost his head in a civil war embittered by religious differences; mother of a Protestant king, Charles II, who may have died a secret Catholic, and of a Catholic king, James II, evicted from his Protestant realm, she epitomized in her life the problems George Calvert sought to escape. Her name was Anglicized to Mary and none more appropriate could have been given to the colony of Maryland.

So it is that we remember Margaret Brent, who was the first to raise her voice in America for women's rights, including the vote. The law was anomalous; Queen Elizabeth could rule the kingdom, but an ordinary woman could not govern her own plot of ground. Margaret Brent sounded the battle cry that has echoed through the years.

So it is that we remember Daniel Carroll who carried forward the Maryland tradition of religious toleration to the point of total separation of church and state. His persuasive arguments against the establishment of religion in the first Congress helped move America toward complete freedom of worship.

So it is that we remember Frederick A. Douglass, born in slavery on an historic plantation on the Eastern Shore, but imbued with the basic ingredients

of humanity to such a degree that in a long career he carried the commission of the President of the United States and stood proudly in the presence of Queen Victoria.

So it is that we remember so many who lived throughout the 350 years of Maryland history and by design or happenstance have helped to shape our lives. It is meet and right so to do, for by doing so we bring ourselves to the realization that our actions may have consequences, often unanticipated, for the generations that follow us.

When we look back 350 years to the founding of Maryland, we paradoxically find ourselves also looking forward 350 years to the future of Maryland. What will it be like and how will we be remembered?

We are fortunate that the past has given us a benchmark to measure our own lives. It cannot, however, be used as a crutch to ease our passage.

Knowing our own history, we cannot ever be ignorant of the value of vision in projecting human destiny beyond the perceived horizons. We can never be ignorant of the misery engendered by blind sectarian strife, by sex discrimination and by racial prejudice. We are born to knowledge of these things.

Being so armed by experience, we are challenged to fight our battles and skirmishes in the unending struggle of men and women to attain humanity. Sloth and cowardice may go undetected, but the tide of battle will not advance and the lack of progress will blot the page of history. No one has expressed it better than Abraham Lincoln:

Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the last generation.

So it is that our preoccupation on this 350th anniversary of the founding of Maryland must be with today. Only by discharging our duty today can we acknowledge our debt to the past and fulfill our obligation to the future.

Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

The Senate continued with the consideration of the bill.

Mr. PRYOR. Mr. President, we have a very, very distinguished Member of this Senate who has been here for a long number of years. He is probably one of the authorities on procedure, on finance, and comes from one of the great political families of the South. I am speaking of the Honorable Russell Long.

Most of us in this body also have been privileged to know Mrs. Russell Long, Carolyn Long.

Mr. President, at this time as we are talking about the rice farmers of America, the need to give them at least the same break, and the same opportunity to exist in our agricultural community, I thought that I would be derelict if I did not inform my colleagues about one of the very famous menus in the State of Louisiana.

Mr. President, Carolyn Long's very famous recipe on red beans and rice is: 1 pound dried red beans; one ham bone or left-over ham or bacon drippings; 6 cups of water; 2 pounds of smoked link sausage, cut in 1-inch pieces; 1 teaspoon of salt; one-half teaspoon of hot pepper sauce; 1 teaspoon of Worcestershire sauce; and, Mr. President, I think this is a key ingredient—one large bay leaf, crushed; 2 tablespoons of parsley, chopped; one medium onion, chopped; one clove garlic, chopped; and, the most important part of Carolyn Long's very famous recipe on red beans and rice—three cups of cooked rice.

Mrs. Long tells you in the Congressional Club Cookbook to soak these beans overnight; drain; in a large dutch oven or kettle add all ingredients, except rice, and bring to a boil, stirring frequently to prevent sticking; reduce heat to low and cook slowly for several hours, stirring occasionally. If necessary, add heated water, if beans are not tender or become too dry.

She says as a postscript in this recipe, "If you prefer a thick gravy, mash a few beans and cook longer, and, 'very importantly, 'serve over rice.'" This makes eight servings, Mr. President.

Mr. President, from time to time, as Members bring to me the other very famous recipes from our country and our wonderful cooks, friends here in the Senate, I may read some of these into the RECORD so that our colleagues would be aware of these very, very delectable rice dishes.

Mr. BUMPERS. Will the Senator yield?

Mr. PRYOR. I will be glad to yield to my colleague from Arkansas.

Mr. BUMPERS. Mr. President, most people do not realize, first of all, what a nutritious food rice is. There is some medical evidence that people who eat a regular diet of rice very seldom, if ever, have colon cancer.

Here we are in Arkansas producing about 35 to 40 percent of all the rice

produced in the United States and we are exporting 60 percent of it.

I am convinced that we in Arkansas are partly to blame for the fact that there just is not enough rice being consumed in this country. One of the reasons is because we have not championed and broadcast the medicinal value of rice, and another, of course, is the fact that we have not gotten on the Senate floor and read enough recipes on how to cook rice.

As a child, I did not even like it. My mother used to fix rice in a way that we could mix cream and sugar with it and we used it for dessert. I never realized you could eat rice without cream and sugar until I had been gone from home and was a college student. I tried it without it and I did not like it. But I had always, as a good, loyal Arkansan, ordered rice in restaurants almost every time I ate out.

The other thing is I found one time on a trip to Iran that rice can be one of the most tasteful foods ever produced. When I got back from Iran, I told Riceland Foods, which is a rice co-operative in my State that does close to a billion dollars worth of business a year, that we ought to spend more money on national television advertising various recipes. I am convinced that there are a lot of men and women in this country who simply do not know how to prepare rice. We ought not to have to be exporting 60 percent of our rice crop.

I went with a delegation to Iran a few years back. The Iranians will spend as long as 2 days preparing one rice meal. I do not know what all they go through, but I know the final stage is they take a cast-iron pot and they cover the bottom with butter. They pour the rice in. I know it has pimentos, it has peppers, and maybe some other things in it. They pour this all over a butter-covered cast-iron pot. They let it cook for some length of time. This makes a hard crust. When it is done and it is ready to be served, they take it and pour it out on a plate like an up-side-down cake so that the crust is on top.

I have never seen rice produced that way in this country, but I am telling you that was just about the tastiest food I have ever eaten in my life.

Just think what a great contribution Arkansas makes to the world. Here, out of about 3.5 to 4 million acres of rice in the country, over 1.5 million acres of it are produced in Arkansas. We export 60 percent of this country's rice crop. Of all the rice that travels in international commerce, over one-half of it is from the United States. Most people just produce enough for their own needs. We sell rice to the Koreans; we sell rice to the Japanese. Before the Shah of Iran fell, Iran was one of our very best customers.

I had an interesting conversation with the Shah. One day I was sitting

in a hotel in Tehran and I got a call that the Shah was going to visit with me. My driver almost wrecked us getting to the palace, he was so excited. I walked in and I thought this was the most palatial room I had ever seen in my life. I had never seen such tapestry and such artwork, such opulence.

I told our then Ambassador, Dick Helms, "This is some layout."

He said, "Senator, this is just the reception room." I said, "Well, I can hardly wait to see where I am going to meet with the Shah."

Well, the little old room we met with the Shah in was about the length of this Senate Chamber. We had a nice long visit, and I told him I was there on a trade mission with some people from my home State to try to sell them more rice and more poultry.

He said, "We like your Arkansas rice but not as well as Iranian rice." I said, "Well, I cannot imagine that. We do not grow anything but long grain rice in Arkansas and I have always heard that long grain rice was by far the tastiest and best."

He said, "You think your rice is long grain. You go into a grocery store in Tehran and look at Iranian rice and you will see long grain rice." He said, "We can put your rice on the grocery shelf right next to ours"—well, I understand we have a deal on an amendment, so I will stop here. [Laughter.]

I yield the floor, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, never have I regretted more having to interrupt the dulcet tones of the Senator from Arkansas. I will say to the Senator in his extolling of rice, did he know that tobacco is a prime source of protein? Progress is being made to develop tobacco as an important food source, and can assure him that we will hear more about that at a later time.

Mr. DOLE. Mr. President, I do not want to get into a quarrel with the rice producers, but we would like to pass a farm bill. We can all talk about the downtrodden farmer and how tough it is. Much of the reason is that the Federal Government has been trying to run his life for the last 30 years. Every time we pass a farm program, he gets a little deeper in the hole.

Mr. President, I wish to have printed in the RECORD figures furnished to me by the Congressional Budget Office on the cost of the rice program. The average direct payment per producer in 1982 in major rice producing States varies from \$9,500 in Arkansas to \$11,000 in Mississippi, \$15,000 plus in California. About 20 percent of this income came directly from deficiency payments.

The average wheat producers received a payment of about \$1,500 per

year and the average U.S. farm about \$3,200. So I do not want to shed too many tears for the rice producers without at least letting the RECORD reflect that the average rice producer's direct payment in 1982 was \$11,240. About 28 percent of these were big rice farmers with more than 1,000 acres and 57 percent in direct payments went to the big farmers with 500 acres or more.

I think everybody wants to represent his constituents, Mr. President. We have just about represented them out to the poorhouse. We have this big, big deficit out there hanging around, and we are all up here saying we have to do more for the farmer. We have done so much for the farmer now he is about to go broke. We have this big deficit, rising interest rates, cattle loans are 14 percent in my State and going up. I think most farmers want to make a contribution to deficit reduction. I do not have many farmers on my doorstep saying spend more money we do not have.

Obviously, Mr. President, we want a farm program, but let us not get into an argument about who can spend more money. If we do, the Federal rice recipe is better than almost any rice recipe I can think of.

Mr. President, I ask unanimous consent to print those figures in the RECORD.

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

RICE FACTS

(By fiscal years)

	1983	1984 est.
Per capita (mills)	229.9	235.2
Domestic outlays (millions)	\$992	\$1,090
Public Law 480 (millions)	\$130	\$131
Total rice outlays (millions)	\$1,122	\$1,221
Per person	\$4.88	\$5.19
USDA rice inventory ¹ (million hundredweight)	24.5	25.0

¹ 9.5 lb per person annually: 263.2 million people could be fed annually out of rice stocks.

AVERAGE DIRECT PAYMENT PER PRODUCER IN 1982 FOR
MAJOR RICE PRODUCING STATES

	Amount
Arkansas	\$9,527
Louisiana	6,450
Mississippi	11,100
Missouri	1,624
Texas	6,530
California	15,690
Comparison:	
Kansas (average payment per wheat producer)	1,577
United States (average payment per farmer)	3,297

Note.—In 1982 20 percent of rice producers gross income came from rice deficiency payments.

24,027 producers receiving direct payments in 1982.

Average rice producer direct payment—\$11,240 in 1982.

27.91 percent of direct rice payments went to rice producers with more than 1,000 acres in 1982.

57.38 percent of direct rice payments went to rice producers with more than 500 acres in 1982.

Mr. HELMS. Mr. President, I agree with the Senator from Kansas. What I want to do is pass this bill to save the

taxpayers \$2.5 billion at a minimum. If we do not pass this bill, the taxpayers get soaked for \$2.5 billion more.

This bill is not perfect by any manner or means. If I were the only one deciding and could write any legislation I want, it would not be this bill. But it will save \$2.5 to \$3.5 billion.

I hope the Senator will call up his amendment so we can consider it and then move to third reading.

AMENDMENT NO. 2831

(Purpose: To modify the acreage limitation and paid diversion program for rice)

PRYOR. Mr. President, I do have an amendment I send to the desk at this time and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself and Mr. BUMPERS, proposes an amendment numbered 2831.

On page 16, strike out line 24 and everything that follows down through the period on line 3 of page 17 and insert in lieu thereof the following: "per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program."

On page 18, strike out lines 12 and 13 and insert in lieu thereof the following: "at the end thereof", and at not less than \$2.70 per hundredweight for the 1985 crop of rice: *Provided*, That if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed forty-two million five hundred thousand hundredweight, such rate for the 1985 crop of rice shall be established by the Secretary at not less than \$3.50 per hundredweight," and".

Mr. PRYOR. Mr. President, payment rate for this amendment would increase the paid diversion for the 1985 rice crop from \$2.70 to \$3.50 if the carryover for 1985 exceeds 42.5 million hundredweight and provide that acreage reduction in excess of 20 percent is in the form of paid diversion.

Mr. President, I hope my colleagues will join us in adopting it. This amendment will provide a better rice program than that now contained in this bill.

Mr. President, I have serious problems with this entire matter, but with this amendment, it would be a better piece of legislation.

Mr. President, I just want to say that after an hour or two of very serious and intricate negotiations, I think we have now worked out perhaps the best proposal that we can that might be accepted by the distinguished chairman of the Committee on Agriculture. I must say, as all of us look at this farm bill, there is not quite enough to satisfy all of us. However, under the

circumstances, I think for the rice industry and the rice farmers of our country, this is the best proposition that could be expected at this particular time. So, Mr. President, I am very hopeful that the distinguished chairman of the Committee on Agriculture and other Members of this body will seek to keep at least this proposal in the law, and that it will be ultimately signed by the President.

I thank the very distinguished Senator from Kansas, the very distinguished chairman of the Committee on Agriculture (Mr. HELMS), and all others who participated.

Mr. President, on a personal note, I have not only in my hands but also I have in my office some of the most fantastic cookbooks that deal with nothing but rice and rice dishes. Everything from rice ice cream to rice pudding—just every kind of wonderful dish you can imagine that we Americans should cook with rice so we can eat more rice.

I am very appreciative of those who have worked with us on this amendment and very appreciative of my distinguished colleague from Arkansas (Mr. BUMPERS) who has been so instrumental in forging this compromise.

I yield back the remainder of my time.

Mr. HELMS. Mr. President, it would be an understatement to say that this amendment has been considered. We spent about 2 hours considering it. I say again that my goal is to get a bill which will save the taxpayers \$2.5 billion, plus the fact that the best farm program we could enact would be to reduce Federal spending to bring down interest rates farmers and others in business must pay.

I agree with the Senator from Kansas. On that basis, we are willing to accept the amendment.

Mr. PRYOR. Mr. President, I do have one unanimous-consent request. That is that the distinguished Senator from Texas (Mr. BENTSEN) be added as an original cosponsor.

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

Mr. ZORINSKY. Mr. President, we on this side of the aisle concur in and support passage of this amendment.

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

The amendment (No. 2831) was agreed to.

Mr. PRYOR. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. ZORINSKY. Mr. President, I ask for the yeas and nays on passage.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee 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.

Mr. BAUCUS. Mr. President, 2 days ago we observed "Agriculture Day." The Senate has the opportunity today to do more than talk about the importance of agriculture. We need to back up our words with action.

I am concerned only with the wheat program. Others here have a primary interest in other commodities—corn, cotton, and rice. I do not know what the best cotton program is or the best rice program. But the wheat program before us is the best we could do. I joined Senator MELCHER in offering an amendment to the wheat program that would improve the program. But my highest priority is that the Senate take action on the wheat program now.

We have already gone beyond the signup deadline for wheat. Plans are being made on speculation of what Congress may do rather than on a firm program being in place.

Wheatgrowers are being asked to make a sacrifice. The proposal before us will lower the 1984 target price from \$4.45 to \$4.38. In 1985, the wheat target price is scheduled to be \$4.65. That is a 27-cent decrease in the 1985 level.

Mr. President, there are a number of benefits in this farm package that I strongly support.

This is a 2-year proposal. Farmers cannot continue to operate when Congress or the Department steps in late in the crop year to make changes in the program.

There is a 10-percent paid diversion for wheat for the next 2 years. I have advocated a paid diversion program many times on the Senate floor as the most effective way to reduce production, and at the same time put operating cash in the farmers hands.

There is an export package that goes a long way in helping U.S. agriculture compete with the European Community and other countries that directly subsidize their exports.

Finally, Mr. President, there are much needed changes in our agricultural credit system of the Farmers Home Administration.

For these reasons, I am willing to support the package before us. Many Senators have said this is not a perfect

farm bill. Perfect it is not. But this package represents the best action we can take to help improve the sagging farm economy.

Mr. GRASSLEY. Mr. President, I am pleased that the Senate is finally moving on with legislation that includes additional assistance for farmers caught in last summer's devastating drought. I thank the distinguished majority leader for assisting us in bringing this agriculture package to the floor, and I am grateful for the bipartisan cooperation from my colleagues and from administration officials.

Unlike last year when I objected to considering H.R. 4072, this bill now includes provisions beneficial to other farmers in addition to those from wheat States. Of interest to Iowa are a number of provisions that improve export assistance significantly as well as provide an attractive farm program for 1985.

Of immediate concern, however, are the provisions included that offer additional drought assistance to our farmers. These provisions represent a virtual lifeline for many farmers and therefore are most urgently needed. Time is running out for many farmers who are unable to get sufficient funding for planting their crops. Unfortunately, it is coming too late for many farmers, but it did not have to be that way.

Had drought assistance been considered with the dairy or wheat bills last year, many drought victims could have been spared this dilemma. Many more could have been saved. Moreover, had the Drought Assistance Equity Act been passed last year, the present bottleneck in processing drought assistance applications, which is particularly acute in Iowa, could have been avoided for the most part because this bill contains a provision requiring land values to be set at 1982 levels, instead of utilizing the present system which determine farm assets upon first, market data or prices of comparable properties, second, capitalization, and third, summation of all resources and facilities. The latter is a difficult, time-consuming process, which will be streamlined by our farm asset provision.

My point here is that for every day which passes that Congress does not approve this drought assistance, more farmers will be lost. My colleagues in both the Senate and the House should keep this well in mind. If they are concerned about our Nation's farmers, they will move quickly ahead with this legislation.

Three weeks ago, Senator JEPSEN and I introduced S. 2379, two parts of which have been incorporated into H.R. 4072. First, there is a section which requires that if the Farmers Home Administration uses farm assets as collateral for drought assistance

loans, that the value of these assets be set at the higher of their value at the time the Governor of a State requests assistance, or their value 1 year prior to that date.

As many of my farm State colleagues are painfully aware, farm asset values have been plummeting during the last several months. As more farmers are forced to sell all or part of their land and equipment, prices have been forced further and further downward. It has been estimated that Iowa land values have fallen anywhere from 10 to 60 percent.

In response to these falling asset values, lenders have used recent farm sales as a gage for determining the value of assets held by farmers applying for loans. To hedge for possible further deterioration in farm asset values, lenders have subtracted an additional 10 to 30 percent from the current deflated market prices. The net result is that farmers have lost the ability to obtain adequate loans for lack of collateral.

Let me offer an example. Recently I received a letter from a farmer from southeast Iowa who explained what happened to him as a result of the devaluation of his assets. He applied for an FmHA disaster loan and for several weeks was told that his application looked positive, but that it would be necessary to obtain a land appraisal. When the appraisal was finally made, the farmer was told the value of his assets had deteriorated by 50 to 75 percent below the earlier appraisals. This farmer's land was devalued by \$900 to \$1,200 per acre.

This same farmer was eligible for over \$70,000 in drought assistance, based upon his estimated commodity losses. Unfortunately, because his farm assets had been so drastically devalued, he was unable to obtain this loan. Our farm asset valuation provision contained in H.R. 4072, will correct this problem for this farmer and others caught in the same dilemma.

Hopefully, this provision will serve another useful purpose. As I indicated, the problem of devaluation of farm assets is affecting all farmers who seek loans from any financial institution. Because private lenders, PCA's and Federal land banks are trying to protect their own financial houses, they are using these depressed asset values as a gage for lending, as well as implementing a number of other policies aimed at protecting the financials viability of the lending institution. This is forcing more farmers out, thus more farm sales, and the obvious continued plummeting of asset values. There is almost a panic psychology setting in many parts of the country.

By requiring FmHA to hold the line on asset values, it is hoped that other lenders will relax somewhat and offer more flexibility toward their borrow-

ers. It is clear, however that the FmHA can not save all of our farmers and stop falling farm values by itself. It is going to take a concerted effort on the part of all of us, including agricultural lenders. They need to recognize that short-term policies may carry serious long-term implications, and that they must therefore work to help their borrowers through these tough times.

The purpose of the second portion of our drought assistance package is obvious. We are offering what amounts to a 60-day extension for farmers to apply for drought assistance. Many farmers, after seeing their neighbors turned away, did not bother to apply for assistance, not because they did not need the help, but because they were convinced that they would have no better luck than their neighbors. The situation is depressing enough for our drought victims without compounding their misery with a face-to-face rejection by the local FmHA loan officer. This sign up extension will give these farmers another opportunity to apply once this legislation is approved and new assistance is available.

There is a third provision that Senator JEPSEN and I offered with the drought assistance Equity Act that is not included in H.R. 4072, that we still believe has considerable merit. This section deals with the value of the commodity in determining the extent of the losses suffered as a result of the drought. In essence, this provision would require the use of the higher of the average value of the commodity during the 3 months following the designation of the drought or the average value of the commodity during the 12 months prior to that designation. We feel that this provision would set a commodity value that better reflects 1983 prices, and thus, better serves as a basis for determining actual drought losses.

Historically, USDA has used the 3-year average for the commodity. With the passage of the Omnibus Reconciliation Act of 1981, this was changed to the 12-month average of the year prior to the drought. As we have seen during this past year, this new procedure has worked against the farmer. Under the present system, corn, for instance, has been set at \$2.29 per bushel, based upon the 1982 average. This is far below what the value would have been under the traditional procedure. It is my understanding, the 3-year average from 1980-82 ran about \$2.55 per bushel. Both figures, however, are far below the true figure for 1983.

Now, if this drought assistance program is supposed to compensate for actual losses, then we need to utilize a commodity value that truly reflects the price for the commodity at the time of the drought.

By requiring USDA to use the higher of last year's value or the average value for the 3 months following the drought designation, we assure a more realistic, fair value on losses actually suffered by our farmers.

The principal reservations raised against this provision centered upon concerns with the possible administrative chaos that might occur. Already, FmHA offices are struggling to process pending applications. The fear is that our section would require 1,550 county offices to reopen each and every application which would cause the system to collapse.

Although I understand this concern, it would be my suggestion, that if we were able to obtain this adjustment in commodity valuation, that the FmHA first open those applications that have already been rejected. In Iowa, that would be about 300 cases so far. At the same time, FmHA would continue to process those applications of farmers who have not yet obtained assistance, but they would use the new procedures. Once these two groups are processed, FmHA would then reopen the other applications already approved to determine whether this new provision will enhance their loan level.

Although we would still like to have this commodity valuation provision, there are a number of additional provisions that offer drought relief in this package now on the floor. The \$310 million in direct economic emergency loans will be particularly helpful by directing it to those counties hardest hit by the drought. This assistance will be helpful to hard pressed farmers who were unable to obtain adequate relief from the regular drought assistance program.

It is also my hope that USDA releases the remaining \$290 million of economic emergency money as direct loans, as opposed to guaranteed loans. The latter carries a higher interest rate and has not been effectively utilized thus far.

Another provision that will instill some fairness in our drought assistance efforts is that which allows farmers residing in counties contiguous to those designated as disaster areas to be eligible for drought assistance loans if they can show the required level of losses from the drought. This will help farmers bordering on disaster counties or those farmers who were hit by a pocket of dry weather. This provision will give these farmers the opportunity to make their case.

Another problem facing many of our farmers is the short repayment period of 7 years for operating loans as presently prescribed by law. The new section of H.R. 4072 that authorizes the rescheduling or consolidating these loans for repayment over 15 years will make these loans much more manageable for a good number of farmers.

There are a number of other good provisions that will help drought victims, including an increase in the size of operating loans and a change allowing more favorable interest rates. In all, there are some very much needed provisions to help our farmers caught in last year's drought. I would like more, we need more. I will work for more through the administration within USDA. But right now, we need to get this legislation passed and enacted into law. We can wait no longer. I urge my colleagues to support H.R. 4072, as amended, and urge the House to move as expeditiously as possible in its consideration of this bill.

Mr. THURMOND. Mr. President, I rise today in support of H.R. 4072, the Agriculture Commodities Program Adjustment Act. H.R. 4072 is a carefully constructed compromise between the administration, the members of the Senate Agriculture Committee, and representatives of the farming community.

Due to the recovering economy and the recent slowing of the inflation rate, some of our major farm programs have become outdated. As a result, Government purchase and storage cost of surplus crops in 1983 demanded a massive increase in Federal outlays for farm programs.

Mr. President, this legislation makes a number of fine tuning changes to correct some of the problems in this area. With respect to the wheat program, this bill calls for a slight reduction in target prices to \$4.38 per bushel in 1984 and 1985, instead of the \$4.45 and \$4.65 levels called for in those 2 years under current law. H.R. 4072 also freezes target prices in 1985 at the 1984 level for feed grains, cotton, and rice. These changes are important and will help lay the foundation for a strong working relationship between the Federal Government and the agricultural sector.

Mr. President, it is also important to note that this legislation makes a number of changes that affect Government farm credit programs, which are of critical importance to many small and financially strapped agricultural producers. This legislation will require the U.S. Department of Agriculture to provide at least \$310 million in fiscal year 1984 for insured loans under the economic emergency loan program. This increase from the original \$57 million allocation will allow the Farmers Home Administration to continue to make direct loans to farmers under this program in 1984, even though the initial allocation of funds ran out in January.

The bill also raises the existing limits on direct Farmers Home Administration operating loans. Under this bill, insured operating loan limits will be raised from current levels of \$100,000 to \$200,000, and guaranteed

loan limits will be increased from their present level of \$200,000 to \$400,000. This is an important and necessary step, inasmuch as these limits have remained unchanged for many years. Due to the effects of inflation over the past 20 years and the increasing size of farm operations, these loan limits are far outdated and have created a major credit gap for farmers.

Mr. President, this bill also gives the FmHA greater flexibility in determining interest rates after reamortization of loans. After rescheduling a loan, the Agency will be able to charge the farmer either the rate of interest for the original loan, or the current rate of interest, whichever is lower.

In addition, H.R. 4072 extends the maximum repayment period for FmHA insured farm operating loans that have been consolidated. Whereas these consolidated loans must now be repaid in a maximum of 7 years, the bill will allow stretching out repayment to as much as 15 years from the date of rescheduling.

Mr. President, these are the highlights of the farm credit provisions in this bill, which is desperately needed to help farm borrowers in this country. All of us in this Chamber represent farmers, and I am sure all Senators realize the financial hardships confronting the agricultural community. Harsh weather conditions, low market prices, and high interest rates have forced many farmers into bankruptcy.

This situation cannot be allowed to continue if we are to have a strong and viable farming sector. In my State of South Carolina, agriculture is a \$1.5 billion industry, with some 33,000 farms employing 54,000 family members and hired workers. The vast majority of these are "family farmers" trying to exist in their chosen business and rural lifestyle. Certainly they make an invaluable contribution to our economy and free society. Immediate action must be taken to preserve this type of family farming system.

Mr. President, for these reasons, it is essential that the legislation pending today be passed by Congress and signed into law. I congratulate Chairman JESSE HELMS, Ranking Member BOB DOLE, and all other Senators who took part in shaping this bill, and I hope that it can be adopted by the Senate without further delay.

Mr. DOLE. Mr. President, I have just commented on the pending amendment on the wheat target price by the Senator from Montana. At this time, I would also include for the record my statement in support of passage of this bill.

Mr. President, I will be brief for two reasons. First, we are already in the "twilight zone" for the 1984 wheat program—the sign-up period expired last Friday, and harvest starts in the Southern States in just 2 months. We

need to stop the posturing and get on with it.

The second reason is that there is no need for extended debate on this measure. We have all had ample opportunity since the opening days of the 98th Congress in January 1983 to discuss needed changes in 1984 and 1985 farm programs. The overwhelming consensus over 14 months has been that corrections need to be made. The only questions have been "when" and, after several failures, "how." I would submit that the answers to both questions will be provided today, and that they will be "now" and "in spite of ourselves."

CURRENT VERSUS LONG-TERM FARM POLICY

Mr. President, U.S. agriculture is in the throws of trying to decide its future direction. Policy reviews and think tank studies are sprouting up everywhere, all striving to develop a more successful long-term farm program. I certainly wish all of these efforts well, and I am sure they will enrich the process through which we will hopefully set the future course of agricultural policy in the 1985 farm bill.

At the same time, we all recognize the difficulties which the passage of any new farm legislation will face next year. Commodity program costs have soared over the last 3 years as exports have stagnated, surpluses have grown, and farm prices have fallen. Even the PIK program—the most massive land retirement effort in 50 years—only postponed the inevitable confrontation with our fundamental supply and demand imbalance.

THE NEED TO REALLOCATE RESOURCES

In a sense, Mr. President, the legislation now before us is a natural sequel to the short-term benefits of PIK. It takes into account the high cost and controversy of PIK by working under the traditional constraints of the regular farm program passed in 1981. At the same time, it tries to reallocate the financial resources available to agriculture by reducing production incentives and guaranteed income supports and enhancing acreage cutbacks and export credits and donation programs.

This shift in the balance of farm programs is long overdue, and will only begin the process of self-correction demanded by the present and future farm economy. What we truly need is a policy under which U.S. farmers are not forced to bear the full brunt of global economic change, but which does not reward those who make uneconomical production and marketing decisions. We may still be a long way from finding this "golden mean," but the time for charting a new direction and changing farm program structure comes next year. Farmers and agribusiness organizations should take a long, hard look at where American agriculture is headed,

and where it wants to be, and be prepared to make a contribution.

NEED TO SHOW FLEXIBILITY

In the meantime, Mr. President, those of us from farm States need to show flexibility in making adjustments in our programs for 1984 and 1985 crops. The indicated changes in this year's wheat program, and the freeze in target prices at 1984 levels for 1985, will neither bankrupt nor provide a windfall to anyone. Nor will they gouge farm programs for the benefit of some other special interest.

LIMITED BUDGET SAVINGS

As a matter of fact, the budget savings from this legislation are, at best, only significant over the long term. Before the addition of the various drought and credit provisions, the package was expected to reduce outlays by about \$3.2 billion over fiscal year 1984 through fiscal year 1987. Of this total, fully \$2.8 billion are in fiscal year 1987 and reflect assumed increases in target price levels for 1986 crops. Following further changes during markup; and despite USDA savings estimates, this legislation represents more a reallocation of resources among agricultural programs than a major savings to the taxpayer.

POSITIVE PROVISIONS

This is not to say that the legislation does not include several good provisions. The clarification of details for the 1985 programs—particularly for wheat—will be a great relief to farmers who have been plagued by late announcements and last minute changes. The addition of over \$2 billion in export financing for farm products for this year and next is also a major achievement. Finally, the increase of \$250 million in the Farmers Home Administration's economic emergency insured loan program will be of great value to farmers still suffering the effects of last summer's severe drought.

ACCOMMODATING OTHER CONCERNS

In addition, Mr. President, it may still be possible to accommodate the concerns expressed by some Senators that this bill be improved with respect to commodities produced in their States. I know that Senator COCHRAN and Senator HEFLIN have indicated that the cotton farmers in their area would find the target price freeze more acceptable if some minor adjustments were made. Senator PRYOR and Senator BUMPERS may have a similar concern about rice. I believe sufficient flexibility exists to respond to these and possible other concerns by other Members if appropriate amendments are offered.

At the same time, it will be difficult to pass this legislation through the House if we load it up with amendments that are not directly related to the purposes of the bill. Members of the House Agriculture Committee and

others in that body have already expressed concern that they were not able to participate in the various meetings during which farm State Senators worked out the present compromise with administration officials 2 weeks ago. To add everyone's favorite amendment today would only serve to accentuate this sense of being dictated to. I hope my colleagues will take these concerns into account in making their decisions on amendments offered to this bill.

CONCLUSION

Mr. President, last year the administration implemented the successful PIK program, and tried unsuccessfully to convince Congress to freeze target prices at 1983 levels. Next year, we will try to pass a farm bill—an effort that will undoubtedly reflect both the success of the costly PIK program, and the cost of the failed freeze effort. Today, we must decide whether we can provide a transition from last year that will increase the likelihood that responsible farm legislation can be drafted in 1985. I hope my colleagues will recognize the importance of providing such a transition, and will give their support to passage of this legislation.

Thank you, Mr. President.

Mr. SASSER. Mr. President, I am supporting H.R. 4072 today in large part because of my great interest in title VI of the bill, dealing with agricultural credit. I have been appalled that time and time again under this administration, the Farmer's Home Administration has adopted farm credit policy positions which have aggravated the current farm credit crisis. Whether it be taking steps to block the release of funds under the economic emergency loan program, or utilizing liquidation procedures that jeopardize a farmer's due process rights, the pattern has been the same. Commercial procedures and budgetary blueprints have taken precedence over the fundamental, primary objective of Farmer's Home; helping financially strapped farmers.

The legislation we are considering today takes steps to rectify many of these misguided policy decisions. A good case in point is the economic emergency program. As my colleagues know, the administration refused to release any money under this program for many months, despite deteriorating farm credit situations and the worst drought experienced in many regions in the past 50 years. A court order was necessary to implement this worthy program. Even in the face of this court order, Farmer's Home kept up the struggle to see that as little money as possible went out under this program, acquiescing in David Stockman's decision to freeze the level of direct loans available under the economic emergency program.

H.R. 4072 takes specific exception with Mr. Stockman's decision by mandating that \$310 million in economic emergency funds be made available in the form of direct loans to eligible applicants. This provision guarantees that the economic emergency program will be carried out as originally intended and signifies that the needs of our Nation's farmers will not be held hostage by the budgetary bureaucrats of O.M.B. This particular provision will provide great relief to the many Tennessee farmers who have contacted my office requesting that action be taken on the economic emergency program before the planting season passes so that they can stay in business.

Title VI also makes necessary changes in the administration of natural disaster emergency loans. Perhaps most significant is the provision calling for consideration of such loan applications from otherwise eligible farm operators who are situated in a county contiguous to a county which has been declared a disaster area. Such a provision will mean much needed aid to farmers who may have the misfortune of being caught in dire circumstances such as last summer's drought.

While I am not in total agreement with this entire package Mr. President, I do believe it contains important elements that we must enact to stave off economic ruin for many farmers across the country. I am hopeful that we will see some modifications of the sections dealing with rice and upland cotton to better accommodate the needs of these producers. I will support such efforts and also lend my efforts to passage of the overall package before us today.

Mr. BOREN. Mr. President, American agriculture is in a crisis situation. Net cash income for 1984 is estimated to decline by up to 20 percent from the 1983 level. As it appears now, this will be the fourth consecutive year that farm income has remained devastatingly low.

The depressed state of the agricultural economy is exemplified by the current credit conditions. The interest rate on commercial agricultural credit has remained high and more and more farmers, who have always depended upon commercial credit, are being forced to turn to the Farmers Home Administration.

In November, the Independent Bankers Association released a survey which showed that bankers expect over 17 percent of their existing farm loan borrowers will be unable to secure their debt in 1984. Additionally, the farm credit system has reported that combined production credit association loan losses over the last 4 years exceed the combined losses for the preceding 47 years.

At the same time, more and more Farmers Home Administration borrowers are being forced out of busi-

ness. In the past 2 years, 15,000 farmers with FmHA farm loans have gone out of business due to financial reasons. FmHA has taken possession of 1,683 farms—bringing the number of farms in FmHA inventory to 1,891. Prior to 1981, FmHA had never held more than 260 farms.

Despite the massive acreage limitation program offered by the administration in 1983, commodity surplus levels remain high. 1983-84 wheat ending stocks are estimated to be about 1.4 billion bushels, about twice the level we should have. While 1983-84 ending stocks for feed grains, rice, and cotton are estimated to be much lower than a year earlier, all signs indicate we are headed for bumper crops this year and high 1984-85 carryout stocks.

While our stocks have remained high domestically, our exports have continued to decline drastically. The value of U.S. agricultural exports fell 11 percent to \$34.8 billion in fiscal 1983. Export volume also declined by 8 percent in fiscal year 1983, to approximately 145 million tons. Fiscal 1984 export volume is expected to decline 3 percent to 140 million tons. The United States is expected to export only 1.4 million bushels of wheat this year, a 7-percent decline from last year. The United States share of world wheat trade in the 1983-84 marketing year is expected to drop to 38 percent, down 3 percent. Corn exports were down 1 million tons in 1983. Cotton exports were down 24 percent in fiscal year 1983.

The high level of stocks coupled with declining exports has resulted in devastatingly low farm prices. For example, the average price received in February of this year for wheat was only \$3.34 per bushel, 6½-percent below the price received a year earlier. Unless the 1984 program is changed to encourage participation, the price of wheat will fall well below \$3 per bushel. Partial costs of production for a bushel of wheat in 1982 amounted to \$3.31 per bushel. Assuming a 3-percent inflation rate for 1983 and 1984, the partial costs of production in 1983 was \$3.41 and for 1984 we can estimate the partial cost at \$3.51. As becomes obvious, a wheat price of \$3.34 will not even pay for partial costs, much less the full cost of production.

Mr. President, our farmers are not wanting a handout or a windfall. Rather, they merely want to make enough money to stay in business. And, it is in the best interest of this Nation to keep our family farmers in business. We need family farmers if we are going to insure an adequate supply of food and fiber at reasonable prices in the future.

The agriculture situation remains in a crisis position. We simply must act now if we are to prevent a collapse in

the agricultural sector. I urge my colleagues to support this legislation. It is, by far, not perfect, but it will be an improvement over the current situation.

This legislation will result in increased farm income in addition to reducing Government costs over the next 4 years. I do not believe anyone or any commodity group is completely satisfied with this legislation. This legislation is a compromise and to get anything, everyone had to give up something.

I, personally, believe the package could be more attractive for cotton producers. I believe the trigger level for the 1985 acreage reduction and paid diversion program should have been set at a lower level—around 3½ million bales instead of 4. Also, I believe our cotton farmers would benefit more with a higher paid diversion program in 1985. Additionally, I believe all our farmers would benefit more if we made more export credit funds available than included in the agreement with the administration.

Mr. President, I found it hard to swallow the reduction in the 1984 wheat target price and freezing the cotton and feed grain target prices at the 1984 level. But, it is simply a matter of economics. For example, by taking a cut in the target price for wheat this year in exchange for a paid diversion component, we increase gross income per acre by almost \$8, excluding the additional income derived from the unrestricted haying and grazing provision. The bill will also increase farm income next year by setting up the minimum program requirements for the 1985 crops. Oklahoma farmers tell me that this provision is essential. We simply must have a multiyear program; we must continually attack the surplus problem. We need to provide some stability to our programs. Without stability, it is impossible for our farmers to make any plans.

By providing the minimum program requirements for the 1985 crops now, farmers will have adequate time to make planting decisions that will yield them the greatest profit. We expect our farmers to make well thought out decisions, yet, more often than not, the Government withholds vital information by not announcing the program early enough. Under this legislation, the minimum program provisions are spelled out. The additional provisions will be announced at a later point. The additional provisions of the 1985 wheat program, for example, will be announced by July 1.

Our Nation's agribusinesses will also benefit from the announcement of the 1985 minimum program provisions this early as they will be able to plan their expenditures and purchases.

Mr. President, the wheat section of this legislation is virtually identical to a sense of the Senate resolution,

which I offered along with several other wheat State Senators, and which was adopted by the full Senate 2 weeks ago. For both the 1984 and 1985 wheat crops, the bill provides for a 20-percent acreage reduction program with no payment and a 10-percent paid diversion program with a payment rate of no less than \$2.70 per bushel. For the 1984 wheat crop, farmers would have the option of setting aside an additional 10 to 20 percent of their base under the payment-in-kind program with compensation based on 85 percent of farm program yield.

Also, under the 1984 program, at the option of the State ASC committees, farmers would be permitted unrestricted haying and grazing on set aside acreage. If a State chooses to do this, it would mean there would be no set date by which cattle must be taken off the acreage. Under the current program, for example, in order to be in compliance with the program, cattle must be taken off the set-aside acreage by May 1 in Oklahoma.

The legislation before us now, if enacted, would allow a State committee to not have such a date. For my home State of Oklahoma, unrestricted haying and grazing is extremely important. It is the only thing that allows Oklahoma farmers to make any money when participating in acreage limitation programs. The inclusion of this provision, alone, will increase Oklahoma farmer participation in the 1984 program by 15 to 20 percent.

Regretfully, Mr. President, we were not able to get this option for the 1985 crop as there are some cattlemen in the Western part of the United States who feel that allowing grazing in the month of May is a subsidy for cattlemen. I would just point out that these same western cattlemen receive a similar subsidy by being allowed to graze their cattle on public lands for a very low fee. We do not have public lands in Oklahoma. Allowing farmers to graze 15 to 30 days beyond the current cutoff date just will not result in Oklahoma farmers having an unfair advantage over other cattlemen. I would hope that in the very least the Secretary would allow grazing through May 15 for the 1985 crop should a State ASC committee choose to do so.

Mr. President, this legislation also includes several provisions relating to Farmers Home Administration (FmHA) farmer programs. The majority of these provisions were introduced by Senator HUDDLESTON and myself last January in S. 24, the Emergency Agricultural Credit Act of 1983. One key provision included in this package is the requirement that the FmHA, when rescheduling or reamortizing farm loans, would base the new loan on the original rate of interest or the current rate of interest, whichever is lower. Under current law, a farmer who is having difficulty meeting his fi-

nancial obligations applies for rescheduling to bring his payments down to a lower level.

What often happens, though, when the loan is rescheduled, is that the payments actually become higher because the current interest rate is higher than the original rate of interest. Current FmHA regulations require that the current interest rate be used when rescheduling farmer program loans. FmHA officials in my home State of Oklahoma tell me that if they had the option to use whichever interest rate was lower, the majority of FmHA borrowers, who are in trouble this year, would be able to stay in business this year.

Another provision which will provide additional relief to our farm borrowers is the extension of the repayment period for FmHA operating loans that are consolidated or rescheduled. Under this legislation, the repayment period would be extended from 7 years to 15 years. This will allow farmers to spread their payments out over a longer period of time.

As a result of a court order, the Administration announced last fall that \$600 million in economic emergency loan funds would be made available through the Farmers Home Administration. In January, the Administration announced that only \$57 million of the \$600 million would be made available for direct loans. The remainder, \$543 million, would be available only in the form of loan guarantees. This decision, by the administration, made this program worthless for the majority of FmHA borrowers. The farmers who are able to find a bank that will loan them money with the FmHA guarantee end up paying a higher interest rate. The interest rates on commercial agricultural credit runs anywhere from 3 to 5 percent higher than the interest rate on FmHA direct loans. As we all know, a 1-percent increase in the interest rate can often lead to the inability to make payments.

This legislation includes a provision that will increase the amount of direct loans made under the economic emergency loan program to no less than \$310 million. This provision will result in a greater number of farmers benefiting from this program.

Finally, this legislation includes a sense of the Senate resolution which outlines the steps the administration has agreed to take after the enactment of this legislation to expand agricultural exports. The administration agreed to seek additional appropriations of \$150 million for the food-for-peace program (P.L. 480), and provide an additional \$500 million for export loan guarantees in fiscal year 1984. For fiscal year 1985, the administration agreed to seek additional appropriations of \$175 million for Public

Law 480, and provide an additional \$100 million for direct export loans and an additional \$1.1 billion for export loan guarantees. Further, the administration agreed to seek an additional \$50 million which could be used for either the Public Law 480 program or for direct export credits in 1985.

Mr. President, I believe it is vital that the Congress act now. The administration has made some compromises and we have made some compromises. Generally this package will improve the economic situation of all our farmers. I strongly urge my colleagues to join in supporting this legislation.

DROUGHT ASSISTANCE

Mr. JEPSEN. Mr. President, I had planned on pursuing an amendment on drought assistance.

This amendment is similar to a provision that was included in the Drought Assistance Equity Act, introduced by myself and Senator GRASSLEY.

We have worked very closely with the drought 1983 committee from Davis County, Iowa. Mr. Jerry Kincart was instrumental in this drought legislation.

This provision was not included in the marked up bill as reported out of the Senate Agriculture Committee. However, I can see the handwriting on the wall. All amendments have been defeated.

I am extremely disappointed that this third provision of the Jepsen/Grassley bill is not a part of this agricultural package. This provision would change the formula by which grain is valued for disaster loan assistance. It would calculate grain losses according to the higher of either the average national monthly price in effect for the previous year, or the average monthly price in effect for the 3-month period beginning on the date the disaster began.

In order to meet the needs of drought-stricken farmers, I, along with Senator GRASSLEY, introduced the Drought Assistance Equity Act, S. 2379. Two key provisions of that bill are included in this Agricultural Programs Adjustment Act of 1984.

The first provision requires the Secretary of Agriculture to accept emergency (EM) loan applications from farmers affected by a natural disaster for an additional 60 days. This will lengthen the signup period, allowing farmers to make a better assessment of the production damage caused by a disaster.

The second provision of the Jepsen/Grassley bill that is included amends current law by allowing for two options in appraising real estate for collateral purposes. The bill states that the Secretary of Agriculture shall value the farm based on the date the Governor of the State in which the farm is located requests a disaster declaration for any county of such State,

or the value of the farm 1 year before the day referred to above.

This change is desperately needed because FmHA is undercutting loan applicants by determining the value of their real estate and other secured collateral at depressed, post-drought prices.

As evidenced in southern Iowa, as the land values drop, more and more farmers are in a position of having little or no equity to secure further financing and, therefore, must put their property on the market.

This provision will allow a more equitable value-assessment formula for a farmer's most valuable assets, which are land, livestock, and machinery. This will not only benefit the immediate disaster counties, but it will help stabilize the share decline in asset value now being experienced by all farmers.

Credit is the most important life-support system for many of Iowa's drought-stricken farmers. Because of the credit needed by those involved in livestock farming in southern Iowa, the lack of credit in the area will have agricultural as well as social impact. Should we not be able to help solve the credit crunch in this part of the country, a change in farming practices in the region could result. Therefore, these two provisions from the Jepsen/Grassley bill will add an element of flexibility into the disaster-assistance-loan statutes.

I am also pleased that credit provisions included by Senators HELMS and HUDDLESTON are a part of this package.

Again, Mr. President, I want to stress that I was prepared to offer this amendment for commodity equity in disaster loans. I believe that this is a much-needed provision and I am disappointed that it cannot be included in this bill.

Mr. HELMS. Mr. President, I commend the Senator from Iowa for his diligence in working on this bill on behalf of his farmers in Iowa and farmers everywhere. The efforts of Senator JEPSEN and Senator GRASSLEY have been immensely helpful in putting this credit package together that will provide substantial assistance to Farmers Home Administration borrowers having temporary difficulty in repaying their debts.

All of us in this Chamber would support any reasonable proposal that will help keep farmers in business. Certainly, that was our goal in crafting the credit portion of the wheat bill and I think we were successful. I realize many Senators would like to do more at this time, but in consideration of the entire bill, the Agriculture Committee put together the most that we could and not jeopardize enactment.

I believe the Jepsen amendment has merit, but I must honestly state that its inclusion may very well cause us severe difficulties down the road. I

know that Senator JEPSEN has made every effort to have his amendment included and I salute his persistence.

Again, I want to commend the efforts of the Senators from Iowa during consideration of this legislation.

Mr. BURDICK. Mr. President, I am going to vote for this bill today. I confess, however, to having mixed views about it.

The basic problem in the farm economy is inadequate farm income. Farmers are going bankrupt out there at higher numbers than at any time in the past 50 years. This bill cuts the wheat target prices in both this year and next year. The cut this year is 7 cents per bushel. But the cut for next year is 27 cents per bushel. Those are dramatic cuts. It is the target price that sets a floor under farm income. And again, farm income is already much too low to prevent major bankruptcies among families who are farming today.

The reason I will vote for this bill is because it contains a better acreage reduction program than the alternative offered by the administration. Farmers are not able to take advantage of the target price unless they are able to participate in the farm program. The acreage reduction program offered by the administration excluded a great number of wheat farmers. These wheat provisions will permit more farmers to participate but at a reduced target price.

Mr. President, we have been through the arguments on this proposal since last July. I do not want to take too much time and prevent other Senators from speaking. Just let me say that this bill is not a solution for the disastrous state of the farm economy. I know of no one who is suggesting it is. It makes the farm program a little better for farmers and for the Government, because it will save money over the longer course for the Government. We all have to keep in mind, however, the larger problem of farm income.

Mr. President, I ask unanimous consent that two letters be printed immediately after my remarks. The first letter is from Wayne Dybing, vice president, First State Bank, LaMoure, N. Dak. The second letter is addressed to Secretary Block and is from Kent Jones, commissioner of agriculture from North Dakota.

Mr. President, thank you for this opportunity to present these views.

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

FIRST STATE BANK,

LaMoure, N. Dak., March 7, 1984.

Senator QUENTIN BURDICK,
451 Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BURDICK: I'm sure you need not be reminded of the severe economic conditions that face the farmers today. Not only are the farmers in an extreme financial

bind but the local small businessman on main street is probably suffering as much or more.

I have been in the farm financing business now for 20 years, 10 years with the Federal Land Bank system and 10 years with a commercial bank. The situation today is the most critical I have ever seen and based on current conditions there appears to be no relief in sight. During renewal of farm loans this year we are finding that at least 90% of these people have lost equity ranging from \$10,000.00 to \$100,000.00 with most of them showing in the range of a \$50,000.00 net worth loss. I might add that this situation has been happening for the last three years in many cases. I think it is apparent that in 1984 many of these operators will be forced to liquidate their holdings to pay off their debt. This will also cause the fall of many of the small businessmen on main street in the small communities.

The experts say that the economy is heating up and there soon will have to be actions taken to slow the economy. This may be true in the large corporate business sector but any actions of this type taken in the form of higher interest rates, etc. would probably be the crushing blow to force the farm economy into a depression that would make the last great depression look like a picnic. Please don't propose that the solution to the problem is more loans through the Farmers Home Administration for our farmers. Their debt is already overwhelming and they can handle no more. What is needed is better prices for the commodities they sell with a possible forced reduction of interest rates.

I don't propose to be an economist but I think the basic concept of our economy is very elementary. This country's economy will do no better than agriculture over a given number of years. Time is short and some very positive actions must be taken within this year if we want to avoid total chaos nationwide. Our nations leaders have spent too much time wining and dining on cheap food for too long a period.

Thank you for taking time to allow me to voice my opinion and concerns.

Very truly yours,

WAYNE G. DYBING,
Vice President.

NORTH DAKOTA
DEPARTMENT OF AGRICULTURE,
Bismarck, N. Dak., March 7, 1984.

Hon. JOHN R. BLOCK,
Secretary of Agriculture, Washington, D.C.

DEAR SECRETARY BLOCK: I am becoming increasingly alarmed at the great crunch facing farmers and agri-businesses in North Dakota. Recently I held a series of meetings across the state, and the news I received from lenders and from farmers and agri-businessmen is extremely serious. A quick check of the Bankruptcy Court finds the Court dealing with 500 to 600 Chapter 11 filings right now. From the information I've gathered that could very well be just the tip of the iceberg. It's been said that they are poor operators and should be phased out, but in the main, this is just not true. These are farmers and Main Street businessmen who, because of continued drought, high interest rates, high cost inputs, machine parts, diesel fuel and so forth, have been forced into Chapter 11.

Further, we have an extremely high percentage of land for sale all across the state, with no buyers. The result is that land values have plunged drastically, and farm operators who previously were in a comfort-

able position are now finding themselves in extremely precarious straits with no chance for operating funds.

Mr. Secretary, I have consistently tried to keep from preaching "doom and gloom" through the three years of my service as North Dakota's Agriculture Commissioner, but I feel the time has come to tell it as I see it and to be doubly sure that all people in authority, such as yourself and your staff, are fully aware of the problems.

Also in the bad news department, a large share of the problems facing our farmers is the slowness of FmHA's paperwork. The FmHA is still working its way through the 1983 analyses of its customers, thereby affecting fellow lenders such as PCA, Federal Land Bank, and local lenders who are desirous of helping their customers by working with FmHA for the 1984 crop year.

A spin-off of this log jam is that many farmers are in limbo with their planning, and this has created great stress on these farm families as the time for being in the field with spring work is just around the corner.

Here, hopefully, are some positive steps that USDA can take:

1. When a farmer is in Chapter 11 or near Chapter 11, operating funds are the bugaboo. With all the CCC reserve grain on hand within the state, it seems logical if you allow these farmers verging on Chapter 11 and perhaps in a broader aspect to use this grain for seed on a revolving basis, it would be a giant step in the right direction. The farmer could replace the grain in the fall, bushel by bushel, and it would work quite similar to the present revolving stock grain program you have in place. CCC could be first on the creditor list for that seed, to protect themselves.

2. One of my biggest worries is that, when land values plummet like they're doing, it positions another layer of farmers into Bankruptcy Court. I am earnestly seeking ways to stop the rapid lowering of land values, which would bring some order into the financing of North Dakota's main industry—agriculture. Therefore, I am suggesting that when FmHA forecloses on farmers, the land not be put on the market for a certain time frame—at least one or two years. The land could be leased back to the present farmer, if possible, or to someone else for whatever list price they can get within reason. This would have a strong tendency to shore up land values, and would be helpful to all the North Dakota farmers having land debts.

3. Advance payments could be allowed from the deficiency program and/or any other program you may still come up with.

4. The U.S. exports program should be strengthened so that our exports become more competitive in the world trade market. I think results would be immediate on our market system and, in the short run and in the long run, would benefit our agricultural sector. Huge set-asides may benefit our competitors and not us.

One final note: It has been brought to my attention that farmers in Chapter 11 do indeed receive their federal payments right on schedule but FmHA simply takes those checks and places them in the farmer's folder, and there they sit. There are many thousands of dollars accumulated with no interest benefit to the farmer himself. It makes absolutely no sense for the farmer to be paying every day on what he owes, but not receiving any interest on these government payments which are his also.

I enjoyed having a few minutes with you at the NASDA meetings. I don't envy you your job, but I felt I had to speak out further right now because we seem to be having a much more explosive situation in agriculture than many realize.

Sincerely,

KENT JONES, Commissioner.

Mr. JEPSEN. Mr. President, 2 weeks ago may well have marked a watershed in American Farm policy—the beginning of the next generation of farm policy. But perhaps even more than this. America's farmers are the first of our society to make their contribution to the resolution of this Nation's greatest economic challenge, reducing the deficit. I am personally placing all Members of this Congress on notice that they will not be the last. America's farmers recall all too well how they stood alone during the grain embargo of 1980. And as God is my witness, they will never stand alone again.

Negotiations with administration officials David Stockman and John Block began on Monday, March 5. The Administration's original proposal regarding corn was to freeze target prices in 1984 and 1985 at the 1983 level of \$2.86 per bushel; 1984 and 1985 target prices were scheduled according to the 1981 farm bill to rise to \$3.03 and \$3.18 per bushel, respectively.

Mr. Stockman and Secretary Block were quickly informed in no uncertain terms that the previously announced 1984 corn program containing the \$3.03 target price was non-negotiable. There was no further discussion of the 1984 corn program; it stands as announced.

Negotiations turned to the 1985 corn program. Representatives of the administration let it be known that a 1985 corn program which included a \$3.18 target price would contain a 20-percent nonpaid, acreage reduction program (ARP). Such a program would likely be so unattractive to corn farmers that the \$3.18 target price would for all intents and purposes be moot and therefore of little benefit to anyone. While it is arguable that the administration would have gotten away with such a program in 1985, there was, and is, little question in my mind that it would have been announced: The budgetary savings between 20 percent and 10 percent nonpaid acreage reduction programs at a \$3.18 target price is \$500 million. As a result, estimated per farmer benefits of a 20-percent ARP at a \$3.18 target price became our bottom line.

In return for foregoing only a potential 15 cents per bushel in deficiency payments, we secured a guaranteed paid diversion program in 1985 and \$2.1 billion of additional export credits and Public Law 480 funds, \$650 million of which will be used this year, in fiscal year 1984. Compared to the administration's threatened and perhaps

realized 1985 corn program the new land diversion payments and additional export sales will more than compensate America's corn farmers for a lower target price in 1985. For example, even excluding the benefits of expanded export sales, the guaranteed paid diversion portion of a 20-percent set-aside in 1985 as provided in this compromise will yield enough benefits to corn farmers to cover the losses in deficiency payments associated with the lower target price.

If market conditions dictate a 10-percent set-aside in 1985, one-half of this set-aside must be in paid diversion. Compared to a 20-percent non-paid set-aside at a target price of \$3.28 per bushel, this 1985 program will net the typical Iowa farmer an additional \$8,400 at no additional cost to the taxpayer.

Add the essential element of an additional \$2.1 billion of export demand enhancement, and we are beginning to put some reason into our farm programs. I am the first to say, however, that last week we came to a short-term resolution, not a long-term solution, to our serious farm problems.

In addition, I would like to point out that for many farmers across the Nation, especially those in drought-stricken counties of Iowa, more help is needed in order to lessen the financial burden these farmers have suffered. For example, southern Iowa suffered its worst drought in 50 years. This part of Iowa is known for its rolling terrain where livestock feeding is the livelihood for many farmers. It has become increasingly clear that more must be done to alleviate the immense hardship being suffered by many farmers and their families due to the drought of 1983.

I spent a considerable amount of time during the August recess examining the effects of the drought. The devastation and financial crisis caused by this natural calamity will take years to overcome. The southern-tier counties of Iowa have suffered varying degrees of natural disaster in the past 3 years, culminating in this past summer's drought. This has resulted in an unprecedented demand for agricultural credit.

However, this demand—and need—for agricultural credit is not being met. In order to meet the needs of drought-stricken farmers, I, along with Senator GRASSLEY, introduced the Drought Assistance Equity Act, S. 2379. Two key provisions of that bill are included in the Agricultural Programs Adjustment Act of 1984. The first provision requires the Secretary of Agriculture to accept emergency (EM) loan applications from farmers affected by a natural disaster for an additional 60-days. This will lengthen the signup period, allowing farmers to make a better assessment of the production damage caused by a disaster.

The second provision of the Jepsen/Grassley bill that is included amends current law by allowing for two options in appraising real estate for collateral purposes. The bill states that the Secretary of Agriculture shall value the farm based on the date the Governor of the State in which the farm is located declared the disaster in any county of such State, or the value of the farm 1 year before the day referred to above. This change is desperately needed because FmHA is undercutting loan applicants by determining the value of their real estate and other secured collateral at depressed, post-drought prices.

As evidenced in southern Iowa, as the land values drop, more and more farmers are in a position of having little or no equity to secure further financing and, therefore, must put their property on the market.

This provision will allow a more equitable value assessment formula for a farmer's most valuable assets, which are land, livestock, and machinery. This will not only benefit the immediate disaster counties, but it will help stabilize the share decline in asset value now being experienced by all farmers.

Credit is the most important life-support system for many of Iowa's drought-stricken farmers. Because of the credit needed by those involved in livestock farming in southern Iowa, the lack of credit in the area will have agricultural as well as social impact. Should we not be able to help solve the credit crunch in this part of the country, a change in farming practices in the region could result. Therefore, these two provisions from the Jepsen/Grassley bill will add an element of flexibility into the disaster assistance loan statutes.

However, I am disappointed that a third provision of the Jepsen/Grassley bill is not a part of this agricultural package. This provision would change the formula by which grain is valued for disaster loan assistance. It would calculate grain losses according to the higher of either the average national monthly price in effect for the previous year, or the average monthly price in effect for the 3-month period beginning on the date the disaster began.

PRICE SUPPORTS HURT CONSUMERS

Mr. PELL. Mr. President, we must cut the cost of Government farm subsidy programs which have skyrocketed to \$28 billion this year—nearly 10 times the cost just 3 years ago.

Three years ago, I voted against Senate passage of the farm bill because I believed it was far too generous to the private agricultural industry and unfair to taxpayers and consumers.

At that time, I noted that the bill was bloated by unfair price-support programs and that it was an extravagant measure that was out of step

with the times and out of line with our economy.

I continue to believe that it is wrong to ask taxpayers to pay for overblown price-support programs that assure consumer prices will remain high.

Now we have been asked to freeze a few of next year's target prices at current levels and to slightly reduce the target price for wheat. We also are being asked to extend the costly payment-in-kind (PIK) program.

Efforts to freeze or slightly reduce price supports are commendable, but they do not go far enough. If we are serious about reducing the national deficit, we must end these overblown price support programs and we must stop paying taxpayers money for idle farmland and useless crops.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. HELMS. Mr. President, there are certain formalities I wish to speak to. I wish to pay my respect to all for their cooperation and help in enacting this legislation, particularly the members of the Agriculture Committee.

I would especially like to commend Senators DOLE, HUDDLESTON, JEPSEN, BOSCHWITZ, COCHRAN, ANDREWS, MELCHER, HEFLIN, and PRYOR for their very substantial contributions.

Mr. President, it has been a difficult period of negotiation. However, we have succeeded not only in providing for improved farm commodity programs but also in placing a new emphasis on agricultural exports in this measure.

The distinguished Senator from Iowa (Mr. JEPSEN) succeeded in getting an amendment adopted when the Agriculture Committee considered target price legislation last summer to earmark \$600 million for agriculture exports. That amendment was supported by the National Corn Growers Association. Unfortunately, that measure was prevented from being considered by the Senate.

The Senator from Iowa (Mr. JEPSEN) has insisted on this principle throughout the negotiations, and he deserves great credit for the increases in export funding called for in H.R. 4072.

This bill calls for increases in export credit guarantees of \$1.6 billion over 2 years.

Also, the Public Law 480 program will be increased by \$325 million over 2 years, as called for under this legislation.

These increases are along the lines proposed in S. 2304, the legislation originally introduced by Senators BOSCHWITZ and JEPSEN.

During our series of meetings, Senator JEPSEN insisted on an increase in direct export credit, which is one of our most effective export tools. This bill calls for an increase of \$100 million in direct export credit, plus an ad-

ditional \$50 million which is to be used for direct credit or Public Law 480, as Senator JEPSEN has suggested.

I commend him for the leadership he has shown in seeking to increase our farmer's agricultural exports and to improve this bill.

Of course, the bill also provides for a paid diversion program of 5 to 7.5 percent on the 1985 crop of feed grains if stocks are high. In determining the level of corn carryover which would trigger a paid diversion, Senators DIXON and JEPSEN were very much involved.

Senator JEPSEN and his colleague from Iowa (Mr. GRASSLEY) have repeatedly stressed the urgency of enacting legislation to assist drought-stricken farmers in Iowa and across the Nation.

The Senators from Iowa worked closely with the committee on several provisions designed to provide much needed assistance to Farmers Home Administration borrowers hurt by this past summer's drought.

Specifically, the Jepsen-Grassley provisions would allow farmers adversely affected by the drought an additional 2 months in which to apply for FmHA disaster credit assistance. Also, of primary importance to borrowers who need adequate collateral for this year's loans, is their provision which would provide for improved valuation of farm assets.

The Senators from Iowa were especially helpful in working out the details of a comprehensive credit package as an important part of this legislation. Other provisions to assist FmHA borrowers include an additional \$250 million of direct economic emergency loan funds for borrowers in need of immediate credit for this year's crop. Also, provisions in this package would allow delinquent FmHA borrowers to reschedule and consolidate their indebtedness at easier rates and terms.

Especially important to many producers who rely on FmHA for annual operating funds, is language which will double the limit each borrower may receive from \$100,000 to \$200,000 for insured loans and from \$200,000 to \$400,000 for guaranteed loans.

Mr. President, without the support and diligence of the Senators from Iowa, it would not have been possible to put together these initiatives to provide relief to many producers who have incurred hardship due to last summer's drought. I commend them for their efforts in this regard and know that farmers in Iowa and across the Nation will extend their gratitude for a job well done.

Finally, Mr. President, permit me to extend my special thanks to the staff who worked so conscientiously on this legislative package. I am particularly indebted to the staff of the Committee

on Agriculture. We have one of the smallest staffs of any committee of the Senate, but they have a reputation for efficiency and excellence that is exceeded by none other. The majority and minority staffs work closely together in so many ways without regard to partisan distinction. All of them, from the most junior receptionist and secretaries to the most senior professional staff on both sides, have devoted many, many hours to this legislation, and they have earned the respect of all who have dealt with them. I thank them all.

I am ready to vote, Mr. President.

Mr. PRYOR. Mr. President, it was inadvertent a moment ago when I failed to mention the distinguished Senator from Nebraska (Mr. ZORINSKY) who has also very ably helped work out this compromise on the rice amendment. I am very appreciative of him and his staff on this.

The PRESIDING OFFICER. 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 bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Kansas (Mrs. KASSEBAUM) would vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

On this vote, the Senator from New York (Mr. MOYNIHAN) is paired with the Senator from Louisiana (Mr. LONG).

If present and voting, the Senator from New York would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that if present and voting, the Senator from Illinois (Mr. DIXON) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

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

The result was announced—yeas 78, nays 10, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—78

Abdnor	Armstrong	Baucus
Andrews	Baker	Bentsen

Biden	Grassley	Murkowski
Bingaman	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Hawkins	Packwood
Bradley	Hecht	Pressler
Burdick	Hefflin	Proxmire
Byrd	Helms	Quayle
Chafee	Humphrey	Riegle
Chiles	Inouye	Rudman
Cochran	Jeppsen	Sarbanes
Cohen	Kasten	Sasser
D'Amato	Kennedy	Simpson
Danforth	Lautenberg	Specter
Denton	Laxalt	Stafford
Dole	Leahy	Stennis
Domenici	Levin	Stevens
Durenberger	Lugar	Symms
Eagleton	Mathias	Thurmond
East	Matsunaga	Tower
Evans	Mattingly	Trible
Ford	McClure	Tsongas
Garn	Melcher	Wallop
Glenn	Mitchell	Warner
Gorton		Wilson

NAYS—10

Bumpers	Johnston	Roth
Exon	Metzenbaum	Zorinsky
Goldwater	Pell	
Hollings	Pryor	

NOT VOTING—12

Cranston	Hart	Moynihan
DeConcini	Huddleston	Percy
Dixon	Kassebaum	Randolph
Dodd	Long	Weicker

So the bill (H.R. 4072), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

STATEMENT OF POSITION ON H.R. 4072

Mr. PERCY. Mr. President, I arrived on the floor just after the vote had closed on H.R. 4072, the farm bill.

I made every effort to be on the floor, but was in Illinois on official business today with Secretary Marsh involving a very important decision the Army will be making with respect to the future of the Joliet ammunition plant and, therefore, regret my not being here for the farm bill vote.

But if I had been present, I would have voted aye.

Mr. BOSCHWITZ. Mr. President, I just wish to say that, since it has finally come to pass where we have passed this farm legislation, I firmly believe that the farmers in all parts of the country will benefit because of it.

It took a great deal of negotiations on both sides of the aisle, with the Department of Agriculture and with the OMB, and I wish to thank all of those people who participated in it.

I think we have a bill that will help the farmer. It is slanted to save \$3.2 billion over a period of 3 years. It will help the budget as well, and I think that we have made a step forward.

Another very important aspect of it is the 2-year program in most instances, and therefore, farmers will know what they will be able to rely upon as a farming program a little bit in advance.

It is really unfortunate that at the end of March we are talking still about the 1984 crop which has been in the ground for half a year in most instances, but I think we do have some forward-looking legislation at this time, and that will benefit all concerned and the budget as well.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-U.S. Interparliamentary Group during the second session of the 98th Congress, to be held in Washington, D.C., on May 17-20, 1984: The Senator from New Mexico (Mr. DOMENICI), the Senator from Maryland (Mr. SARBANES), and the Senator from New Mexico (Mr. BINGAMAN).

The majority leader is recognized.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, it is my hope that in the next few moments I can make an announcement that will be of major interest to Senators in respect to scheduling of this weekend next, but I need just a moment more to finish the last details on that.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, may I suggest that if there are Senators who have statements they wish to make and morning business to transact, the time for the transaction of routine morning business be until 6:20 p.m. under the terms and conditions heretofore ordered, and I so ask unanimous consent.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 10:34 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to (H.J. Res. 493) making an urgent supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. NATCHER, Mr. TRAXLER, Mr. McHUGH, Mr. CONTE, and Mrs. SMITH of Nebraska as managers of the conference on the part of the House.

The message also announced that the Speaker appoints Mr. GRAY as a manager on the part of the House, only for consideration of subtitle 3 of title III and subsection 343(c) of the House amendment and modifications thereof, in the conference on the disagreeing votes of the two Houses to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, vice Mr. IRELAND, resigned.

At 4:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House having proceeded to reconsider the bill (S. 684) to authorize an ongoing program of water resources research, and for other purposes, returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was resolved that the bill pass, two-thirds of the House of Representatives agreeing to the same.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 250. Joint resolution declaring the week of May 7 through May 13, 1984, as "National Photo Week."

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5174. An act to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage fa-

cilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5174. An act to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, March 22, 1984, he had presented to the President of the United States the following enrolled bill:

S. 1530. An act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts.

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-2828. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Armed Services.

EC-2829. A communication from the General Counsel of the Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes; to the Committee on Armed Services.

EC-2830. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1985 and 1986, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-2831. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on railroad financial assistance for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-2832. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the disposition of foreign fishing fees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2833. A communication from the Secretary of Energy, transmitting, pursuant to law, the first annual report on the activities

and expenditures of the Office of Civilian Radioactive Waste Management covering the period January 7 to September 31, 1983; pursuant to Public Law 97-425, referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

EC-2834. A communication from the Secretary of Energy, transmitting, pursuant to law, the third biennial report on the continuing investigation of offshore operations and resources; to the Committee on Energy and Natural Resources.

EC-2835. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the list of areas on the National Registry of Natural Landmarks and the areas of national significance included in the National registry of Historic Places which exhibit known or anticipated damage to the integrity of their resources; to the Committee on Energy and Natural Resources.

EC-2836. A communication from the Acting Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, a report on biomass energy and alcohol fuels for the period October 1 to December 31, 1983; to the Committee on Energy and Natural Resources.

EC-2837. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on actions taken under the Powerplant and Industrial Fuel Use Act for calendar year 1983; to the Committee on Energy and Natural Resources.

EC-2838. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to remove the prohibition on charging a user fee for transportation services and facilities at Mount McKinley National Park, later renamed Denali National Park, in Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2839. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Soil Conservation Service Plan for the Turkey-Clay Creek Watershed, South Dakota; to the Committee on Environment and Public Works.

EC-2840. A communication from the Secretary of State, transmitting, pursuant to law, a report on U.S. efforts to achieve peace in Central America; to the Committee on Foreign Relations.

EC-2841. A communication from the District of Columbia Auditor, transmitting, pursuant to law, copies of reports entitled "Repayments of Loans and Interest," "Allocation of Hotel Occupancy Tax," and "Revenues in Support of the Mayor's fiscal year 1985 Budget Request;" to the Committee on Governmental Affairs.

EC-2842. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission regarding the implementation of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2843. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2844. A communication from the Assistant Secretary of Health and Human Services (Human Development Services), transmitting, pursuant to law, a report on a

new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2845. A communication from the President of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the annual report of the Corporation on implementation of the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-2846. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2847. A communication from the Chairman of the Board of Directors of the Tennessee Valley Authority, transmitting, pursuant to law, the annual report of the Authority under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2848. A communication from the Attorney General of the United States transmitting a draft of proposed legislation to assist victims of crime; to the Committee on the Judiciary.

EC-2849. A communication from the chairman of the Securities and Exchange Commission transmitting, pursuant to law, the Commission's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2850. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, the Department's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2851. A communication from the Director of the Federal Labor Relations Authority transmitting, pursuant to law, the Authority's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2852. A communication from the Chairman of the National Labor Relations Board transmitting, pursuant to law, the Board's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2853. A communication from the Executive Director of the Marine Mammal Commission transmitting, pursuant to law, the Commission's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2854. A communication from the Acting Administrator of GSA transmitting, pursuant to law, GSA's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2855. A communication from the national president of the Girl Scouts of the United States of America transmitting, pursuant to law, the 34th Annual Report of the Girl Scouts of the USA; to the Committee on Labor and Human Resources.

EC-2856. A communication from the Secretary of Education transmitting, pursuant to law, a regulation on final funding priorities for the National Institute of Handicapped Research; to the Committee on Labor and Human Resources.

EC-2857. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the National Institute of Handicapped Research; to the Committee on Labor and Human Resources.

EC-2858. A communication from the Secretary of Education transmitting a draft of proposed legislation entitled "Higher Education Amendments of 1984;" to the Committee on Labor and Human Resources.

EC-2859. A communication from the Secretary of Education transmitting, pursuant

to law, final regulations for the 1985-86 Pell Grant Family Contribution Schedule; to the Committee on Labor and Human Resources.

EC-2860. A communication from the Secretary of Education transmitting, pursuant to law, the 1984-85 Guaranteed Student Loan Family Contribution Schedule; to the Committee on Labor and Human Resources.

EC-2861. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, the Commission's Legislative Recommendations for 1984; to the Committee on Rules and Administration.

EC-2862. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to extend time which amendments to Grain Standards Act remain effective; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2863. A communication from the Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a secret report on 64 SAR's previously reported and on 23 new SAR's; to the Committee on Armed Services.

EC-2864. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, and other authorities to extend certain expiring laws; to the Committee on Armed Services.

EC-2865. A communication from the Director of the Federal Home Loan Bank Board, transmitting, pursuant to law, the Board's fifth annual report on efforts to prevent unfair and deceptive trade practices in the thrift industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-2866. A communication from the Secretary of Transportation, transmitting, pursuant to law, the ninth annual report of the activities of the Department related to administering the Deepwater Port Act of 1974; pursuant to 33 U.S.C. 1519 referred jointly to the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works.

EC-2867. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal years 1985 and 1986 and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2868. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2869. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1985, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2870. A communication from the Secretary of the Interior, transmitting, pursuant to law, a notice of leasing systems for the Navarin Basin, Sale 83, scheduled to be held in April 1984; to the Committee on Energy and Natural Resources.

EC-2871. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal Govern-

ment Energy Management for fiscal year 1982; to the Committee on Energy and Natural Resources.

EC-2872. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1963; to the Committee on Energy and Natural Resources.

EC-2873. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, the annual report on research and development projects in alternative coal mining technologies; to the Committee on Energy and Natural Resources.

EC-2874. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual report of the Energy Information Administration for 1983; to the Committee on Energy and Natural Resources.

EC-2875. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, copies of nine proposed lease prospectuses; to the Committee on Environment and Public Works.

EC-2876. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing appropriations to the Secretary of the Interior for services necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

EC-2877. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report under the Toxic Substances Control Act for fiscal year 1983; to the Committee on Environment and Public Works.

EC-2878. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the annual reports on the airport and airway, the black lung disability, the hazardous substances response, the highway, the inland waterways, the nuclear waste, and the reforestation trust funds; to the Committee on Finance.

EC-2879. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 15, 1984; to the Committee on Foreign Relations.

EC-2880. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 13, 1984; to the Committee on Foreign Relations.

EC-2881. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to March 9, 1984; to the Committee on Foreign Relations.

EC-2882. A communication from the Director of Administration, Department of Energy, transmitting, pursuant to law, a report on two new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-2883. A communication from the Chairman of the U.S. International Trade

Commission, transmitting a draft of proposed legislation to amend the Government in the Sunshine Act, 5 U.S.C. 552b, to permit the Commissioners of the International Trade Commission to communicate more freely with one another, in private, about matters before the Commission during periods when three or fewer Commissioners have been appointed; to the Committee on Governmental Affairs.

EC-2884. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-118, adopted by the Council on February 28, 1984; to the Committee on Governmental Affairs.

EC-2885. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-117, adopted by the Council on February 28, 1984; to the Committee on Governmental Affairs.

EC-2886. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-116, adopted by the Council on February 28, 1984; to the Committee on Governmental Affairs.

EC-2887. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2888. A communication from Judge Kelleher, of the Southern District of Ohio, Eastern Division, transmitting, pursuant to law, acceptance of his appointment as a bankruptcy judge; to the Committee on the Judiciary.

EC-2889. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2890. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2891. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1983; to the Committee on the Judiciary.

EC-2892. A communication from a member of the National Foundation on the Arts and Humanities, transmitting, pursuant to law, the eighth annual report on the Arts and Artifacts Indemnity Program for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-2893. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend programs under the Head Start Act, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 259. Joint resolution to designate the week of November 12, 1984, through November 18, 1984, as "National Reyes Syndrome Week."

By Mr. SIMPSON, from the Committee on Veterans' Affairs, without amendment, and with an amendment to the title:

S. 2391. A bill to amend title 38, United States Code, to revise the authority for the collection of a fee in connection with housing loans guaranteed, made, or insured by the Veterans' Administration (Rept. No. 98-366).

By Mr. McCURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 483. A bill to provide for the relief of water users deprived of winter stock water on Willow Creek, Idaho, below the Ririe Dam and Reservoir (Rept. No. 98-367).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Robert R. Breezer, of Washington, to be U.S. circuit judge for the ninth circuit;

Neal B. Biggers, of Mississippi, to be U.S. district judge for the District of Mississippi;

H. Russel Holland, of Alaska, to be U.S. district judge for the District of Alaska;

Edward C. Prado, of Texas, to be U.S. district judge for the Western District of Texas; and

John W. Stokes, Jr., of Georgia, to be U.S. marshal for the Middle District of Georgia for the term of 4 years.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. MITCHELL (for himself, Mr. RANDOLPH, and Mr. STAFFORD):

S. 2460. A bill to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building"; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. RANDOLPH, and Mr. STAFFORD):

S. 2461. A bill to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building"; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 2462. A bill to amend title 11 of the United States Code to clarify the circumstances under which collective bargaining agreements may be rejected in cases under chapter 11 of such title, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 2463. A bill to authorize appropriations of funds for certain fisheries programs, and

for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MATHIAS:

S. 2464. A bill designating February 11, 1985, as "National Inventor's Day"; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 2465. A bill to amend the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself and Mr. DeCONCINI):

S. 2466. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. EAGLETON (for himself and Mr. DANFORTH):

S. 2467. A bill to provide for a gold medal honoring Harry S. Truman; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON (for himself and Mr. EVANS):

S. 2468. A bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Wash.; to the Select Committee on Indian Affairs.

By Mr. DENTON:

S. 2469. A bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes; to the Committee on the Judiciary.

S. 2470. A bill to provide for the national security by allowing access to certain Federal criminal history records; to the Committee on the Judiciary.

By Mr. GARN (for himself and Mr. HATCH):

S. 2471. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NICKLES (for himself, Mr. DENTON, Mr. GLENN, Mr. KENNEDY, and Mr. NUNN):

S. 2472. A bill to amend chapter 81 of title 5, United States Code, to establish in the Department of Labor a program to pay certain death benefits to survivors of Federal law enforcement officers and firefighters who die in the line of duty, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. 2473. A bill to facilitate the carrying out of the activities and operations associated with the ceremony of inaugurating the President; to the Committee on Rules and Administration.

By Mr. TSONGAS:

S.J. Res. 264. Joint resolution to designate the month of March 1985 as "National Hemophilia Awareness 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. CHILES:

S. Res. 358. Resolution commending the Government of Colombia for its major achievement in seizing large amounts of cocaine, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. COHEN):

S. Con. Res. 100. Concurrent resolution concerning the drilling ship *Glomar Java Sea*; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL:

S. 2460. A bill to designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building"; to the Committee on Environment and Public Works.

EDMUND S. MUSKIE FEDERAL BUILDING

Mr. MITCHELL. Mr. President, today I am introducing legislation to honor our distinguished colleague, a friend and an American statesman—Senator Edmund S. Muskie—by naming the Federal Building in Augusta, Maine, after him.

Twenty-five years ago Ed Muskie took the oath of office to begin service in the Senate. Until his departure to become Secretary of State on May 8, 1980, Ed Muskie was very much a part of this institution. Few Senators in American history compiled the legislative record of our former colleague. Even fewer accomplished so much in so many areas.

Ed Muskie came to the Senate in the middle of his political career. When he arrived, he had already served as minority leader in the Maine Legislature and as Governor for two terms. He came to the Senate in the democratic landslide of 1958, or more correctly, before the landslide.

Ed Muskie was elected to the Senate in the September general election of 1958, the last such election in Maine history. It was his election in Maine that year that set the stage for another application of the slogan, "As goes Maine, so goes the nation," as 17 new Democrats followed him to the Senate that November.

MAINE GOVERNOR

It was as Governor of Maine that many of Ed Muskie's legislative interests were shaped. It was as Governor that he first began to shape Maine environmental laws and work for Federal legislation, that he became deeply concerned about the economic development and growth in the State of Maine—a concern that he maintained throughout his political career, and it was as Governor that he continued to develop the then fledgling modern Democratic Party of our State.

Thus, it is fitting that the Senate consider legislation to inscribe Senator Muskie's name on the Federal building in Augusta, the capital of the State of Maine. Ed Muskie has often talked about his pleasurable years as Governor, of raising his young children in the Blaine House, Maine's Governor's mansion. He has often reminded me, and others, that Governors outrank Senators in matters of protocol. Naming the Federal building in Maine's capital city after Ed Muskie

appropriately reflects his affection for that city and its relationship to his political life.

SENATOR MUSKIE

In his Senate career, Ed Muskie continued what he began as Governor. He wrote or helped write the Nation's economic development policy, early model cities and housing legislation, securities industry reform legislation, legislation to preserve our antiquities and to reform the way Government worked, to assert the powers of Congress with respect to the use of force and to restore the power of Congress with respect to the Federal budget.

But his single greatest achievement came in the area of environmental policy. No Federal environmental law, even those enacted since he left the Senate, is without his imprint. For nearly 20 years he crafted, molded and evolved policies to purify our air and water, protect the public health and welfare, protect our beaches and our parks, and assure that our new and modern plants were as clean as possible so the next generation will not have to go through the same excruciating political effort to clean up an ever-dirtier planet.

Ed Muskie did his homework. As a former staff person in his Senate office, I know from personal experience that he did his homework.

Ed Muskie wanted to know the answers to every question, even those that would not be asked because no one else knew the subject matter as well as he. He insisted on understanding the legislation which he managed in committee and on the floor. If Hubert Humphrey had more answers than there were questions, Ed Muskie asked more questions than could be answered. Merely articulating themes and concepts while turning implementation over to staff was not his view of the legislative process.

When Ed Muskie came to the Senate, he wanted to be on powerful committees, such as Foreign Relations and Commerce, and he was assigned secondary committees—Public Works and Government Operations. He converted those assignments into major legislative opportunities. Between 1963, when he became chairman of the Special Subcommittee on Air and Water Pollution of the Committee on Public Works, until he became Secretary of State, he saw enacted no fewer than six major clean air initiatives, five clean water initiatives, and numerous other landmark Federal environmental policy laws. His was the key provision of the National Environmental Policy Act which required the development of the environmental impact statement, now the most common tool to assure that Federal policies are examined, scrutinized and modified to meet environmental objectives.

Many present Members of this body passed through the Committee on Public Works during those years of Ed Muskie's subcommittee chairmanship. They know better than I the time and effort he devoted and required of them—to model what was, almost without exception, consensus, bipartisan legislation. And he was proud of that commitment. He would use it in debate to underscore the basis for his committee's product. For example, in the 1977 debate on the Clean Air Act, he said:

S. 252 is the product of 18 days of hearings and 58 markup sessions since 1975. But this bill is, in a larger sense, the product of a lengthy learning experience we have had with the implementation of environmental laws.

Ed Muskie believed that good legislation was the product of compromise and consensus, not confrontation. Seldom in his career in this body did he seek a fight when a victory could be obtained through debate, discussion and negotiation. But he never ducked a battle. In his book "Journeys," published in 1972, he said:

The legislative process is compromise and without it you can't get anywhere. To work compromises without destroying the integrity of legislation is an art.

Many Members will remember the early evolution of the congressional budget process. You will recall Ed Muskie and Henry Bellmon standing together taking on liberals on school lunch funding and conservatives on military spending to establish the discipline of a budget policy by sharing the sacrifice of their personal political commitments to favored programs.

The congressional budget process worked because Ed Muskie made it work. The War Powers Act was enacted because Ed Muskie labored diligently to achieve a compromise—not one which was entirely to his liking, but one which assured that there would be some congressional control on Presidential war powers.

Such was Ed Muskie's commitment to this body as an institution. He even gave up his long-sought seat on the Senate Foreign Relations Committee to assume the often tedious and more often politically unrewarding task of making that congressional budget process work. And it was not until his final 2 years in this body that he was able to return to the Foreign Relations Committee, where he sat as its most junior member.

SECRETARY OF STATE

Ed Muskie's interest in foreign policy, developed as a scholar and a student of America's international role, led him to the Soviet Union in the 1950's, to Vietnam with Mike Mansfield in the 1960's and to Western Europe for President Carter in the 1970's. In 1971, he visited the Soviet Union and talked for hours with Alexei Kosygin. He led a delegation to

China in 1978. From these and other experiences he acquired the knowledge to move easily to the task of Secretary of State.

Crisis brought Ed Muskie to the State Department and the Cabinet. A dangerous, divided, and unpredictable regime in Tehran held 53 Americans hostage; U.S. relations throughout the Middle East, Southwest Asia, and Western Europe were deeply troubled; Soviet troops were brutalizing Afghanistan. The President wanted the experience, authority, intelligence, and insight that were characteristic of Ed Muskie. In taking over at State, he at once had to bring those attributes to bear while also mastering the complicated global problems confronting U.S. foreign policy.

And he did so. It was his leadership and calm control that ultimately brought all the hostages safely home. It was his skilled and confident personal diplomacy—whether at the United Nations or at NATO, with the Soviet leadership or in other individual meetings with his counterparts around the world—that went far to advance the overall stability and rationality of our actions and to reassure people everywhere of the steadiness and purpose of American policy.

SUNSHINE AND SUNSET

He may question the suggestion, but historians may well conclude that Ed Muskie was a leader of a modern age of reform in Washington. In his first act as Senator, he fought Lyndon Johnson on the filibuster—a fight which resulted in his receiving obscure committee assignments as a freshman Senator.

He fought for and led efforts to reform the Senate as hard as he fought for and led efforts to reform the relationships between Federal, State, and local governments. He initiated, in his Intergovernmental Relations Subcommittee, open business meetings and markups and led the effort to change the Senate Rules to open up our entire legislative process. In the Budget Committee, he presided over hearings in the well of the committee rooms, while the press perched behind the dias. He championed government in the sunshine. He promoted efficiency by leading several drives for sunset legislation.

He supported building an adequate staff base and an adequate level of expertise so that Congress could have the information it needed and not be totally reliant on the executive branch. In so doing, he helped improve and protect this institution.

In "Journeys," Ed Muskie wrote eloquently of his view of the Senate:

If I have any criticism of the Senate as an institution, it related to the absence of consistent pressure. Authority and focus are diffuse, and individual members tend to find their own way, without the pressures of party discipline inherent in a parliamentary

system or, at least during the Nixon administration, the challenge of persistent leadership from the White House. It is pressure that makes anyone grow, a stimulating climate, and that is as true of political life as of any other life, whether it is plant or animal life or human beings.

In the Senate you could get by with a minimum of effort and pressure, I suppose. I can't think of any senator who would try to loaf his way through this institution, but I can see where it might be possible.

In his Senate career, Ed Muskie never loafed through the process. A local project like an economic development grant to a shoe factory in Skowhegan; a challenge like saving Loring Air Force Base; or a major legislative initiative like the Clean Air Act—all received an intensity of legislative and political effort which tested the skill and capacity of his staff and forced those who disagreed with him to work at an equal or greater pace.

Ed Muskie gained the respect of his colleagues because he worked hard, knew his facts, and listened carefully. He acquired respect, judgment and credibility in part because he had them. Those assets served him well as a Senator and as Secretary of State.

Those are the attributes of statesmanship. Taken together, they are often called wisdom. Today I and many of my colleagues continue to take advantage of Ed Muskie's judgment and wisdom. While he has retired from public life, he continues to be available to any and all of us who seek his perspective, request his counsel, or desire his judgment.

Mr. RANDOLPH. Mr. President, I join with my friend and colleague, Senator GEORGE MITCHELL, in proposing legislation to designate the Federal building in Augusta, Maine, as the Edmund S. Muskie Federal Building.

Ed Muskie and I were both elected to the Senate in November 1958. We were both assigned to the Committee on Public Works, as it was then called. From that time until May 8, 1980, when Senator Muskie left the Senate to serve as Secretary of State under President Carter, we worked closely together on important legislation which came before the committee, now the Committee on Environment and Public Works.

Senator Muskie had an impact on many areas of committee jurisdiction over the years, but his influence was most strongly felt in the area of environmental protection. He was designated as chairman of the Special Subcommittee on Air and Water Pollution when it was first created in 1963. That subcommittee, now the Subcommittee on Environmental Pollution, was responsible for all the legislative efforts which culminated in the roster of major environmental laws now on the books, including the Clean Air Act, the Solid Waste Disposal Act, the Safe

Drinking Act, and the Toxic Substances Control Act.

Senator Muskie chaired the Environmental Pollution Subcommittee for 17 years. His role as subcommittee chairman was one of substance. He worked hard. He studied, he listened, and he learned. Within a relatively short time he became known as one of this country's leading experts in the complicated area of environmental pollution.

As chairman of the full committee from 1966 through 1980, I worked extremely close with Ed Muskie, and came to respect him as a colleague and a friend.

His influence was concentrated not only in this body. He served his State of Maine as Governor from 1955 through 1958 as well as Senator from 1959 until 1980. He served his country as Secretary of State after his departure from the Senate.

Mr. President, I believe it very appropriate that the Federal building serving the city of Augusta, Maine, be designated as the Edmund S. Muskie Federal Building. I urge my colleagues to support this legislation.

By Mr. MITCHELL (for himself and Mr. RANDOLPH):

S. 2461. A bill to designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building"; to the Committee on Environment and Public Works:

MARGARET CHASE SMITH FEDERAL BUILDING

Mr. MITCHELL. Mr. President, I am today introducing legislation to honor our former colleague Senator Margaret Chase Smith, for her enduring contributions to the people of the State of Maine and the United States, by naming the Federal building in Bangor, Maine, after her.

Senator Margaret Chase Smith represented the State of Maine with integrity and distinction for 32 years, 8 in the House of Representatives and 24 in the Senate.

Senator Smith is the only woman ever to have been elected to both Houses of Congress. She is the only woman ever to have been elected to four full terms in the U.S. Senate. She is the first woman to have been placed in nomination for President at a national convention of a major political party; in the final ballot at the 1964 Republican National Convention, she received the second highest number of votes. Senator Smith was also the first woman elected chairman of the Congress of all Republican Senators.

I want to take the opportunity to describe what I believe was Senator Smith's most enduring contribution to the public life of this Nation. That contribution consists not of one vote or one speech, but of a lifetime of service which exemplified the best kind of representation an elected official can give.

It is the kind of representation that does not shrink from confronting challenges, and that is not wearied by the daily obligations of office.

Senator Smith's career demonstrated both her ability to speak with rare courage, disdaining the risk of her political future, and also to fulfill, with perseverance, one of the most fundamental, and least-appreciated of Senate duties—the duty to vote. In her Senate career, Senator Smith never missed a single rollcall vote on the Senate floor, a record rarely matched. It was not until I came to the Senate myself that I understood the difficulty of achieving and maintaining that kind of record. But there is no question that the daily responsibilities, unheralded and unsung, are as much a part of representative responsibility as the great debates of our time.

And it is also in the larger sense of representation that Senator Smith's career commands our admiration.

The nature of an elected official's responsibility in a democratic republic such as ours is a matter of disagreement. Does representation imply carrying out the wishes of the electorate? Or does it imply the independent exercise of one's own judgment? Everyone elected to public office has wrestled with that question, for it goes to the heart of our system of government.

It is all too easy, with the abundance of public opinion polls now available, to accept the approach that votes cast, speeches made or not made, issues addressed or avoided should reflect the views of the majority. Some would say that is the most representative form of government. A political career resting on the views of majority public opinion, aside from probably being a successful one, can be defended as a legitimate and conscientious discharge of duty.

It takes courage and a farsighted view of our Nation and its future to stand aside, to consider the implications of popular clamor, and to act against it when it is misguided.

Senator Margaret Chase Smith exemplified that kind of courage and that kind of representation for the people of her State and the entire Nation when she led the effort that ultimately returned civil political discourse to the Senate.

At a time when political debate in the Senate had reached the point of invective and name calling, Senator Smith was joined by six of her colleagues in a declaration of conscience as remarkable for its logic and sense today as it was 34 years ago.

The Senate has been called the greatest deliberative body in the world. Senator Smith's declaration of conscience marks an occasion when that was no exaggeration.

Today's controversies do not, thankfully, involve the witch hunting and smear tactics against which Senator

Smith spoke out. But in her appeal to reason, to honor, and to respect for differing views, she spoke to a timeless set of standards for public discourse.

It is often easy, in the heat of partisan debate or the fervor of substantive disagreement, to come to believe that only one view can be right, only one perspective valid, only one ideology respectable. Our national history is a repudiation of that notion. We are and ever have been a pluralistic, diverse, and often argumentative people. Those traits are responsible for the vigor of our civilization and the ingenuity of our political institutions. But at other times, they have been the source of self-inflicted problems.

Senator Smith was speaking at such a time. The postwar threat posed when the Iron Curtain descended across Europe was a real one. But the tactics and methods some chose to fight it were both ineffective and dishonorable. Those tactics ignored the American tradition of liberty of conscience and of speech. They sought to dismiss the American presumption of innocence. They sought to establish a notion of group guilt and guilt by association which is abhorrent to both our legal and our moral tradition.

For a time, those tactics succeeded all too well. Americans were overwhelmed, partly persuaded, partly intimidated into believing that the threats facing the Nation were so massive, so complex, and so immediate that fundamental American principles of fairness could be disregarded.

Senator Smith's declaration of conscience was the first step to rejecting that perception and restoring to our political discourse the fundamentals of honesty, openness, and respect for individual's right.

Senator Smith knew 34 years ago, as we know today, that the United States can be defeated by inner disunity far more surely than by an external threat. She reminded her colleagues in the Senate of that fact at a time when rancor and bitterness in political dialog threatened the very fabric of the institution of the Senate itself. And her observations remain as valid and as important today as they were then.

That action was not one that had the support of majority public opinion. It took immense courage to speak up against a Member of her own political party, at risk of being personally smeared as so many other victims of McCarthyism were smeared. That, in my judgment, was an example of the kind of representation that we should all strive to provide for those who elected us to serve.

It is a kind of representation which does not avoid difficult and controversial issues, does not back away from confronting them, and dares to break with popular belief when a higher principle is at stake.

Senator Smith's career was marked by that kind of integrity, intellectual rigor, and courage.

In her service in the Senate Armed Services Committee, Senator Smith consistently spoke for and voted for a stronger America without being blind to its changing security needs. Senator Smith's was the deciding vote in the historic 1969 ABM debate, which maintained the ABM system in production. But she did not hesitate, 3 years later, to cast her vote just as clearly for the SALT I Treaty, which limited ABM defenses for the purpose of curtailing the arms race. Senator Smith was guided, not by a rigid, unyielding adherence to hardware, but rather by an unyielding adherence to the national interest.

That is the difference between the kind of representation that blindly follows every up and down of the public opinion polls and the kind of representation that looks behind the immediate popular clamor to the roots of the issue at stake. It is the kind of representation that takes political risks for the sake of enduring principles that rise above temporary political expediency. And that is the kind of representation which our people enjoyed for 32 years while Margaret Chase Smith served in the Congress.

It is all too easy in the rush of everyday business to be guided by the immediate political practicalities and the imperative of election campaigns. But representation which sets the good of the Republic and the endurance of our political system above those immediate demands is rare and difficult. It takes courage and dedication to the greater principles that underly service in the Senate. It cannot be better expressed than in Senator Smith's own words of 34 years ago, when she said:

"I think it is high time that we remember we have sworn to uphold and defend the Constitution." Senator Smith never forgot.

Mr. RANDOLPH. Mr. President, I support the bill introduced by Senator GEORGE MITCHELL, which would name the Federal building in Bangor, Maine, in honor of former Senator Margaret Chase Smith.

Margaret Chase Smith was the only woman to serve in both Houses of Congress, and the only woman to have been elected to four full terms in the U.S. Senate. She was also the first woman to have been placed in nomination for President, at the 1964 Republican National Convention.

Mrs. Smith was first elected to the U.S. House of Representatives in 1940, to fill a vacancy created by the death of her husband, Clyde Harold Smith. She served in that body until she was elected to the Senate in 1948. She represented the State of Maine in the Senate from 1949 until 1972.

Mr. President, I knew Margaret Chase Smith well, having served with

her in both the House and the Senate. I worked with her over the years on legislation and programs affecting the State of Maine. I respected her for her diligence and for her integrity.

I believe it appropriate that the Senate now pass legislation naming the Federal building in Bangor, Maine, in her honor, and I urge my colleagues to support the bill introduced today.

By Mr. MATHIAS:

S. 2464. A bill designating February 11, 1985, "National Inventors' Day"; to the Committee on the Judiciary.

NATIONAL INVENTORS' DAY

● Mr. MATHIAS. Mr. President, I introduce a bill that would designate February 11, 1985, as National Inventors' Day. On that day we would honor a group of Americans whose pioneering spirit and creative genius have improved the human condition. Through this commemoration we sound an important theme—our reliance on the individual inventor to maintain our leadership in industry and technology.

It is not coincidental that Americans have been leaders not only in developing many of the world's major innovations, but also in recognizing that inventors are the keystone of a nation's industrial progress. In drafting the Constitution, the Founding Fathers provided civilization's first constitutional protection for intellectual property. They sought to nurture scientific inquiry in the belief that it would make America prosper. And it has.

Today's legislation honors those individuals who have done so much to confirm the wisdom and vision of the men who met in Philadelphia during the summer of 1787. Currently, inventors are found in all walks of American life—in the laboratories of great corporations, in small business establishments, in government research facilities, and in backyard garages. In many cases, their important work is known only to a few colleagues, or to family and friends. Our bill will recognize their inventive effort and its importance to the prosperity and well-being of the Nation. It also recognizes the patent system that provides the incentive and reward which, while it may not be the mother of invention, is surely its godmother.●

By Mr. METZENBAUM:

S. 2465. A bill to amend the Natural Gas Policy Act of 1978; to the Committee on Energy and Natural Resources.

NATURAL GAS POLICY ACT AMENDMENTS OF 1984

● Mr. METZENBAUM. Mr. President, for more than a year, Americans have looked to the Congress to restore order to the natural gas industry.

But the Senate has been paralyzed by ideological gridlock. The prodecontrol-antidecontrol debate has overwhelmed our efforts to fashion a workable natural gas bill. We have backed and filled, cajoled, and argued,

all to no purpose. To date we have failed the American consumer and the natural gas industry.

I believe it is time to move beyond rhetoric and ideology on this issue. In that spirit, I am proposing new legislation that offers the best hope for enacting meaningful natural gas legislation this year.

The measure I am introducing is very simple: It limits the operation of indefinite price escalator clauses and repeals certain fuel use act restrictions and incremental pricing provisions.

I do not pretend that this bill does all I think should be done to correct the problems in the natural gas industry. Far from it. If I had my way, I would prefer the "contracts" bill drafted by Senator DANFORTH and myself last year. But the fact is that major contractual reform will require concessions I am frankly not willing to make. For example, it is clear that the price for substantial take-or-pay relief would be a considerable amount of old gas decontrol. I simply will not make that trade off.

I know that some Senators are continuing the search for a comprehensive natural gas bill, including some form of decontrol. But I think there comes a time when reality should overtake ideology. And the reality is that neither the Senate nor the House will pass sweeping natural gas legislation this year.

So where does that leave us?

It leaves us in the position of searching for legislation which falls far short of what we prefer, but which accomplishes at least part of the job we set out to achieve. The legislation I am introducing is exactly that.

In January 1985 consumers of all classes face massive price increases as a result of uncontrolled operation of indefinite price escalator clauses. These IPE's are timebombs waiting to blow holes in the pockets of every consumer in America. They would cause purely artificial price increases with no relationship to market reality.

The legislation I am introducing would control these IPE's. Under the bill, IPE's, including most-favored-nation clauses, would be prohibited from operating to increase the price of gas above the price paid as of December 31, 1984, plus inflation.

The legislation balances this contract relief with repeal of two sections of current laws that the industry believes have failed—certain provisions of the Fuel Use Act and incremental pricing provisions.

As I said, this legislation is not my first choice, or even my second or third choice. But we are past the time for drawing up wish lists. We have reached the time where we must decide if we will provide some relief—however modest—to consumers and the industry, or whether we will do

nothing. I am convinced this legislation represents the best hope for providing that relief.●

By Mr. D'AMATO:

S. 2466. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

ETHNIC AND MINORITY AFFAIRS BROADCASTING
ACT OF 1984

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission.

The FCC, an independent governmental agency, has been an effective steward over the tremendous and rapid advancements in the field of communications. Corresponding with the growth of the communications industry is the growth of the FCC itself. I am concerned, however, that this agency now is becoming too big to respond to special communities and circumstances and too big to assist those such as ethnics and minorities.

Presently, there are no comprehensive services for ethnics and minorities within the FCC. The purpose of my bill is to create a specific FCC department to be a clearinghouse for complaints and suggestions regarding radio and television broadcasting which affects ethnic and racial minorities. Although it is not the intention of this legislation to mandate specific programming or to assist current or potential ethnic and minority broadcasters, this legislation would advocate educational programming and would encourage a more positive public image of ethnics and minorities.

I expect this legislation to cost very little. Even though the FCC now has no comprehensive services for ethnics and minorities, there are many departments within the FCC which have people who specifically handle ethnic and minority matters. This legislation would mostly use existing resources within the FCC to create this Office.

Since the FCC is committed to broadcast deregulation, I believe it is in the best interest of Congress, the administration, and the broadcast industry that we show ethnic and minority communities, which are often the most adversely affected by deregulation, that there is a special Federal Office to assist them and to register their opinions on broadcasting every year. Thus, it is appropriate that we move to establish an Office within the FCC to more effectively deal with these problems.

Mr. President, I ask unanimous consent that a copy of my bill be printed in the RECORD.

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

S. 2466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ethnic and Minority Affairs Broadcasting Act of 1984".

SEC. 2. Section 5 of the Communications Act of 1934 is amended by inserting after subsection (d) the following new subsection: "(e)(1) There shall be established within the Commission an office of ethnic affairs to be known as the 'Ethnic and Minority Affairs Office'. The Ethnic and Minority Affairs Office shall—

"(A) carry out an educational program that—

"(i) promotes educational ethnic and minority programming;

"(ii) encourages the positive portrayal of ethnic groups in radio and television broadcast programming; and

"(iii) demonstrates the importance of such a positive portrayal on the part of the mass media;

"(B) receive complaints and grievances regarding radio and television broadcast programming which unfairly depicts ethnic groups;

"(C) collect, analyze, and prepare information from public and private agencies related to the portrayal of ethnic groups by radio and television broadcast programming, and furnish such information, upon request and without charge, to public and private agencies that serve the needs and interests of such groups;

"(D) conduct an annual conference designed to focus public attention upon the images of ethnic groups and minorities depicted by radio and television broadcasting programming and encourage the participation of such individuals and organizations, public and private, that serve the needs and interests of such ethnic groups and minorities;

"(E) prepare and transmit to the Congress an annual report which details the activities of the Ethnic and Minority Affairs Office, including a compilation of all grievances filed under subparagraph (B); and

"(F) make such information available to the Commission which may be used for reviewing applicants for licensing.

"(2) Not later than ninety days after the date of the enactment of the Ethnic and Minority Affairs Broadcasting Act of 1984, the Commission shall establish the Ethnic and Minority Affairs Office and provide appropriate staff and services for it to carry out its functions under this subsection."●

By Mr. PACKWOOD:

S. 2463. A bill to authorize appropriations of funds for certain fisheries programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT OF 1984

● Mr. PACKWOOD. Mr. President, I am today introducing a bill to provide a 1 year reauthorization of a number of programs carried out by the National Marine Fisheries Service. This bill is similar to one which I introduced last year, S. 1099, which eventually became Public Law 98-210.

This year's version provides a total of \$75,000,000 for the National Marine Fisheries Service to carry out a portion of its duties in the areas of information collection and analysis, fishery conservation and management, and State and industry assistance programs. The balance of the funding needed by the Fisheries Service to carry out these functions is authorized under several cyclical authorizations, the primary one being the Magnuson Fishery Conservation and Management Act.

In addition to providing authorization for the Fisheries Service, the bill also provides for the continuation of several other programs. I will discuss these briefly.

Section 5 of the bill authorizes \$1 million to fund a Federal cooperative research program into the severe declines which have occurred in striped bass populations.

Section 6 reauthorizes the fishermen's guaranty fund. This fund is used to make payments to fishermen who suffer losses as a result of seizure of their vessels by foreign nations which make territorial claims not recognized by the United States.

Section 7 extends the authority of the Secretary of Commerce to operate the fisheries loan fund, as provided under the Fish and Wildlife Act of 1954. The loan fund consists of the fees paid by foreign nations which fish in the U.S. 200-mile zone.

Section 7 also extends the authority of the Secretary of Commerce to recruit and train persons who volunteer to assist with programs conducted by the National Oceanic and Atmospheric Administration.

Section 8 extends those provisions of law which enable the Secretary of Commerce to make loans from the fisheries loan fund for the purpose of helping fishermen avoid default on federally backed fishing vessel loan guarantees.

Section 9 provides a 3-year reauthorization for the Deep Seabed Hard Mineral Resources Act. The funding level provided is \$1.5 million annually for fiscal years 1985, 1986, and 1987. It is important that we reauthorize this act in order to continue the Federal regulatory structure under which seabed mining activities may proceed.

Mr. President, the programs authorized under this bill are not new, nor are they significantly above the levels which we have provided in the past for these functions. Nevertheless, it is important that Congress once again display its support for these activities, and I hope that my colleagues will support the measure when the time comes for it to be brought back to the floor for consideration by the Senate as a whole.

Mr. President, I ask unanimous consent that the text of the bill be print-

ed in the RECORD at the conclusion of my remarks.

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

S. 2463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public law 98-210; 97 Stat. 1409) is amended—

(1) in subsection (a), by inserting “, and \$28,000,000 for fiscal year 1985” immediately after “1984”; and

(2) in subsection (b), by striking “of 1976”.

Sec. 2. Section 3 of such Act is amended—

(1) in subsection (a), by inserting “, and \$35,000,000 for fiscal year 1985” immediately after “1984”; and

(2) in subsection (b), by inserting “Magnuson” immediately before “Fishery”, and by striking “of 1976”. Sec. 3. Section 4 of such Act is amended—

(1) in subsection (a)—

(A) by inserting “, and \$12,000,000 for fiscal year 1985” immediately after “1984”; and

(B) by striking “boats” and inserting in lieu thereof “vessels”; and

(2) in subsection (b), by striking “of 1976”.

Sec. 4. Sections 2, 3, and 4 of such Act are amended by adding at the end thereof the following:

“(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.”

Sec. 5. Section 7(d) of the Anadromous Fish Conservation Act (16 U.S.C. 757g(d)) is amended by striking “and” after “1983”, and by inserting “, and September 30, 1985” immediately after “1984”.

Sec. 6. Section 7(e) of the Fishermen's Protective Act (22 U.S.C. 1977(e)) is amended—

(1) by striking “October 1, 1984” and inserting in lieu thereof “October 1, 1985”; and

(2) by inserting “, other than payment from fees collected or revenues accruing from deposits or investments of such fees pursuant to subsection (c) of this section,” immediately after “payments”.

Sec. 7. (a) Section 4(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(c)) is amended by striking “September 30, 1984” each place it appears and inserting in lieu thereof “September 30, 1985”.

(b) Section 7(c)(6) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)(6)) is amended by striking “and 1984” and inserting in lieu thereof “1984, and 1985”.

Sec. 8. Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c, note) is amended—

(1) in subsection (a), by striking “September 30, 1984” and inserting in lieu thereof “September 30, 1985”; and

(2)(A) in subsection (b)(2)(A), by striking “and 1984,” and inserting in lieu thereof “1984, and 1985,”; and

(B) in subsection (b)(2)(C), by striking “and 1984” and inserting in lieu thereof “1984, and 1985”; and

(3) in subsection (c)(1), by striking “and 1984,” and inserting in lieu thereof “1984, and 1985”.

Sec. 9. Section 310 of the Deep Seabed Hard Mineral Resources Act (30 U.S.C. 1470) is amended—

(1) by striking “and” immediately after “1983,”; and

(2) by inserting “, and \$1,500,000 for each of the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987” immediately before the period at the end thereof.●

By Mr. EAGLETON (for himself and Mr. DANFORTH):

S. 2467. A bill to provide for a gold medal honoring Harry S. Truman; to the Committee on Banking, Housing, and Urban Affairs.

GOLD MEDAL TO RECOGNIZE THE ACCOMPLISHMENTS OF HARRY S. TRUMAN

● Mr. EAGLETON. Mr. President, today I am introducing a bill to authorize the striking of a special congressional gold medal in recognition of President Harry S. Truman's outstanding public service to the United States. The medal will be presented to Margaret Truman Daniel, daughter of the former President.

On May 8, 1984, our country will celebrate the 100th birthday of Harry S. Truman, our 33d President. The Senate and House will meet in a special Joint Session of Congress to commemorate the great achievements of Harry S. Truman.

Whether Harry Truman was serving his country as a soldier, county judge, U.S. Senator, Vice President, or President, he always provided his best in leadership and dedication. When he first came to the Senate in 1935, he was unknown in circles outside of Missouri. By the time he left the Senate, Harry Truman was well respected as a man of hard work, integrity, and loyalty to his family and country.

Harry Truman's dedication to his country was a constant in his life, and a trait that he instilled in his family and friends. Margaret Truman Daniel, Harry and Bess's only child, shared her father with the Nation as she was growing up, and continues to share him with us today. Margaret Daniel has lent much energy and dignity to the planning of the Truman Centennial, and to the preparations for the opening of the Truman home in Independence in May by the National Park Service. I know that her father would be especially proud of her efforts and her willingness to serve her country.

I believe this bill is a fitting tribute to the Truman family for all the years of public service selflessly contributed by Harry S. Truman. In the year of his centennial, it is time to honor him by striking a gold medal.

Mr. President, the bill that I am introducing today is identical to H.R. 3614, which was passed by the House of Representatives on March 13, 1984. I ask that the text of the bill be printed in full.

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

S. 2467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Margaret Truman Daniel, a gold medal of appropriate design, in recognition of the lifetime of outstanding public service which her father, Harry S. Truman, gave to the United States, and in commemoration of his one hundredth birthday which will be celebrated on May 8, 1984.

(b) For purposes of the presentation referred to in subsection (a), The Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) There are authorized to be appropriated not to exceed \$25,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisions of the first section shall be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.●

By Mr. DENTON:

S. 2469. A bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes; to the Committee on the Judiciary.

ANTITERRORISM ACT OF 1984

Mr. DENTON. Mr. President, today I introduce legislation to protect the internal security of the United States by creating the offense of terrorism, and to provide the Federal Bureau of Investigation with primary investigative jurisdiction over the crime of terrorism.

As my colleagues will recall, President Reagan, in his state of the Union address, spoke of the need for legislation to help combat terrorism. I believe that this bill is an important first step in that direction.

Strange as it may seem, terrorism per se is not a crime in the United States, as it is in many western industrialized nations. Greece, Ireland, Israel, Italy, Japan, the United Kingdom, and West Germany all have enacted legislation to deal with the crime of terrorism. I understand that a new proposal to strengthen the antiterrorist laws of the United Kingdom is under consideration by the House of Commons.

There is a temptation, however, in drafting legislation to deal with the crime of terrorism, to overreact. We must guard against the blind rage that grabs at us when we think of the

deaths of 241 marines at the hands of the terrorists in Beirut, or of the terrorist bombing of this very building just 4 months ago. We must be careful that any legislation we pass strikes a balance between the need to punish terrorists for their criminal activities, and the constitutional rights of all Americans, especially the right to express dissent.

In my view, my proposed legislation strikes that important balance. It quite simply defines the crime of terrorism, sets forth penalties for its commission, and gives the Federal Bureau of Investigation primary jurisdiction over investigating criminal activities of a terrorist nature.

The last provision, giving jurisdiction to the FBI, is, I believe, essential. We need a focal point, a "central clearing house," as it were, for terrorist investigations. We need to be able to delineate responsibility for investigating terrorist incidents, if for no reason other than that, when one occurs, there must be centralized command and control of the investigation. The FBI already has the resources and expertise to carry out that function. We just need a clear signal from Congress that the Bureau should put those resources and expertise to work.

I believe that the bill addresses a problem in our society that we must clearly face and resolve as soon as possible. Terrorists must be put on notice that their activities are criminal and simply will not be tolerated by law-abiding Americans. I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

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

S. 2469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "antiterrorism Act of 1984".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that terrorism is—

(1) an offense which results in the killing of innocent persons, the loss of civil rights through intimidation and coercion, and the loss of property;

(2) a crime that has as its goal the furtherance of a political or ideological objective by violent means;

(3) directed against the orderly and democratic conduct and security of all people;

(4) a threat to our national security and our national interests;

(5) a burden on commerce or threat affecting the free flow of interstate commerce;

(6) a threat to the safety of the President of the United States and Vice President of the United States, the Congress, the Supreme Court, and the Government of the United States as a whole; and

(7) a threat to the continued and effective operation of the Government of the United

States and of the government of each State as guaranteed by Article IV of the Constitution.

(b) It is the purpose of this Act to—

(1) protect the internal security of the United States by creating the offense of terrorism; and

(2) grant to the Federal Government and the Federal Bureau of Investigation primary investigative jurisdiction over the crime of terrorism.

OFFENSE OF TERRORISM

SEC. 3. (a) Title 18 of the United States Code is amended by adding after chapter 113 the following new chapter:

"CHAPTER 113A.—TERRORISM

"Sec.

"2331. Definition.

"2332. Offense.

"2333. FBI primary authority.

"§ 2331. Definition

"For purposes of this chapter, the term 'terrorism' means the knowing use of force or violence against any person or property in violation of the criminal laws of the United States or any State, territory, possession, or district, with the intent to intimidate, coerce, or influence a government or person in furtherance of any political or ideological objective.

"§ 2332. Offense

"(a) Whoever commits or procures the commission of an act of terrorism within the United States or any State, territory, possession, or district shall be punished (1) by death, if the death of any person results from the commission of the act of terrorism, and if the verdict of the jury shall so recommend, or (2) by imprisonment for a term of years not less than 20, or for life, or for life without possibility of parole.

"(b) Whoever attempts to commit an act of terrorism within the United States or any State, territory, possession, or district shall be punished (1) by death, if the death of any person results from commission of the attempt, and if the verdict of the jury so recommend, or (2) by imprisonment for not less than 10 years nor more than 20.

"(c) Whoever threatens to commit an act of terrorism within the United States or any State, territory, possession, or district shall be punished by imprisonment for not less than 5 years nor more than 10 years.

"(d) In the case of a second or subsequent conviction under subsection (a) or (b), such person shall be sentenced to a term of life imprisonment without possibility of parole, or death, if the death of any person results from the commission or attempted commission of the act of terrorism.

"(e)(1) A person shall be subjected to the penalty of death for any offense prohibited by this section only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under this section for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating factors set forth in paragraph (6) exists. The hearings shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury; or

"(iii) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant.

"(4) The jury, or if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to the existence or nonexistence of each of the factors set forth in paragraph (7).

"(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense—

"(A) he was under the age of eighteen;

"(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(D) he was a principal (as defined in section 2 (a) of title 18 of the United States Code (18 U.S.C. 2 (a))) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(E) he could not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury, or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that the death of another person resulted from the commission or attempted commission of the offense, and

"(A) the defendant has been convicted of another federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was impossible;

"(B) the defendant has previously been convicted of two or more Federal or State offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(C) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(D) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.

"§ 2333. FBI primary authority

"(a) Violations of this chapter shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, notwithstanding any statute, rule, or regulation to the contrary.

"(b) when Federal investigative or prosecutive jurisdiction is asserted for a violation of this chapter, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated."

(b) The table of chapters for part I of title 18, United States Code, is amended by adding after the item for chapter 113 the following:

"113A. Terrorism 2331."

By Mr. DENTON:

S. 2470. A bill to provide for the national security by allowing access to certain Federal criminal history records; to the Committee on the Judiciary.

ANTI-NUCLEAR TERRORISM ACT OF 1984

Mr. DENTON. Mr. President, I am introducing today the Anti-Nuclear Terrorism Act of 1984, which would amend the Atomic Energy Act of 1954.

This legislation would greatly enhance the security of nuclear-power facilities by granting nuclear-power-reactor licensees access to the criminal history files of the Federal Bureau of Investigation to assist screening possi-

ble employees for nuclear plants. It would provide for the conduct of background investigations on any individuals having unescorted access to a nuclear-power facility. The background checks would provide an indication of employee reliability, stability, and trustworthiness.

Currently, only 10 States allow private employer access to the national criminal history records maintained by the FBI. The majority of background checks by nuclear-power-reactor licensees are limited to State or local files, which do not include information on an individual's past criminal record, if any, in other parts of the country. If enacted, the legislation would allow nuclear-power-reactor employers to have access to the national files and thus enable them to obtain more complete criminal histories. That information can be a crucial factor in the determination to grant or deny an individual unescorted access to the facility.

It should be noted that the FBI data in question are protected by the Privacy Act of 1974. Therefore, if information from this data base is provided to the Nuclear Regulatory Commission, then the Privacy Act protections and limits on disclosure will apply.

According to the Nuclear Regulatory Commission, there are 79 U.S. nuclear-reactor plants that produce and are licensed for full power, and 3 that are licensed for fuel loading and low power. In 1982, those nuclear facilities produced 278,034.73 megawatts of electricity. By September 1983, they had produced 207,954,073 megawatts. That is approximately 12 to 13 percent of all the U.S. electrical power.

Nuclear powerplants are vital to the United States for energy, but they can also present a great danger to the environment and human life if they are mismanaged or damaged. Prevention of any mishaps in and around a nuclear powerplant is of the utmost importance.

Recently, the Nuclear Regulatory Commission began to investigate more than a dozen incidents of suspected sabotage by plant employees. The incidents, all reported since 1980, involved critical valves in the wrong position, miswired electrical equipment, and other flaws, all possibly attributable to human error. The Commission report said that there had been 32 possible deliberate acts of damage at 24 operating reactors and reactor construction sites between 1974 and 1982, including the dozen reported since 1980.

For example, at the Salem atomic-power station in southern New Jersey, on May 1, 1982, instrument valves were apparently deliberately mispositioned in a way that knocked out the steam generator feed-water pump that forced the operator to reduce power immediately to keep the reactor from going into emergency shutdown.

Another incident cited by the Nuclear Regulatory Commission occurred at the Beaver Valley Plant near Pittsburgh. A valve normally left in an open position was found shut, and the chain and padlock that secured this valve in the open position were missing. With the valve shut, emergency cooling water would not have been available for high-pressure injection into the core.

The Nuclear Regulatory Commission reported: "Since there were no indications of unauthorized entry to the sites of these incidents, they are thought to have involved insiders." A Commission memorandum issued last year concluded: "The major threat of sabotage to a nuclear plant is associated with the insider."

Those threatening incidents deserve preemptive measures such as screening of the employees of the plants.

The chairman of the House Energy and Commerce Committee, Representative JOHN DINGELL of Michigan, has warned that the national security continues to be seriously threatened by the possibility that terrorists might slip by inadequate security forces to steal nuclear material or blow up nuclear production facilities.

Acts of terrorism are increasing in our country. The acts have the goals of attracting mass attention and encouraging political blackmail. Should a nuclear-power reactor facility ever become a target of terrorists, the consequences could be incomprehensible.

By giving the nuclear-power-reactor operators access to the Federal Bureau of Investigation criminal history files and thus giving the FBI the responsibility for helping to screen individuals having unescorted passage to sensitive and vital areas of the nuclear plant, the legislation that I propose would greatly aid in preventing any sabotage to nuclear powerplants from within. An ounce of prevention is worth a pound of cure.

I introduce the legislation to help insure the safety of nuclear powerplants and to protect the citizens and the environment of the United States. I urge my colleagues to join with me to support the legislation. It is urgently needed to safeguard the security of the United States and the welfare of the American people.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

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

S. 2470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-nuclear Terrorism Act of 1984".

FINDINGS

SEC. 2. The Congress finds that—

(1) the presence of nuclear power facilities and nuclear material in our society represents a potential and grave threat to our national security should terrorists obtain access to such material;

(2) the increasing threat of terrorism directed against the United States is greatly enhanced by insider access to nuclear power facilities and nuclear material; and

(3) the Federal Bureau of Investigation should assist in screening persons who have access to nuclear facilities and material.

NATIONAL SECURITY ACCESS

SEC. 3. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"Sec. 149. Fingerprinting for security clearance.—

"a. Every person in the process of being licensed or licensed pursuant to section 103 or 104b to operate a utilization facility shall require that each individual allowed unescorted access to the facility be fingerprinted. All fingerprints obtained by a licensee as required in the preceding sentence shall be submitted to the Attorney General of the United States through a person or persons designated by the Commission in consultation with the Attorney General for identification and appropriate processing. Notwithstanding any other provision of law, the licensee may receive from the Attorney General the results of such search.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its responsibilities to promote the common defense and security and to protect the health and safety of the public."

(b) The table of contents at the beginning of such Act is amended by inserting after the item for section 148 the following new item:

"Sec. 149. Fingerprinting for security clearance."

By Mr. GARN (for himself and Mr. HATCH):

S. 2471. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

UTAH FEDERAL AND STATE LAND MANAGEMENT IMPROVEMENT ACT OF 1984

● Mr. GARN. Mr. President, today, Senator HATCH and I are very pleased to be introducing this landmark public lands legislation for Utah which has the potential to be a prototype for every other public lands State in the country where scattered sections of State land exist. This precedent setting legislation is called Project BOLD in the State of Utah and will provide for the orderly exchange of over 5 million acres of State and Federal lands into consolidated blocks of land replacing the existing checkerboard pattern of land ownership in Utah.

Project BOLD is the brainchild of Utah's Gov. Scott Matheson who has tediously developed this proposal over a period of 3 years. The Governor has worked with all effected user and environmental organizations, county com-

missioners and other governmental bodies including the Department of the Interior in an effort to achieve a fair package that will benefit the citizens of Utah while maintaining an equitable and fair land base for the agencies of the Federal Government who administer public lands. I commend Governor Matheson for living up to his reputation of being farsighted and promoting the best interests of the State of Utah. I fully support the concept of blocking up scattered State school sections as envisioned on Project BOLD. There remain differences of opinion at home in Utah and within the Interior Department over the best methods of achieving the goal of rational and logical land management of public lands within the State of Utah. I expect the legislative process which we have begun today will allow opportunities for those remaining differences of opinion to be fully aired. I am hopeful and confident that in time, this process will allow us to make changes in this bill if necessary, and to achieve the goals for the people of Utah which I have touched upon and will mention in more detail shortly. I believe the Project BOLD bill being introduced in the House of Representatives and Senate today represents the very best effort to date to achieve rational and logical land management in Utah. I again wish to thank the Governor of my State for his foresight and diligence in developing this package. Under his direction there have already been more public hearings held than on any other issue in recent memory. The Utah public has been fully involved in the creation of the package being introduced today.

Mr. President, I would like to explain now in more detail the reasons for introducing this legislation and what we Utahans hope can be accomplished as a result of its passage. This extensive land consolidation and exchange proposal seeks to satisfy several objectives, including achieving equivalency, and fairness in the value of lands exchanged between the Federal Government and the State and increase revenue from State owned lands—opportunities at both the State and Federal level and improving land management capabilities—and carrying out the exchanges and consolidations to maintain regional diversity of lands and values within the geographical provinces in Utah.

Upon entering the Union in 1896, Utah, like other Western States, was provided with specific square-mile sections among the Federal lands. In Utah, four sections of each 36-square mile township were granted to the State for the support of the common schools and specific land grants were made to 11 other institutions. The school land grant totaled nearly 6 million acres and created the checkerboard pattern of State and Federal

ownership across Utah as I mentioned earlier.

The Utah land grant was consistent with Federal land policies of the 1800's. National policy dictated disposition of Federal lands in order to facilitate development of the remote and arid West. The Homestead Act of 1864 and the Desert Land Entry Act of 1877, which provided lands to new settlers, were the legislative basis for the disposal policy. When the Utah Enabling Act was passed in 1894, the State of Utah and the Federal Government expected that public lands eventually would benefit from the taxes created by new private lands as well as the State land grant. This has never happened.

Through the 20th century, Federal land policies have been substantially revised—in 1976, the Federal Land Policy and Management Act (FLPMA), which I oppose, formally recognized a Federal policy of land retention. But while the policies have changed, the basic land ownership pattern established in the 19th century remains with only minor modifications. The State now finds itself with small islands of land surrounded, and in most cases, controlled by the activities of the Federal land managers. The revenues to the school trust have been almost nonexistent, providing only 3 percent of the State school budget in recent years. This current land ownership pattern frequently leads to conflicts between the State and Federal Government over the use of specific lands. Mineral development proposals on State sections have conflicted with surrounding Federal land management objectives, grazing levels on Federal lands have dictated the level of use on interspersed State sections, and State or Federal policies for wildlife or preservation use have been hampered by the neighboring government's contrary objectives.

The logical solution to these conflicts is to accomplish site-specific exchanges which eliminate management conflicts: The State of Utah has attempted to address these problems through individual exchange proposals. Unfortunately, experience with the existing exchange procedures has been singularly unsuccessful—value appraisals are difficult, costly, and time consuming, and the procedural complexities of the process have rendered all but the smallest and simplest exchanges virtually impossible to complete. Under FLPMA, traditional exchange determinations for mineral lands must be based on detailed core drillings to determine the mineral values of the lands in question. Unless significant minerals are present, the cost of determining the value of the lands involved in the exchange will exceed the value of the lands.

Utah's frustration with the existing Federal and State land pattern and administrative exchange processes is shared by the other Western States. It is now my hope that the Congress of the United States will objectively look at what we have to offer and work with us to arrive at a legislative result which solves the long-term management problems I have mentioned here today.

I believe strongly that the State of Utah has successfully made its case and demonstrated the real need for change in our land management configuration. I welcome the opportunity to continue this effort now through the legislative process in the Congress.

● **Mr. HATCH.** Mr. President, I join with my distinguished colleague, Senator **JAKE GARN**, today in cosponsoring a long overdue bill which will enable the State of Utah to block up the individual sections which were set aside for the State at the time Utah was granted statehood. This project has long been referred to as Project **BOLD**, and it is indeed a bold step.

Anyone who has ever examined a detailed map of the State, which shows how the individual State sections are scattered throughout the State, can well appreciate the impossible task of proper land administration for both the State and Federal Governments. It soon becomes apparent that the purpose for the granting of such sections to the State can never be realized as the situation now stands.

This bill is a starting place from which we can begin a process to block up or bring together all of these sections scattered throughout the State into workable units. In the introduction of this bill, I want to point out clearly that this is not a finished product. It is my hope that this bill can be a focal point for reasonable cooperation among all the different interests which will be brought to bear so that we may develop this bill into a truly effective piece of legislation. We want to achieve a consensus which will appropriately address the goals and concerns of all parties involved.

By **Mr. NICKLES** (for himself, **Mr. DENTON**, **Mr. GLENN**, **Mr. KENNEDY**, and **Mr. NUNN**):

S. 2472. A bill to amend chapter 81 of title 5, United States Code, to establish in the Department of Labor a program to pay certain death benefits to survivors of Federal law enforcement officers and firefighters who die in the line of duty, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL PUBLIC SAFETY OFFICERS' SUPPLEMENTAL DEATH BENEFITS ACT OF 1984

● **Mr. NICKLES.** Mr. President, the legislation that I am introducing today along with Senators **DENTON**, **GLENN**, **KENNEDY**, and **NUNN** will amend the

Federal Employees Compensation Act (FECA) to provide a \$50,000 death benefit to the survivors of a Federal law enforcement officer or firefighter whose death was directly and proximately caused by an outside force in the line of duty. I believe that such a benefit is both necessary and justified.

Every day, these individuals strive to protect the lives and property of their fellow citizens. Frequently, they perform these essential services with little regard for their own safety. Unfortunately, law enforcement officers and firefighters sometimes lose their own lives while saving those of others. Too often, their families are left in financial need. This bill acknowledges the deep commitment of these Federal employees and recognizes the hardships that inevitably follow the loss of one's spouse.

There is widespread support for providing this benefit for Federal law enforcement officers and firefighters. Last year, Senators **DENTON** and **GLENN** each introduced measures which addressed this issue, **S. 1716** and **S. 1163** respectively. Legislation identical to that introduced by Senator **GLENN** was passed by the House of Representatives in 1983.

The bill that my colleagues and I are introducing today is very similar to **S. 1163** which is pending in the Committee on Governmental Affairs. Like **S. 1163**, this bill will provide a \$50,000 death benefit to the survivors of Federal law enforcement officers or firefighters who gave their lives in the line of duty. However, this bill also contains certain technical modifications which will bring its provisions into conformity with FECA.

It is our hope to act on this bill expeditiously. I urge my colleagues to join Senators **DENTON**, **GLENN**, **KENNEDY**, and myself in support of this legislation.

● **Mr. DENTON.** Mr. President, I am happy to join my colleague from Oklahoma, the distinguished chairman of the Labor subcommittee, Senator **NICKLES**, as an original cosponsor of a bill to provide additional death benefits for firefighters and law enforcement officers.

The concept of providing a lump-sum benefit to the survivors of firefighters and law enforcement officials is not a new one. The proposal dates back to the 92d Congress. I introduced a similar bill earlier in the first session of this Congress, as did my colleague, Senator **GLENN**. The bill that we are introducing today incorporates some of the best features of the various proposals. I am happy to support the improvements in this new bill and I am confident that it is acceptable to all parties.

I urge my colleagues to join us as cosponsors of this legislation that will do so much for the families of those who

often give their lives without thought to their own protection.

● **Mr. GLENN.** Mr. President, I am pleased to be an original cosponsor of the Federal Public Safety Officers' Supplemental Death Benefits Act of 1984, which is being introduced today. This bill would provide a \$50,000 death benefit to the survivors of Federal firefighters and law enforcement officers who are killed in the line of duty.

I commend Senator **NICKLES** for his support of the \$50,000 death benefit, and I appreciate the opportunity to work with him on this measure.

I am supporting this legislation today because of my longstanding commitment to obtain passage of the death benefit bill. The measure we are introducing today is very similar to **S. 1163**, which I introduced earlier in this Congress. I also introduced a similar measure in the 97th Congress and fought for passage of the death benefit bill in the 96th Congress as well.

I am optimistic about passage of this legislation for several reasons.

First, passage of the bill is a simple question of equity. In 1976, Congress passed the Public Safety Officers' Benefits Act, which provided a \$50,000 death benefit for State and local firefighters and police officers in recognition of the fact that these public servants expose themselves to great dangers in their employment, casting aside their personal safety and risking death in order to protect lives and property.

Although Federal firefighters and law enforcement officers face the same dangers as their State and local counterparts, their survivors lack the security of the death benefit when they fall in the line of duty. Our bill would extend the same \$50,000 death benefit to the survivors of these Federal officers.

Second, the cost of the bill is negligible, an estimated \$250,000 annually. In view of the laudable purpose of the bill and the fact that these Federal officers must daily face the risk of death, we could afford much more.

Third, support for the bill is building in the Senate. In addition to the sponsors of the bill that we are introducing today, there are 14 cosponsors of **S. 1163**, the similar version that I earlier introduced, and other Senators have indicated an interest in signing on.

Finally, Congress has seen the wisdom and equity of the death benefit bill in the past. The 96th Congress overwhelmingly supported and passed **H.R. 5888**, providing this death benefit. In the 97th Congress, both the House and Senate passed similar measures with strong bipartisan support; however, the benefit was lost in conference. In this Congress, the House has already passed **H.R. 622** by the overwhelming margin of 390 to 33.

H.R. 622 is identical to S. 1163 and is very similar to today's measure.

I ask my Senate colleagues to support the death benefit so that the current inequity can finally be rectified.●

By Mr. TSONGAS:

S.J. Res. 264. A joint resolution to designate the month of March 1985 as "National Hemophilia Awareness Month"; to the Committee on the Judiciary.

NATIONAL HEMOPHILIA AWARENESS MONTH

● Mr. TSONGAS, Mr. President, I am introducing a resolution which would designate March 1985 as National Hemophilia Awareness Month.

Hemophilia is a hereditary blood-clotting disorder which affects males almost exclusively. There are at least 20,000 males in the United States that have hemophilia and this estimate does not include the many mild cases which remain undiagnosed.

Hemophilia occurs in 1 out of every 4,000 live male births. The ever-increasing number of Americans affected by this disease necessitates a national recognition of the causes of the disease, the advances made in the research of the disease and the need to focus on the work which remains to be done.

Rapid advances are being made in the treatment of hemophilia. However, victims and physicians face new challenges including the threat of contaminated blood supplies, escalating cost of treatment, and a lack of public education on the causes and treatment of hemophilia. Designating March 1985 as National Hemophilia Awareness Month will go a long way in educating the public about the plight of hemophiliacs. It will encourage research and hopefully lead to a cure.

I urge my colleagues to join me in this effort and support this resolution. I ask unanimous consent that the bill be printed in the CONGRESSIONAL RECORD in its entirety.

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

S.J. Res. 264

Whereas hemophilia is an incurable hereditary disorder that prevents proper coagulation of the blood;

Whereas hemophilia, which strikes males almost exclusively, occurs in one of every four thousand live male births regardless of race, nationality, or family economic status;

Whereas hemophilia can lead to disabilities or death for some hemophiliacs;

Whereas, despite recent medical advances in the diagnosis and treatment of hemophilia, many hemophiliacs continue to face unpredictable medical complications due to the disorder;

Whereas, with proper medical treatment and adequate financial assistance, hemophiliacs can live healthy, normal, and independent lives; and

Whereas increased public awareness of the causes and effects of hemophilia will help dispel many common misconceptions

concerning the disorder: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1985 is hereby designated as "National Hemophilia Awareness Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. PACKWOOD, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1608

At the request of Mr. TSONGAS, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1608, a bill to amend the Fair Labor Standards Act of 1938 to provide persons may not be employed at less than the applicable wage under that act.

S. 1645

At the request of Mr. TSONGAS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1645, a bill to increase the maximum amount a student may borrow under the GSL and NDSL programs.

S. 2217

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 2217, a bill entitled the Tandem Truck Safety Act of 1984.

S. 2237

At the request of Mr. SASSER, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2237, a bill to strengthen the Asbestos School Hazard Detection and Control Act of 1980.

S. 2258

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2258, a bill to grant a Federal charter to the 369th Veterans' Association.

S. 2307

At the request of Mr. BOSCHWITZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2378

At the request of Mr. ABDNOR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S.

2378, a bill to provide authorizations of appropriations for the impact aid program under Public Law 874 of the 81st Congress, and for other purposes.

S. 2406

At the request of Mr. DIXON, the names of the Senator from Texas (Mr. BENTSEN) and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2406, a bill to amend the Consolidated Farm and Rural Development Act to prohibit an officer or employee of the Department of Agriculture who acts upon or reviews an application for a loan for the purchase of land under such act from acquiring an interest in such land for a period of 5 years after such action or review.

S. 2413

At the request of Mr. DENTON, the names of the Senator from Virginia (Mr. TRIBLE) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2413, a bill to recognize the organization known as the American Gold Star Mothers, Inc.

SENATE JOINT RESOLUTION 87

At the request of Mr. TSONGAS, the names of the Senator from California (Mr. WILSON), the Senator from North Dakota (Mr. ANDREWS), the Senator from Michigan (Mr. RIEGLE), the Senator from Texas (Mr. BENTSEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Illinois (Mr. DIXON), the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 87, a joint resolution designating a day of remembrance for victims of genocide.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 206

At the request of Mr. TSONGAS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating the first Sunday of every August as "National Day of Peace."

SENATE JOINT RESOLUTION 236

At the request of Mr. MATSUNAGA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate

Joint Resolution 236, a joint resolution relating to cooperative East-West ventures in space as an alternative to a space arms race.

SENATE JOINT RESOLUTION 237

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 237, a joint resolution to designate the week of November 25, 1984, through December 1, 1984, as "National Home Care Week."

SENATE JOINT RESOLUTION 245

At the request of Mr. GORTON, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate the week of April 15 through April 21, 1984, as "National Recreational Sports Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. BRADLEY), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 248

At the request of Mr. INOUE, the names of the Senator from Nevada (Mr. LAXALT), the Senator from South Carolina (Mr. THURMOND), the Senator from California (Mr. CRANSTON), the Senator from Montana (Mr. BAUCUS), the Senator from Arizona (Mr. DECONCINI), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 248, a joint resolution designating August 21, 1984, as Hawaii Statehood Silver Jubilee Day."

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Arizona (Mr. DECONCINI) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the month of October 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from Alaska (Mr.

STEVENS) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. CHILES, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution expressing the sense of the Congress that the Secretary of State should request the Organization of American States to consider as soon as possible the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking in the Western Hemisphere.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. CHILES, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Concurrent Resolution 89, a concurrent resolution urging the President to direct the Permanent Representative of the United States to the United Nations to bring before the United Nations the question of the involvement by the Government of Cuba in drug dealing, smuggling, and trafficking.

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. HUDDLESTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers.

AMENDMENT NO. 2813

At the request of Mr. BUMPERS, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Arkansas (Mr. PRYOR), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of amendment No. 2813 proposed to H.R. 4072, a bill to provide for an improved program for wheat.

SENATE CONCURRENT RESOLUTION 100—CONCERNING THE DRILLING SHIP "GLOMAR JAVA SEA"

Mr. MITCHELL (for himself and Mr. COHEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 100

Whereas on October 26, 1983, the United States registered oil drilling ship *Glomar Java Sea* was reported missing during stormy weather at its drilling site 96 kilometers off Hainan Island in the South China Sea and was found sunken near its drilling site on November 1, 1983;

Whereas no evidence has been found of 46 of the 81 crewmen, including citizens of the

United States, or of the lifeboats which, reportedly, were launched from the *Glomar Java Sea*, despite an intensive cooperative search involving United States military search and rescue aircraft and many Chinese and commercial vessels;

Whereas the Government of Vietnam has refused to allow an independent search of waters within 20 miles of the coast into which lifeboats or other debris from the sunken vessel may have drifted; and

Whereas the Chairman of the United States Coast Guard Marine Board of Investigation has indicated that it is possible that surviving crewmembers of the *Glomar Java Sea* drifted onto the coast of Vietnam: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should instruct the United States delegation to the United Nations to request that the Secretary General seek the cooperation of the Government of Vietnam with the Governments of the United States, People's Republic of China, United Kingdom, Singapore, Australia, Canada, and the Philippines in ascertaining the fate or whereabouts of the 46 crewmen of the sunken United States registered vessel *Glomar Java Sea*.

Mr. MITCHELL. Mr. President, today I and my colleague from Maine, Senator COHEN, are submitting a concurrent resolution which would express the sense of the Congress that the President should seek at the United Nations to obtain the cooperation of the Government of Vietnam in ascertaining the fate or whereabouts of 46 crewmen of the *Glomar Java Sea*. This vessel, which encountered a typhoon last October 25, now rests at the bottom of the South China Sea.

Eighty-one men were aboard the *Java Sea* at the time of the storm, including 37 Americans, 1 a resident of Maine, Mr. Russell Reynolds. I have been working closely with Russell's wife, Linda, as her family and other *Java Sea* families attempt to determine the fate of their husbands. Unfortunately, many questions concerning the sinking of the *Java Sea* remain unanswered. Most of these questions probably would no longer exist if the Government of Vietnam had been willing in the week following the storm to permit an independent search of its coastal waters. According to the Coast Guard and others who have examined the tragic incident it is likely the *Java Sea's* survivors and debris drifted into these waters.

In early January, I met with Linda Reynolds and discussed the information she had gathered concerning the *Java Sea's* sinking. Following that meeting, my staff in Washington and Maine conferred with both the Department of State and the Glomar Marine Drilling Corp., both of which, since October 25, had been attempting to ascertain the fate of the *Java Sea's* crew and workers.

When, by the end of January these efforts had yielded no results, I and Senators GOLDWATER and KENNEDY de-

cided to ask the President to become involved. I ask unanimous consent that our letter to the President of January 26, 1984, be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., January 26, 1984.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last October a severe storm swept away the Global Marine Drilling Corporation's vessel *Java Sea* in the South China Sea with 81 people aboard, including 42 Americans. To date, no survivors have been found although the ship carried two escape capsules and four lifeboats, only one of which has been located.

Families of the crew and some officials of Global Marine Drilling Corporation believe that the high winds of the storm drove the lifeboats into Vietnamese waters and that surviving crew members may be held by Hanoi. Vietnam has denied seeing any debris from the wreckage or any survivors.

We are particularly concerned about two of the missing workers—Russell Reynolds, Jr., whose wife and two children live in Kennebunk, Maine, and whose family lives in Newburyport, Massachusetts and Walter Tim Robinson whose wife and two children live in Springerville, Arizona. We urge you to become familiar with the details of this tragedy and to consider (1) making a Presidential request for information to Vietnam or (2) undertaking joint diplomatic action with the other nations which contributed nationals to the vessels crew (China, Singapore, The Philippines).

Without extraordinary action at the highest level, the American families whose men have been lost with the *Java Sea* will continue to live with uncertainty concerning the ultimate fate of their loved ones.

The State Department has been making efforts to secure additional information from Vietnam, but I am advised that nothing has resulted from this effort. In addition, Global Marine is attempting to obtain information with the aid of private voluntary agencies which are active in Vietnam and have better relations with the Hanoi government than does the United States Department of State. The fact that this approach has yielded no results has prompted us to request that you take a personal interest in this tragedy.

With best wishes.

Sincerely,

GEORGE J. MITCHELL,
BARRY GOLDWATER,
EDWARD M. KENNEDY, U.S.
Senators.

Mr. MITCHELL. Mr. President, the President's Assistant for National Security Affairs, Ambassador Robert C. McFarlane on February 10, responded to our letter for the President. I ask unanimous consent that Mr. McFarlane's letter be printed in the RECORD.

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

THE WHITE HOUSE,

Washington, February 10, 1984.

HON. GEORGE J. MITCHELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MITCHELL: The President has asked that I respond to the letter of January 26, 1984 from you and your colleagues, and express to you he has been both aware and concerned about this tragic sinking.

We have been deeply involved in all of the efforts taken to learn the fate of the crew of the *Java Sea*. In addition to an extensive search by United States assets, we have been in direct touch with the Vietnamese through our Embassy in Bangkok requesting their assistance in the search. On several occasions we have asked Hanoi for permission to search as close as 1.5 miles off the Vietnamese coast. They permitted United States aerial searches at specific distances from the coast, generally 20 miles, and advised us that their search of the Vietnamese coast to a distance of 40 miles yielded no information.

After this reply, we requested the Vietnamese to search again on two separate occasions. On December 29, 1983, the Vietnamese replied that they had rendered every possible assistance in the search, but despite best efforts they had discovered neither survivors nor debris. They also pledged that any subsequent discovery of evidence from the ship would be reported immediately.

As suggested in your letter, we have made approaches to third countries to approach the Vietnamese also. They have received basically the same reply.

We have used appropriate intelligence resources to gain information and sensitized our existing refugee screening network to the possibility of information from Vietnam refugees.

A member of my staff has met with Global Marine executives on this matter and is in constant touch. He suggested several international humanitarian organizations that could be of aid and Global Marine is now pursuing these avenues actively.

Despite all of these efforts, we have no evidence to confirm or disprove that there were survivors of the sinking, but any future leads will be pursued fully and vigorously.

Sincerely,

ROBERT C. MCFARLANE,
Assistant to the President
for National Security Affairs.

Mr. MITCHELL. Mr. President, the McFarlane response reveals that while Vietnam had not been totally uncooperative, it has repeatedly rejected U.S. requests to examine coastal waters for debris which might be helpful in determining what happened to those members of the crew who did not go down when the vessel sank. According to a recent statement released by Global Marine, only 35 bodies have been located in the sunken wreckage.

Nagging questions remain. At a Coast Guard hearing on the incident, Capt. Walter W. McDougall, chairman of the U.S. Coast Guard Marine Board of Investigation, was quoted as stating that it is "very possible the crew is alive in Vietnam someplace." Surely, this possibility was raised by Captain McDougall because of certain evidence

concerning the incident which has become available. This evidence includes nautical information which suggested that survivors in lifeboats or debris likely would have drifted ashore in Vietnam; the fact that two fully supplied lifeboats were launched from the *Java Sea* and have not been located; and that 3 days following the typhoon a British search helicopter received a distress signal giving the identification number of the *Java Sea* from approximately 14 miles off the Vietnamese coast.

The resolution I am introducing today calls on the President to take action at the United Nations on behalf of the American families who desperately long for certainty concerning the fate of their loved ones. The resolution specifically calls on the President to request the Secretary General to seek cooperation of the Government of Vietnam with the efforts of the Governments of the United States and the other affected nations in ascertaining the fate and whereabouts of the 81 crew members of the *Glomar Java Sea*. It is similar to House Concurrent Resolution 268, introduced on February 29, by Congressman BOB WHITTAKER of Kansas.

Mr. COHEN. Mr. President, I am pleased to join today in submitting this important concurrent resolution.

Since the U.S. registered oil drilling ship *Glomar Java Sea* sank in the South China Sea during Typhoon Lex last October 25, the families of the 81 men who were on the ship have lived with uncertainty over their fate. A search effort within the last couple of weeks has succeeded in recovering 30 bodies, with 5 other bodies located but apparently unrecoverable.

But the fate of 46 members of the crew remains uncertain, and the process of identifying those whose bodies have been recovered will take some time. So the families of the 81 crew members, 37 of them Americans, must continue their painful vigil.

The measure we are submitting today will, we hope, give added support to the international search effort which has been underway since the *Glomar Java Sea* went down in the turbulent waters off Hainan Island. It is especially important since two 30-foot lifeboats which were on the *Java Sea* have not been located. It is possible that they, and any individuals who may have been on them, may have drifted into Vietnamese coastal waters.

What the concurrent resolution does specifically is express the sense of the Congress that the President should instruct our delegation to the United Nations to request the Secretary General to seek the cooperation of the Government of Vietnam with the United States, the People's Republic of China, the United Kingdom, Singapore, Australia, Canada, and the Phil-

ippines in ascertaining the fate or whereabouts of the 46 crewmen still unaccounted for.

We have written administration officials, including President Reagan and Secretary of State Shultz, concerning this matter, and we have been assured that our country is doing everything at its disposal to determine their fate. At the conclusion of this statement, I would like to include a letter received from W. Tapley Bennett, Jr., Assistant Secretary of State for Legislative and Intergovernmental Affairs, detailing United States and international efforts. These include both direct contacts with the Vietnamese and ones made through other countries.

"Despite our efforts, we have no independent evidence confirming or disproving that there are survivors of the sinking," Ambassador Bennett told me. "The Vietnamese Government has denied repeatedly that it is holding any survivors. We share your deep concern, and assure you we will vigorously pursue any lead that offers hope of locating survivors."

It is my hope that this concurrent resolution will provide help to the administration in this effort. This measure, and a similar one introduced by Representative BOB WHITTAKER in the House, will, I believe, give a clear demonstration of the commitment and concern which Congress shares with the administration. Vietnamese officials, and those of the other countries who have joined us in trying to learn what happened to these men, will know that we are united in our determination to pursue this goal.

All of us, I know, will not be satisfied until each of these men's fate is accounted for. This is, I recognize, a difficult goal. It took over 4 months before the searchers were able to account for any of them. But we cannot ignore the essential human dimension that is involved.

My special awareness of this human dimension has been through the courageous example of the wife of one of the crew members. Linda Reynolds, of Kennebunk, has been working with my office, and Senator MITCHELL's, since the ship, with her husband, Russell, on board, capsized in the October typhoon.

Mrs. Reynolds, the mother of 2-year-old twins, believes that her husband and other crewmen may have been on the lifeboats and could have made it to the Vietnamese coastal waters. She has shown great determination in her contacts with our offices and with the State Department, as she seeks the answer of what happened to her husband and tries to learn whether he might have survived the typhoon's rigors and made it safely to Vietnam.

My hope is that other Members of this body will join in cosponsoring this concurrent resolution. We must not rest until we can account for all of the

81 men who served on the *Glomar Java Sea*. If there is any possibility that any of these men survived this tragic incident, we must pursue that possibility with every resource and through every channel we have available to us.

I ask unanimous consent that the full text of Ambassador Bennett's letter be printed in the RECORD:

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

U.S. DEPARTMENT OF STATE,
Washington, D.C.

Hon. WILLIAM COHEN,
U.S. Senate.

DEAR SENATOR COHEN: Thank you for your letter of January 19 on behalf of several constituents concerning the search for possible survivors of the *Glomar Java Sea*.

Upon receiving initial reports that the *Glomar Java Sea* was in distress we launched an extensive search by U.S. military aircraft. Thinking the ship or survivors might be drifting toward Vietnam, we requested the Vietnamese Government to assist in the search. Our contacts with Vietnam were carried out directly through its Embassy in Bangkok.

We conducted aerial searches over the high seas off the Vietnamese coast from October 27 through November 4. On several occasions we asked Hanoi to allow our search aircraft as close as 1.5 nautical miles off the Vietnamese coast. In response, the Vietnamese stated they would permit search aircraft to operate between 16 and 18 degrees North Latitude, at specified minimum distances, generally 20 nautical miles from the Vietnamese coast. We consider waters beyond the appropriately delimited territorial sea to be high seas, and, therefore not subject to granting or denial of permission by Vietnam.

We asked the Vietnamese to assist in efforts to locate survivors both during and after our own aerial searches. The Vietnamese Government advised us on November 3 that it had searched the Vietnamese coast and adjacent waters, to a distance of 40 nautical miles between 16 and 18 degrees North Latitude, but found no persons or equipment from the *Glomar Java Sea*. At the request of Global Marine, we asked the Vietnamese on November 8 to search again in case survivors in a lifeboat washed up on Vietnamese shores. We reiterated our request on November 19. We also asked that they extend the search area.

On December 29, the Vietnamese Embassy in Bangkok informed us the Vietnamese Government had rendered every possible assistance in the search. Despite its best efforts it had discovered neither survivors nor debris. The Vietnamese Government also expressed its sympathy for the victims' families. Although their active search efforts have ceased, the Vietnamese added that any subsequent discovery of evidence from the ship would be reported to us immediately. The Vietnamese Government has indicated to other governments that it is still searching, suggesting local authorities have been instructed to remain alert and to report to the government any information about survivors or debris from the *Glomar Java Sea*.

Our efforts to locate possible survivors have included approaches to third countries for assistance. For example, a senior allied diplomat raised this matter with the Vietnamese in mid-December at our request. In addition, we have used appropriate intelli-

gence resources. In mid-December, we broadened the scope of our contacts to obtain information to locate possible survivors. The U.S. Coast Guard Marine Board is currently investigating the cause of the ship's sinking.

Despite our efforts we have no independent evidence confirming or disproving that there are survivors of the sinking. The Vietnamese Government has denied repeatedly that it is holding any survivors.

We share your deep concern, and assure you we will vigorously pursue any lead that offers hope of locating survivors.

Sincerely,

W. TAPLEY BENNETT, Jr.,
Assistant Secretary, Legislative and
Intergovernmental Affairs.

SENATE RESOLUTION 358—COM- MENDING THE COLOMBIAN NA- TIONAL POLICE FOR LARGEST COCAINE SEIZURE

Mr. CHILES submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 358

Whereas Colombia is the processing and distribution center for up to 75 per centum of the cocaine entering the United States;

Whereas significant and increasing amounts of coca, from which cocaine is derived, are under cultivation in Colombia, and cultivation of coca is estimated to have more than doubled within the past year;

Whereas cocaine production and processing is allegedly functioning under the protection of the Colombian communist guerrilla force, Fuerzas Armadas Revolucionarias Colombianas;

Whereas it is reported that the guerrillas levy a 10 per centum protection payment on coca growers and that one guerrilla faction alone obtains \$3,380,000 monthly from these protection fees;

Whereas Colombian officials report that there is evidence showing guerrillas and drug traffickers working together in drugs-for-guns deals that threaten the democratic Government of Colombia;

Whereas Colombian officials have expressed alarm at the increase in domestic abuse of cocaine and are initiating efforts to curb drug abuse within that country;

Whereas since 1980, the United States Government has provided narcotics-control assistance to the Government of Colombia to help establish and maintain an eradication and interdiction program;

Whereas the Colombian National Police has created with the help of United States aid the Special Anti-Narcotics Unit (SANU), which is a one thousand two hundred man force trained and assigned to disrupt drug trafficking by interdiction, by manually uprooting coca and marihuana plants, and by destroying clandestine laboratories and storage facilities;

Whereas the Special Anti-Narcotics Unit, on March 10, 1984, attacked a huge cocaine processing plant and seized thirteen and eight-tenths metric tons of cocaine worth a street value of \$1,200,000,000;

Whereas the amount of cocaine seized in the March 10 raid is estimated to be equal to one-fourth the amount of cocaine consumed annually in the United States;

Whereas the March 10 raid is reportedly the largest drug arrest ever made by any standard, including money value, the type of drug, and the amount seized;

Whereas this raid was directly supported by the use of two Bell-212 helicopters and the twin-engine Otter airplane given to Colombia by the United States; and

Whereas the \$1,200,000 street value of the seized cocaine represents three hundred times the \$3,500,000 international narcotics control aid the United States provided Colombia in 1983; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Special Anti-Narcotics Unit of the Government of Colombia should be commended for its major achievement in seizing large amounts of cocaine on March 10, 1984, thereby reducing the supply of illicit narcotics that pose such a threat to the fabric of United States society; and

(2) the United States Government should continue to cooperate with the Government to assist and encourage efforts to destroy drug producing crops and counter the flow of dangerous drugs to the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Colombia.

Mr. CHILES. Mr. President, I am happy to introduce a sense-of-the-Senate resolution to congratulate the Colombian National Police for their efforts in bringing about the largest cocaine seizure ever made by any law enforcement agency in the world.

It has just come to light that on March 10, 1984, 13.8 metric tons of cocaine, worth approximately \$1.2 billion on the street, were confiscated by Colombia's police force in one of the biggest drug raids ever made. A U.S. Embassy observer was right along with them on their attack on a huge cocaine processing complex located in Caquetá Province, an area close to Ecuador and Peru.

These brave law enforcement officers and the Government of Colombia should be saluted for this magnificent helping hand they have given the American people in our fight against drug trafficking.

Here is a case where the aid moneys we have expended overseas were certainly cost beneficial. Last year, we gave Colombia \$3.5 million for international narcotics control which makes efforts like the March 10 raid, intelligence gathering, and eradication programs possible.

Back in 1979, I sought and obtained additional funds for fighting the importation of drugs from Colombia—\$16 million was finally added that year and it helped establish a 1,200-man special antinarcotics unit with the Colombian National Police. The commander of that special unit was in charge of the unprecedented raid we applaud today. That first appropriation of \$16 million also paid for training the Colombian customs personnel, training their air force, and providing aircraft and equipment for narcotics control activities.

In this one operation, an amount was seized that equals one-fourth the annual cocaine consumption in the

United States. Taking one-fourth of the cocaine off the market with one blow at the source is exactly the result I had in mind when urging the Senate to increase the aid for international narcotics control in Colombia.

Foreign aid oftentimes is criticized; but you can see that when such aid is used in efforts like the one before us, you cannot argue with the expenditure—\$3½ million to Colombia this year has now been repaid 300 times over by taking \$1.2 billion worth of cocaine out of the dealers' pockets and out of the drug traffickers' underground economy.

The more we can see the drug flow stopped at the source, the less we will have to spend in law enforcement in this country. Money can be saved which would otherwise be needed for overcrowded courts, prisons, and drug programs set up to combat the devastating effects drugs have on our society.

It is imperative that we acknowledge the good work of Colombia and encourage more such efforts in the future and in other Latin American countries.

Mr. President, I strongly urge my colleagues to join with me in formally applauding the hard, but effective work, that the Government of Colombia has embarked on in recent years to make this hemisphere a safer place, free of drugs, and the criminal element which lives off the profits of those drugs.

AMENDMENTS SUBMITTED

IMPROVED WHEAT PROGRAM

BUMPERS AMENDMENTS NOS. 2819 THROUGH 2822

(Ordered to lie on the table.)

Mr. BUMPERS submitted four amendments intended to be proposed by him to the bill (H.R. 4072) to provide for an improved program for wheat; as follows:

AMENDMENT No. 2819

In the committee amendment:
Strike out titles IV and V.

AMENDMENT No. 2820

In the committee amendment:
On page 14, line 2 strike "5" and insert in lieu thereof "10".
On page 14, line 22 strike "5" and insert in lieu thereof "10".
On page 16, line 24 strike "5" and insert in lieu thereof "10".
On page 17, line 18 strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2821

On page 18, line 12 of the committee amendment, strike "\$2.70" and insert in lieu thereof "\$3.00".

AMENDMENT No. 2822

In the committee amendment:
On page 16, line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".

PRYOR (AND BUMPERS) AMENDMENTS NOS. 2823 THROUGH 2829

Mr. PRYOR (for himself and Mr. BUMPERS) submitted seven amendments intended to be proposed by them to the bill H.R. 4072, supra; as follows:

AMENDMENT No. 2823

On page 16 of committee substitute, line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2824

On page 16 of committee substitute, line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".
On page 18, line 12, strike "\$2.70" and insert in lieu thereof "\$3.50".

AMENDMENT No. 2825

On page 16, of committee substitute line 24, strike "5" and insert in lieu thereof "10".
On page 17, line 18, strike "5" and insert in lieu thereof "10".
On page 18, line 12, strike "\$2.70" and insert in lieu thereof "\$3.00".

AMENDMENT No. 2826

On page 18, of committee substitute line 12, strike "\$2.70" and insert in lieu thereof "\$3.00".

AMENDMENT No. 2827

On page 16, of committee substitute strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2828

On page 17, line 18, strike "5" and insert in lieu thereof "10".

AMENDMENT No. 2829

On page 18, line 12 of the committee substitute strike "\$2.70" and insert in lieu thereof "\$3.50".

MELCHER (AND OTHERS) AMENDMENT NO. 2830

Mr. MELCHER (for himself, Mr. ZORINSKY, Mr. BAUCUS, Mr. BURDICK, Mr. HUDDLESTON, and Mr. BOREN) proposed an amendment to the bill H.R. 4072, supra; as follows:

Add at the appropriate place in the bill a new title as follows:

TITLE—SURPLUS FOOD COMMODITIES TRADE AND DONATION

SHORT TITLE

SEC. . This title may be cited as the "Surplus Food Commodities Trade and Donation Act of 1984".

FINDINGS AND POLICY

SEC. . (a) Congress finds that—
(1) the Commodity Credit Corporation owns substantial amounts of surplus dairy products and wheat and pays millions of dollars each year to store such commodities;

(2) the amount of dairy products and wheat it is estimated will be disposed of under current domestic Government distribution programs during 1984 and 1985 will be less than the surplus of such commodities that will accumulate during those years;

(3) approximately 1,000,000,000 people (one-fourth of the world's population) currently suffer from malnutrition;

(4) chronic malnutrition results in high death rates, blindness, severe physical and mental damage, reduced motivation, learning, and work capacity, and increased vulnerability to infectious diseases (especially among the young and elderly populations of developing nations), and (in nations where chronic malnutrition is prevalent) hinders national development;

(5) over 100,000 children go blind every year because of malnutrition;

(6) many nations lack the means to acquire sufficient supplies of nutritious foods to combat malnutrition because of the cost of such products and the weak economies of such nations; and

(7) an increase in the quantities of surplus dairy products and wheat provided by the Commodity Credit Corporation to other nations through concessional sales or donation programs, under single year or multiyear agreements, will reduce malnutrition, stimulate development, reduce surpluses that overhang the markets and depress United States farm prices, improve markets for United States exports, and develop trading partners and allies for the United States.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest that efforts be made to increase the quantities of surplus dairy products and wheat that are provided by the United States to other nations by authorizing the Commodity Credit Corporation to undertake concessional sales and foreign donation programs, under single year or multiyear agreements, in addition to those currently being undertaken by the Commodity Credit Corporation.

SALES AND DONATION OF DAIRY PRODUCTS AND WHEAT

SEC. . Effective for the period beginning on the date of enactment of this Act and ending September 30, 1994, section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), as amended by section 502 of this Act, is further amended by—

(1) striking out the last two sentences of subsection (a); and

(2) adding at the end thereof a new subsection (c) as follows:

"(c)(1) To the extent the Secretary of Agriculture determines appropriate to dispose of surplus quantities of dairy products and wheat, the Commodity Credit Corporation shall export dairy products and wheat acquired by the Commodity Credit Corporation through price support operations through (A) sale on concessional credit terms; (B) donation; or (C) any combination of such sales and donations: *Provided*, That such exports may not be made in amounts that will, in any way, reduce the amounts of commodities that traditionally are made available under this section, through donations, to domestic nonprofit feeding programs or agencies. The Commodity Credit Corporation may export dairy products and wheat under this subsection under agreements with foreign governments and public and nonprofit private humanitarian organizations under such terms and conditions as the Secretary of Agriculture deems appropriate. The Commodity Credit Corporation

may enter into agreements to provide dairy products and wheat under this subsection in installments over an extended period of time. The Commodity Credit Corporation may exchange its stocks of such commodities for similar products produced domestically that will more nearly meet the needs of importing nations under this subsection.

"(2) For the purpose of carrying out concessional sales of commodities under this subsection, the Commodity Credit Corporation is authorized to finance the sales and exportation of such commodities and, when requested by the purchaser of such commodities, may serve as the purchaser's shipping agent in arranging the ocean transportation of such commodities.

"(3) With respect to commodities furnished for donation under this subsection, the Commodity Credit Corporation may pay costs for packaging, enrichment, preservation, and fortification of the commodities, and processing, transportation, handling, and other incidental costs up to the time the commodities are delivered free on board vessels in United States ports; ocean freight charges from United States ports to designated ports of entry abroad; transportation from United States ports to designated points of entry abroad (A) in the case of landlocked nations, (B) whenever ports cannot be used effectively because of natural or other disturbances, (C) whenever carriers to a specific nation are unavailable, or (D) whenever a substantial savings in costs or time can be effected by the use of points of entry other than ports; and charges for general average contributions arising out of the ocean transport of such commodities.

"(4) All costs and expenditures incurred in connection with the furnishing of commodities under this subsection shall be in addition to the level of assistance programmed under the Agricultural Trade Development and Assistance Act of 1954. In order to ensure that the provision of commodities under this subsection is coordinated with, and complements, other United States foreign assistance programs, agreements shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954.

"(5) In furnishing dairy products and wheat under this subsection, the Secretary shall ensure that—

"(A) the commodities exported for donation will be used for humanitarian feeding programs that directly benefit needy persons except that any agreement entered into under the authority of this subsection may permit the sale or barter—by the government of the importing nation or by a private voluntary organization or cooperative within the importing nation, or in any nation, for use in assisting needy persons—of the dairy products or wheat furnished in any fiscal year under such agreement. The proceeds of such sales or barter shall be used in accordance with section 201(a) of the Agricultural Trade Development and Assistance Act of 1954: *Provided*, that not more than thirty percent of the total dairy products and wheat provided under this subsection worldwide may be used in any fiscal year for such sale or barter; and

"(B) insofar as possible, (i) any disposition of the commodities is made in such manner as to encourage increased use of commodities and (ii) agreements avoid displacing usual marketings of dairy products, wheat, or wheat products by the United States or any other nation.

"(6) Section 110 of this Act shall not be applicable to concessional sales made under this subsection.

"(7) The Secretary shall issue such rules and regulations as are necessary to carry out this subsection."

SPECIAL UNITED STATES AGRICULTURAL TRADE OFFICES

SEC. . Title VI of the Act of August 28, 1954 (7 U.S.C. 1761 et seq.), is amended by—

(1) inserting, before the period at the end of section 605A(a) (7 U.S.C. 1765a(a)), a comma and the following: "and three special United States Agricultural Trade Offices to carry out the program provided for in section 605H of this title"; and

(2) inserting after section 605G (7 U.S.C. 1765g) a new section 605H as follows:

"Sec. 605H. (a) The three special United States Agricultural Trade Offices, established under section 605A of this Act, shall have the special responsibility of assisting in the implementation, in the parts of the world in which they are located, of the program of concessional sales and donation of dairy products and wheat provided for under section 416(c) of the Agricultural Act of 1949. The Secretary shall maintain such offices in operation until September 30, 1994. One such office shall be located in Manila, Philippines, one such office shall be located in Mexico City, Mexico, and one such office shall be located in Dakar, Senegal.

"(b) Not later than March 31, 1994, the Secretary shall assess the effectiveness of the special United States Agricultural Trade Offices established under section 605A and submit to Congress a report of the Secretary's assessment, including the Secretary's recommendation on whether the offices should continue in operation.

"(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

PRYOR (AND OTHERS) AMENDMENT NO. 2831

Mr. PRYOR (for himself, Mr. BUMPERS, and Mr. BENTSEN) proposed an amendment to the bill H.R. 4072, *surpra*; as follows:

On page 16, strike out line 24 and everything that follows down through the period on line 3 of page 17 and insert in lieu thereof the following: "per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program."

On page 18, strike out lines 12 and 13 and insert in lieu thereof the following: "at the end thereof", and at not less than \$2.70 per hundredweight for the 1985 crop of rice: *Provided*, That if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed forty-two million five hundred thousand hundredweight, such rate for the 1985 crop of rice shall be established by the Secretary at not less than \$3.50 per hundredweight," and".

CENTRAL AMERICAN DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE ACT OF 1984

PELL AMENDMENT NO. 2832

(Ordered referred to the Committee on Foreign Relations)

Mr. PELL submitted an amendment intended to be proposed by him to the bill (S. 2347) to establish a long-term framework to build democracy, restore peace and improve living conditions in Central America, to authorize assistance for the fiscal years 1984 through 1989, and for other purposes; as follows:

On pages 12 and 13 of the bill delete Section 209.

● Mr. PELL. Mr. President, today I am submitting an amendment to S. 2347—the Central America Democracy, Peace and Development Initiative Act of 1984 which I will ask the members of the Foreign Relations Committee to adopt when the legislation is considered in the committee later this month. This amendment is very simple. It deletes from the bill section 209 entitled "Trade Credit Insurance Program." I am sure that once my colleagues on the committee and in the Senate as a whole have had the opportunity to scrutinize this section they will support my amendment.

Section 209 of the bill is a potential \$300 million bank bailout. It encourages the U.S. Export Import Bank (Exim) to ignore its own prudential standards when deciding whether to extend insurance or guarantees against nonpayment on trade credits to the private sector of Central America. These prudential standards, mandated by Congress, ordinarily would require that, in the judgment of the Board of Directors of Exim, there is a reasonable assurance that these trade credits will be repaid by the Central American firms which receive them. Section 209 also authorizes appropriations of up to \$300 million so that U.S. AID can discharge the obligations that Exim is likely to incur on these risky guarantees and insurance.

I certainly support all legitimate efforts to assist U.S. exporters in making sales abroad, but this provision is not trade promotion; it is simply back door foreign aid. If the administration wants to seek authority for an additional \$300 million in aid to the region, it should make this request in a straightforward manner. From my point of view, the bill already contains more than ample authority for economic assistance—over \$8 billion.

I do not believe it is wise or prudent to use additional back door methods to provide still more money. This is not what Congress intended when it established Eximbank. If it is the judgment of exporters and experts at Exim, that the situation is so unstable in Central America that it does not lend itself to

doing business there, then the administration should not be encouraging U.S. banks and companies to enter into transactions where there is almost a certainty that the American taxpayer will ultimately be asked to foot the bill. I for one would have trouble defending this action against charges by constituents that this is nothing more than a bailout of banks and businesses from bad business ventures. It is for these reasons that I offer my amendment and urge my colleagues to support its adoption. ●

COMMISSION ON THE CENTENNIAL REVIEW OF THE CIVIL SERVICE

STEVENS AMENDMENTS NOS. 2833 AND 2834

Mr. BAKER (for Mr. STEVENS) proposed two amendments to the bill (S. 803) to establish the Commission on the Centennial Review of the Civil Service; as follows:

AMENDMENT No. 2833

On page 15, line 18, insert "for the session beginning in 1986" after "first assemblies".

On page 16, after line 9, add the following new section:

EFFECTIVE DATE

Sec. 10. This Act shall take effect October 1, 1984.

AMENDMENT No. 2834

On page 11, strike line 6 through line 7 and insert the following:

"(1) three individuals, two of whom to be appointed by the Speaker of the House of Representatives and one of whom to be appointed by the Minority Leader of the House; and".

On page 11, strike line 8 through line 9 and insert the following:

"(2) three individuals, two of whom to be appointed by the Majority Leader of the Senate and one of whom to be appointed by the Minority Leader of the Senate; and".

On page 11, line 11 after the word "Representatives" insert the following: "in consultation with the Minority Leader of the House,".

On page 11, line 12 after the word "Senate" insert the following: "in consultation with the Minority Leader of the Senate,".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on March 29, 1984, beginning at 10 a.m., in Senate Dirksen 562, on S. 2403, a bill to declare that the United States holds certain lands in trust for the Pueblo de Chichiti.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 2457, to designate certain national forest system lands in the State of Idaho for inclusion in the national wilderness preservation system and to release other forest lands for multiple-use management, and for other purposes. The hearing will be held on Tuesday, April 3 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. Because of the number of people expected to testify, witnesses will be arranged in panels and oral testimony will be limited in time. Witnesses are requested to supply the subcommittee with 25 copies of their written testimony 24 hours in advance of the hearing as required by the rules of the committee and 50 copies the day of the hearing.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON LABOR

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 22, to hold a hearing on S. 2435, termination of overfunded, defined, benefit pension plans, and reversion of assets to the plan sponsors.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 22, at 10 a.m., to hold a markup on the following bills:

S. 563, the Former Presidents' Facilities and Service Act of 1983;

S. 1566, Program Fraud and Civil Penalties Act of 1983;

S. 2300, Civilian Agency Multiyear Contract Act of 1984.

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

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcom-

mittee on Manpower and Personnel of the Committee on Armed Services, be authorized to meet during the session of the Senate on Thursday, March 22, to hold a hearing on military compensation, and fiscal year 1984 DOD.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, March 22, at 2 p.m., to hold an oversight hearing to consider the President's proposed budget for fiscal year 1985 for the Department of Energy's nuclear energy and nuclear waste activities.

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

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Conservation and Supply, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, March 22, at 10 a.m., to hold a hearing on H.R. 3169, a bill to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries.

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

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services and the Subcommittee on Military Construction of the Committee on Appropriations be authorized to hold a joint hearing during the session of the Senate on Thursday, March 22, to consider S. 2364, fiscal year 1985, military construction.

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

SUBCOMMITTEE ON STRATEGIC AND THEATER NUCLEAR FORCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Theater Nuclear Forces, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Thursday, March 22, to meet in closed session to receive testimony on the President's strategic defense initiative in review of S. 2414, the fiscal year 1985 Department of Defense authorization bill.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Commit-

tee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 22, at 4:45 p.m., to hold a hearing to consider the Peace Corps authorization bill, S. 2321.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs, of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, March 22, to hold a hearing on foreign aid.

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

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, March 22, in order to consider and act on pending nominations, commemorative resolutions, and the following bills:

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

[Agenda]

SENATE COMMITTEE ON THE JUDICIARY

NOMINATIONS

Attorney General of the United States
Edwin Meese III, of California, to be Attorney General of the United States.

U.S. Circuit Judge

Robert R. Beezer, of Washington, to be U.S. circuit judge for the ninth circuit.

U.S. District Judge

Neal B. Biggers, of Mississippi, to be U.S. district judge for the northern district of Mississippi.

H. Russel Holland, of Alaska, to be U.S. district judge for the district of Alaska.

Edward C. Prado, of Texas, to be U.S. district judge for the western district of Texas.

U.S. Marshal

John W. Stokes, of Georgia, to be U.S. Marshal for the middle district of Georgia for the term of 4 years.

COMMEMORATIVES

S.J. Res. 259—To designate the week of November 12-18, 1984, as "National Reye's Syndrome Week." (Introduced by Senator Kennedy).

BILLS

S. 914—Firearm Owners Protection Act. (Full Committee).

S. 1841—National Innovation and Productivity Act. (Full Committee).

S.J. Res. 1—Proposing an Amendment to the Constitution with respect to fixing the compensation of Members of Congress. (Subcommittee on the Constitution).

S.J. Res. 5—Proposing an Amendment to the Constitution relating to Federal budget procedures. (Subcommittee on the Constitution).

S. 875—Trademark Counterfeiting Act. (Subcommittee on Patents, Copyrights and Trademarks).

S. 1201—Semiconductor Chip Protection Act. (Subcommittee on Patents, Copyrights and Trademarks).

S. 1538—Patent Law Amendments Act. (Subcommittee on Patents, Copyrights and Trademarks).

S. Res. 48—To refer S. 413 for the relief of James Purvis to the United States Claims Court. (Subcommittee on Administrative Practice and Procedure).

S. 1488—For the relief of Patty Jean Tipton and her husband, Ronald Tipton. (Subcommittee on Administrative Practice and Procedure).

S. 1126—For the relief of Harvey E. Ward. (Subcommittee on Administrative Practice and Procedure).

S. 119—To provide procedures for calling a Federal Constitutional Convention under Article V. (Subcommittee on the Constitution).

S. 139—Public School Civil Rights Act. (Subcommittee on the Constitution).

S. 1135—A bill to consent to the Goose Lake Basin Compact between the States of California and Oregon. (Full Committee).

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, March 22, to receive testimony related to the steel industry.

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

ADDITIONAL STATEMENTS

SOCIAL SECURITY

● Mr. SYMMS. Mr. President, I know my colleagues receive as much mail as I do from elderly constituents who are worried. They are worried sick. The source of their anxiety is, ironically, the very institution that was supposed to have brought tranquility to their "golden years."

Mr. President, the failure of the United States to devise a rational and permanently solvent pension system for our Nation's retirees is tragic. I do not mean inconvenient or sloppy or wasteful. I mean tragic. The social security system is a moral tragedy; billions of dollars of national wealth have been frittered away. If social security was not a direct transfer system, but was handled in a businesslike manner, each account drawing interest, then the United States would have amassed the greatest pool of capital in the history of the world—capital for American industry and jobs. I doubt that if America had such a capital pool, Japan would be such a problem for us today.

If we had such a system, the word "security" would mean something. As it is, our elderly rely on a program as secure as it is solvent. And it is about as solvent as a Ponzi scheme. Congress created this problem, and only Congress can solve it.

Mr. President, I ask that an article by Walter Williams in the March 21

edition of the Washington Times be printed in the RECORD.

The article follows:

IS SOCIAL SECURITY A FEDERAL PONZI GAME?

(By Walter Williams)

After a sentence of 10 years in jail on swindling charges, Charles Ponzi was deported to Italy. In 1919, Ponzi devised a get-rich-quick scheme whereby "investors" would give him \$250 to get back \$375 in 45 days, making just over 500 percent per annum. Of course, Ponzi made millions. His only responsibility was to make sure he had more people paying into his system than he had being paid by his system.

Ponzi's game is great, if you get an early start. But if you enter the game at its tail end, toward its collapse, you wind up on the short end of the deal.

Ponzi was deported in 1934, but he left us a legacy. By 1935, we had a Ponzi game for the entire nation; and this is the subject of Irwin Schiff's new book.

According to Mr. Schiff and the Social Security Administration, for every Social Security recipient in 1950 there were 16 people working and paying taxes. In 1984 there are three workers paying taxes for each recipient. When workers decrease and recipients increase, the Social Security tax must rise. Or there can be a mixed solution: Get more people into the game. Congress recently forced new government employees and all employees of nonprofit organizations and religious groups into the federal Ponzi game. Such a move will only slightly postpone (until current congressmen are out of office) the system's collapse, while increasing the number of victims. There is a virtual guarantee that any worker who is now 35 or younger will pay higher and higher Social Security taxes and never see a Social Security check.

Some of the problems of Social Security were seen in 1937 when a U.S. Court of Appeals held the act to be unconstitutional. However, on May 24, 1937, the Supreme Court reversed the lower court's decision. Two Supreme Court justices McReynolds and Butler, stated the Social Security Act was repugnant to the U.S. Constitution.

There you have it. The court is not going to help. Congress won't help. The White House won't help. That's where Irwin Schiff's book comes in: You help yourself. Mr. Schiff says you should simply drop out of Social Security—and he offers a formula for doing so.

He says, "Social Security taxes withheld from employee wages are 'income' taxes and not taxes on wages." He continues, "Since the Internal Revenue Code does not define 'income' no one can have 'income' that can be subject to section 3101 'income' taxes." Therefore Mr. Schiff says you should give your employer a sworn affidavit stating you have no 'income' that is taxable under IRC section 3101, and he must stop deducting Social Security taxes from your wages or you can sue him.

The government anticipated such an action, so IRC section 3102 was written promising to indemnify employers against lawsuits you bring to stop them from deducting Social Security. Therefore, Mr. Schiff urges your employer to send a letter to Treasury Secretary Donald Regan asking that government pay all costs of litigation if you sue your employer, and indemnify your employer against all losses and claims. Mr. Schiff provides sample letters for both of you.

This columnist does not have a legal background and thus does not know all the consequences and other strategies. But we must end this national Ponzi scheme, steeped in fraud and misrepresentation, which has an unfunded liability in the trillions of dollars. Social Security will not only wreak havoc on the nation economically, it will also cause class conflict whereby young taxpayers are pitted against older people. The Social Security Swindle may not have all the answers, but it is an excellent start for developing the critical mass necessary to rebel successfully against the Social Security system. The government cannot put a million workers in jail. ●

NEUROFIBROMATOSIS

● Mr. METZENBAUM. Mr. President, last year, I joined Senator DOLE as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

Neurofibromatosis is a devastating disorder of the nervous system that can affect sight, hearing and balance, create learning disabilities and cause bone deformation and severe spinal curvature.

Its victims live a life of unremitting pain.

I want to call the attention of the Senate to an article that appeared in the January 22, 1984 edition of the Cincinnati Enquirer magazine about Susan Goldfinger, a brave girl of 16 who suffers from this terrible disease. I believe that this article points to the need to go beyond what we have already done with the Orphan Drug Act in creating incentives for research on and treatment of relatively rare diseases like this one. I ask that the text of the article be printed at this point in the RECORD.

[From the Enquirer Magazine, Jan. 22, 1984]

SHE SHALL OVERCOME

(By Dale Keiger)

(At 16, Susan has endured more pain than most people do in a lifetime, and all because of a disease called neurofibromatosis—the incurable NF.)

Susan Goldfinger cannot remember life without the effects of neurofibromatosis. She inherited the disease from her mother and hasn't had the good fortune to escape with only minor manifestations. A surgeon first operated on her when she was two-and-a-half, and 13 subsequent operations have left scars she carefully hides with slacks and long-sleeved shirts.

Because of the disease, at 16 she's a bright kid who can read but not spell, who already knows more about chronic pain than most of us learn in a lifetime, and who sometimes feels alone in a society in which all want to be unique but none different.

Her ailment, though the most common single-gene disorder known, is little understood, little studied and—at present—incurable. First described in writing in 1768, neurofibromatosis (NF) used to be called Von Recklinghausen Syndrome; colloquially, it's called the Elephant Man's Disease (a name its victims hate) after John Merrick, the horribly deformed Briton who suffered one of the most extreme cases on record and was exhibited as a freak called the Elephant

Man. The recent Broadway play of the same name, starring David Bowie, and a movie with John Hurt at least brought the disease into the vernacular. People like Susan Goldfinger's parents hope to bring it into the light . . . and the laboratory.

Gerald and Dolores Goldfinger devote almost all of their free time to bringing together NF victims, educating the public about the affliction and lobbying for research support. Gerald is a chemist with General Motors. Dolores, who also has NF, is a support worker for Jewish Family Services and president of the Ohio chapter of the National Neurofibromatosis Foundation [NNFF]. The chapter has about 300 members.

The Goldfingers have two other healthy children, two dogs and a large home in Dillonvale. Their lives were permanently sidetracked 14 years ago when, after misdiagnoses, they finally realized why their daughter suffered from sharp abdominal pains. She had a disease they knew nothing about. They soon learned that nobody knows much about it.

NF is genetic. A parent with NF has a 50 percent chance of passing it to each offspring, and Dolores, unaware that she had it, passed it to Susan. But it's not always inherited: spontaneous mutations also result in NF among children with unaffected parents, although this doesn't appear to be as common as once thought. The disease can be crippling, disfiguring, or fatal. But it's not always even serious: Dolores has a few blemishes ("cafe au lait spots") on her body, and that's it. It was accurately described over two hundred years ago, but it's still commonly misdiagnosed today.

This much can be said. NF has many manifestations, the most common being the cafe au lait spots, brown skin blemishes that often are the first warning in infants bearing six or more of them. A disorder of the nervous system, NF results in multiple fibrous tumors, usually benign, known as neurofibromas.

Tumors may affect a victim's sight, hearing or balance. Learning disabilities can occur. The disease can cause bone deformation, severe spinal curvature and considerable pain. Sometimes the tumors become malignant.

The NNFF's fact sheet notes that no formal system exists for collecting NF statistics, but quotes one anyway: that NF occurs in one of every 3,000 births. Dr. Alvin H. Crawford, director of orthopedic surgery at the Children's Hospital Medical Center, quotes a higher figure, 2.5 cases per 3,000 births.

The Goldfingers' troubles began when they noticed that Susan bore the same birthmarks as her mother. But in Susan's case, the marks were large and began to multiply in the first two years of her life. At two-and-a-half, she began having severe abdominal pains that suggested cystitis, a severe urinary tract infection.

But during tests, doctors found a large abdominal mass; after a biopsy, pathologists couldn't agree, some calling it malignant, another saying benign and none diagnosing the actual problem. Finally, a Chicago pathologist in town for a lecture took a look at her and pronounced a name the Goldfingers had not heard before—neurofibromatosis. Further tests revealed Dolores' case. For her, the disease means "birthmarks." For Susan, it's meant a lot more.

"A lot of time it hurts," she says. "A lot of times it's hard to sleep, and I get irritable and sometimes my schoolwork slides. It

makes me mad, I guess, but I have to accept it. So I do." Articulate and witty, she's accepted it with the eerie grace and equanimity that children seem able to muster when faced with this kind of situation, grace that often eludes adults. "You can't think about it, because if you think about it all the time, it'll just take you over."

One nerve-racking aspect of Susan's particular case is that from time to time she suddenly realizes she has a new source of pain. She's bothered by headaches and pain in her knees, feet, arms and stomach. When her back began to hurt about 18 months ago, her courage began to ebb. "I didn't think I could deal with it." She found a way, though. She's had a lot of practice.

As bad as the physical problems have been, the psychological pain can be worse. She admits her scars bother her a lot; clothing hides virtually all of them, but sometimes clothing has to come off, such as in gym class. She hates gym, tiring easily, fighting poor coordination and dealing with the locker room, but the state makes her take it, so she endures. In her typically forthright manner, she says, "It's a stupid law."

Shyness about appearance doesn't prevent her from pursuing an avid interest in theater. She likes to act and mime, and gives a straightforward explanation: "I can escape myself for a few hours." A cocky hamminess typical in bright teen-agers helps.

School poses other problems. Like many NF victims, Susan has learning disabilities. She reads above her grade level but cannot spell. When she hears a word, she seems blocked from analyzing it phonetically, so that besides being unable to spell it she can't look it up in a dictionary. She can recognize a hard "b" sound, for example, but a "ch" is beyond comprehension. She also wrestles with math. Ask her what she doesn't understand and she replies: "The total concept. It just doesn't register."

She progresses at an excruciatingly slow pace that causes problems with her teachers and leaves her worried she won't be able to attend college.

"My teachers don't really understand," she says, "and that sometimes irks me." As frustration temporarily gets the better of her, she sarcastically calls one of them "the jerk."

Relations with friends can be frustrating, as well. "You discuss it with friends and it turns them off. They're supportive when you need them . . ." She's quiet a moment, and after an unsaid "but" adds, "They don't understand it, so they don't want to deal with it. It's not 'in' to be sick, to have scars, you know."

Other kids sometimes go beyond just a lack of understanding. "A lot of people pitied me. A lot acted like nothing was wrong. But a lot of people out there have to hide their feelings by being cruel. They're insecure with what they are, so to make themselves feel better they have to cap you down." Pulling her dog, Aviva, into her lap, she says, "This helps me here. We've had lots of conversations."

During a conversation, Susan will admit to the pain of feeling different and then, a few moments later, pick herself back up, saying, "I don't feel really different. I don't worry about what people think. If they don't like the way I do it, that's their problem."

The local chapter of the foundation, organized by her parents, helps her combat her sense of isolation. If nothing else, it tells her and other NF patients that they aren't alone. Gerald and Dolores end up doing

foundation work every evening, traveling on the weekends for more. They admit their own two children (neither with NF) may sometimes resent the amount of time the NNFF takes, but then the phone rings and it's someone from Arizona who needs somebody to talk to . . .

Susan finds the foundation helpful, but wishes she'd meet someone her age. So far, her contact has been with adults in their 20s and 30s.

But the foundation does more than bring victims together. It also raises money for research and lobbies for helpful legislation, such as the Orphan Drug Act. Signed by President Reagan on Jan. 4, 1983, it provides for the allocation of \$4 million exclusively for research into so-called "orphan" diseases, serious diseases rare enough to make it unprofitable for drug companies to expend money on research.

Unfortunately, as in any business, drug companies go where there's money; the first one to patent an anti-cancer drug will make much higher profits than the first to patent a drug that works on NF. So the former gets the research. The same applies to doctors conducting research; they go where the money is, too. Crawford is an exception; he saw a wide-open field and decided to enter.

What disturbs the Goldfingers and many others is that less common ailments get more public attention. Sickle cell anemia, multiple sclerosis, cystic fibrosis, Tay-Sachs and Huntington's chorea are rarer but get more publicity. Publicity translates into donations, especially if a celebrity like Danny Thomas or Jerry Lewis pitches for the cause.

As Crawford notes: "You need somebody with a cause. We just haven't had a savior, or whatever you want to call it." Without taking anything from those battling sickle cell or MS, the Goldfingers would like more attention paid to NF.

"The Elephant Man" attracted attention, of course, but that's a mixed blessing. "It brought out to the public in exaggerated form the manifestations of the disease," Gerald says. "The negative side is that those with NF are afflicted with that image and have to battle that stigma."

Dr. William K. Schubert, president of Children's Hospital Medical Center, cites additional explanations for the lack of NF research. One is its relative rarity. NF may be more common than MS, but it's still not a massive problem like influenza or cancer. The variety of manifestations also causes problems. The disease doesn't confine itself to affecting one part of the body, so it doesn't naturally fall into a particular medical field.

Also, there are no good animal models, Schubert notes. Smallpox could be studied in cattle in a laboratory; the only research subjects available for NF are the patients, which makes controlled experimentation difficult. Geneticists are trying to find the enzyme that triggers the gene mutation leading to the disease, but have not had any success to date.

Although doctors can't yet cure NF, they are developing ways to treat certain manifestations. Congenital bowing of leg bones can be treated in very young children by splinting, bracing, exposure to electromagnetic pulses and bone transplants. Surgical fusion helps arrest spinal curvature. Lasers can get at tumors that cannot be removed by standard surgical techniques. Abnormal tissue growths can be surgically removed for cosmetic purposes. And doctors keep improving their monitoring of the disease.

But to a large extent, people like Susan Goldfinger just have to endure. She admits to being afraid about the future "in my most pessimistic times." She asks inevitable questions. "Why, of all the family, was I chosen? Why anybody? I wouldn't want to wish this on anybody else."

Even so, she has many plans. "Some friends of mine think I should be a rabbi, but I don't think so," she says. "I'd really like to open my own school for kids with learning disabilities, because I know what it's like to be frustrated." As a step in that direction, she's already become a teacher's aide, working with students with learning disabilities. She manages, despite her own problems, to coach them in math. "I had a crash course in teaching it . . . with little dots."

She proceeds with her life, as her parents proceed with theirs, carrying on while waiting for someone to devise better treatment. Dolores doesn't feel guilty about passing the disease to Susan. It was beyond her knowledge and control when it happened. She says, "You can't sit around and say, 'Why me?'" She describes people in the foundation as "people who don't have time for self-pity."

For Susan, self-pity doesn't seem to be much of a problem. The future can be frightening to contemplate sometimes, but that's the way it goes. "I deal with it," she says, shrugging. ●

KANSAS HAS "TIGERMANIA": FORT HAYS STATE TAKES THE NAIA BASKETBALL CHAMPIONSHIP

● Mr. DOLE. Mr. President, my home State of Kansas is suffering from a disease that this Senator hopes is incurable: Tigermania.

Now, my colleagues from North Carolina, Texas, and Maryland may object, and those Senate staffers who have been around Washington long enough to root for the Georgetown Hoyas may raise the roof, but the Senator from Kansas has the floor, and as long as he does, the Senate will recognize the No. 1 basketball team in America—the fighting Tigers from Fort Hays State University.

Mr. President, the Fort Hays State Tigers in their typically dramatic manner have won the National Association of Intercollegiate Athletics Basketball Championship Tournament. The final game was played on Tuesday night in Kansas City.

Yesterday was a day to remember in Hays, and we are told that about 1,000 Tiger fans joined in the celebration when the team triumphantly returned to town.

Mr. President, with all deference to any of my colleagues who might disagree, the Senator hopes that we are unanimous in congratulating America's No. 1 basketball team: the Fort Hays State Tigers. ●

THE EQUAL RIGHTS AMENDMENT: MYTHS AND REALITIES II (PRIVATE EDUCATION)

● Mr. HATCH. Mr. President, the issue of the impact of the proposed equal rights amendment upon private educational institutions has been a controversial one. I place in the RECORD at this point the testimony of Prof. Jeremy Rabkin of Cornell University on this subject. This testimony was delivered before the Senate Subcommittee on the Constitution.

The testimony follows:

LIKELY EFFECTS OF THE ERA ON PRIVATE EDUCATION

(By Jeremy A. Rabkin)

I believe this subcommittee is performing a great service to the country in attempting a careful assessment of the legal implications of the Equal Rights Amendment. And I feel honored at being asked to contribute to this assessment. I will focus my remarks on the likely effects of the E.R.A. on private education, a problem that has not yet received the careful attention that I believe it deserves.

The language of the proposed Equal Rights Amendment is addressed to the state and federal governments. Many people therefore assume that its effects will be limited to public schools and state universities. This view is certainly mistaken. In fact, because most public educational institutions are already subject to statutory prohibitions on sex discrimination, private institutions may be much more seriously and directly affected by the E.R.A. than their public counterparts. Proponents of the amendment may welcome all the changes it would bring to private education. My own view is that the scale of these changes ought to give us some pause. But I will try to report my analysis of the likely consequences here as impartially as I can.

EFFECT ON DIRECT SUBSIDIES

It is already illegal for educational institutions to practice sex discrimination if they are recipients of direct federal grants. Title IX of the Education Amendments of 1972 prohibits sex discrimination in "any education program or activity receiving federal financial assistance."¹ The language was modeled on Title VI of the Civil Rights Act of 1964, which prohibits discrimination "on the basis of race, color or national origin" in any federally funded program.² Title VI was understood at the time of its adoption to embody a constitutional requirement that government not give direct aid to racial discrimination. Title IX was not conceived as implementing a constitutional obligation in regard to sex discrimination, however. Thus, while the prohibition against funding of race discrimination is cast in absolute terms in Title VI, the prohibition in Title IX is subject to numerous exceptions. By constitutionalizing an absolute prohibition of government involvement in discrimination, the Equal Rights Amendment would effectively eliminate these exceptions in Title IX.

At present, Title IX does not apply to admissions decisions in any elementary or secondary school (except for "institutions of vocational education") nor in any private college. In other words, it permits private schools, up to the level of undergraduate college training, to operate as single-sex institutions and still remain eligible for federal funding. It also exempts any school controlled by a "religious organization" to the

extent that its prohibition on sex discrimination "would not be consistent with the religious tenets of such organization." By contrast, the E.R.A. would almost certainly prohibit direct federal—or for that matter, state—grants to any single-sex institution. Nor has any commentator argued that it would provide any exemptions for religious schools.

As it is, the Supreme Court has held that the First Amendment prohibits direct government grants to any religious school at the elementary or secondary level.³ And direct grants to nonsectarian private schools at this level are not very common or very extensive. But the Supreme Court has allowed religious institutions of higher education to receive substantial government assistance⁴ and many of these schools may not be able to comply with a requirement of absolute non-discrimination or non-differentiation. These colleges, along with secular women's colleges and any schools that try to maintain a fixed sexual ratio in their student body, may thus face some painful financial sacrifices to retain their established character. But this is only the beginning of the difficulties that E.R.A. is likely to pose for unconventional private schools.

EFFECT ON TAX EXEMPTIONS

Apart from its effects on direct subsidies, the Equal Rights Amendment may have its greatest impact on private schools through its implications for tax policy.

Since 1970 the Internal Revenue Service has been denying tax exempt status to private schools that practice racial discrimination. This policy was initiated in response to a successful 1969 suit by civil rights groups in *Green v. Kennedy* and subsequently affirmed by the same three-judge district court in *Green v. Connolly* in 1971.⁵ As this subcommittee is doubtless aware, the Supreme Court emphatically endorsed the I.R.S. policy this spring in *Bob Jones University v. Regan*.⁶

Several aspects of the Court's decision in *Bob Jones* deserve special notice. First, the Court held that recognition as a "charitable" organization—one eligible for tax exempt status—must be withheld from institutions involved in any activity that is "contrary to a fundamental public policy." The tax code need not directly prohibit this activity; it does not expressly prohibit racial discrimination. And this activity need not actually be illegal in itself: no law prohibits *Bob Jones University* from maintaining the ban on interracial dating that got it into trouble with the IRS. The Supreme Court held that the IRS was nonetheless justified in revoking the tax exempt status of *Bob Jones University* because, if it had been a state institution, constitutional rulings would plainly have prohibited the school from maintaining a ban on interracial dating. This was enough to prove, as the court saw it, that *Bob Jones University* was acting "contrary to fundamental public policy."

Now I think it is indisputable that if the E.R.A. is added to the Constitution, it will make opposition to sex discrimination a matter of "fundamental public policy." Following the Court's ruling in *Bob Jones*, then, it seems inescapable that all single-sex institutions must be denied tax exemptions. Thus the E.R.A. would not only make all women colleges ineligible for tax exemptions, but also Catholic seminaries, for example—unless they admit women for training to the priesthood.

Indeed, admitting applicants of both sexes would not be sufficient, according to the

Bob Jones ruling, unless the institution is oblivious to gender in all its activities. It did not save *Bob Jones University*, after all, that its ban on interracial dating was rather incidental to its basic educational program—which was, it appears, fully integrated after 1976. Thus it seems inescapable that an institution like *Yeshiva University* in New York, which does have coeducational programs, must still forfeit its tax exemption if it maintains separate seating for men and women in religious services. That this practice is required by Orthodox Jewish tradition would be of no relevance to the operation of the tax law. In the *Bob Jones* case, the Court emphatically rejected the claim that *Bob Jones University* had any First Amendment right to exemption from the IRS policy even though its ban on interracial dating derived from the school's understanding of Biblical precepts. The Court insisted that the government's "fundamental, overriding interest in eradicating racial discrimination in education . . . substantially outweighs whatever burden denial of tax benefits places on petitioners exercise of their religious beliefs."⁷

It is tempting to regard these conclusions as simply too absurd or too extreme for the Supreme Court to embrace. The Court would surely try to avoid the onus of ordering Catholic seminaries to admit women candidates for the priesthood or forfeit their tax exemptions. And I would be the first to admit that the Court has often sacrificed logical or doctrinal consistency in the past to avoid unpopular or unpalatable results. Perhaps it would do so here, but one cannot be at all confident of that. To avoid this result, the Court would have to denigrate the E.R.A. itself by maintaining that it had not, after all, made opposition to sex discrimination such a "fundamental public policy" as opposition to race discrimination. Or it would have to repudiate the *Bob Jones* decision—which was hailed on almost every side as expressing the evident, common sense of the law.

The Court did leave itself a possible escape hatch by resting its decision in *Bob Jones* on a statutory interpretation of the tax code rather than voicing direct constitutional standards. This may leave room for Congress to rescue the Court, by amending the tax code to clarify that—the E.R.A. notwithstanding—the "fundamental public policy" against sex discrimination should not extend to religious institutions or to various other private organizations. Yet a Congress which had recently reendorsed the E.R.A. might not feel at all comfortable in enacting such a disclaimer. And I think it is fair to say that many E.R.A. proponents would lobby hard to defeat such an amendment to the tax code—not from any particular desire to deny tax benefits to Catholic seminaries or Orthodox Jewish day schools, but from a general commitment to the notion that tax benefits should not be available to institutions practicing sex discrimination. Even without ratification of the E.R.A., the U.S. Commission on Civil Rights urged as far back as 1975 that the I.R.S. had the authority and the obligation under existing laws to deny tax exemptions to sexually discriminatory schools.⁸ Proponents of this view will be greatly fortified in their conviction if E.R.A. is finally added to the Constitution.

In fact, there is already a substantial body of precedent and opinion to support the view that tax exemptions are a form of "state action" and that the constitutional prohibitions against discrimination by the

government must equally apply to all recipients of governmental tax benefits. In the *Bob Jones* case the Court noted that many of the amicus briefs it received—including the one submitted by William Coleman, who was appointed by the Court, itself—argued that, whatever the Court's interpretation of existing tax law, the "denial of tax-exempt status is independently required by the equal protection component of the Fifth Amendment." The Court's reliance on statutory interpretation of the tax code made it unnecessary for it to reach the constitutional issue, but it did not dispute the force of the argument. In fact, the Court's statutory interpretation—which was otherwise rather strained and unconvincing in important respects—seemed to reflect the Court's conviction that any other interpretation of the tax code would render it constitutionally defective.¹⁰ The *Green* court, which first advanced this interpretation of the tax code, stated explicitly that any other approach would raise "grave constitutional issues."¹¹ In *McGlotten v. Connally* another three judge court subsequently provided a direct holding that the Constitution forbids tax exemptions for discriminatory institutions.¹² The *McGlotten* decision was never overruled and its reasoning has indeed been cited with approval by several other courts and a considerable number of scholarly commentators.¹³

Even before the recent decision in *Bob Jones v. Regan*, several commentators had already predicted that ratification of the Equal Rights Amendment would require the withdrawal of tax exemptions for single sex schools and for schools practicing any form of sex discrimination.¹⁴ After *Bob Jones*, this seems even more likely—even for religious institutions.

EFFECTS ON OTHER FORMS OF PUBLIC ASSISTANCE

First, it is worth noting that the *Bob Jones* case dealt not only with direct tax exemptions but with tax exempt status generally. Institutions which qualify for tax exemptions under §501(c)(3) of the Internal Revenue Code do not have to pay any form of income tax themselves. But they also benefit indirectly from this classification, because it allows private contributors to these institutions to take deductions on their own taxes for such contributions (under §170). The *Bob Jones* decision, like the IRS policy that preceded it, prohibited deductions for "charitable" contributions to discriminatory schools—thus undermining the fundraising capacity of these schools by depriving would-be donors of a major incentive for making contributions. The E.R.A. would certainly have the same effect on single-sex (or sexually discriminatory) schools if it is held to prohibit their own tax exemptions.

But tax subsidies are not the only form of state assistance threatened by the E.R.A. In *Norwood v. Harrison*, the Supreme Court held that states may not provide textbooks to private schools practicing race discrimination.¹⁵ The fact that the books were loaned directly to the students made no difference; nor did it make any difference that the books were available on the same basis to all students at all schools in the state. Moreover, the constitutional ban on participation in this program was extended to religious schools, without any hesitation or qualification. The conclusion again seems inescapable that, if the E.R.A. is ratified, single sex private schools or private schools practicing any form of sexual differentiation would also have to forego the benefits

of such programs. This may affect a considerable number of private elementary and secondary schools, since many states have adopted such textbook or equipment loan programs since 1968, when the Supreme Court declared these programs to be a permissible form of state aid to sectarian schools.¹⁶

At institutions of higher education, state and federal loan and grant programs will probably have to exclude students who attend single-sex or sexually discriminatory schools on the same reasoning. The Department of Education (and before 1979, the Department of Health, Education and Welfare) has indeed maintained that if a college enrolls students who participate in a federal student loan or grant program, the entire college and all its activities must comply with the federal law prohibiting sex discrimination in "any program or activity receiving federal financial assistance." Colleges that did not want to comply with HEW's elaborate regulations on sex discrimination were told that their students could no longer qualify for federal grants and loans.¹⁷ The Supreme Court has not yet endorsed this approach as a proper interpretation of Title IX (the statute involved), but it would certainly have very great difficulty in disavowing the policy under the E.R.A.

If loans to students are threatened, it is hard to see how loans to single-sex institutions themselves can be exempt from challenge. Thus it seems quite possible that such institutions would be forced to withdraw from special library loan arrangements with state universities and other joint ventures with public institutions. Nor is this all.

In *Gilmore v. City of Montgomery*, the Supreme Court held that a racially segregated private school could not be given special hours to use the playing fields in a public park, because this would constitute unconstitutional state involvement with racial discrimination.¹⁸ Under the E.R.A., therefore, it would seem that private schools must be excluded from using any public facility—using a municipal auditorium for a graduation exercise or student concert, for example—if the school itself does not observe approved standards of nondiscrimination in regard to sex. Further it would seem that private organizations cannot maintain any link with public schools or state universities if they fail to meet E.R.A. standards of nondiscrimination. Thus, boy scout and girl scout troops may have to be excluded from public school facilities and fraternities and sororities banished from state college campuses (or at least from college owned facilities).

REGIMENTATION VERSUS ISOLATION: THE MORAL BURDEN ON PRIVATE EDUCATION

A few commentators have suggested that, despite its apparent limitation to governmental activity, the Equal Rights Amendment could directly reach all schools, public and private. There are a few strands of constitutional doctrine and a few precedents that can be invoked to support this claim.¹⁹ I think it is very unlikely, however, that the Supreme Court would give broader reach to a constitutional ban on sex discrimination than it has accorded to the existing prohibitions on race discrimination in the Fourteenth and the Fifth Amendments. And the Court has never held that racially discriminatory private schools are per se unconstitutional.

If the Court's approach to race discrimination is any guide, however, the Equal Rights Amendment will impose very considerable constraints on private schools.

Schools that are not prepared to forego all forms of government assistance will have to be sexually integrated. This does not simply mean that single-sex schools will have to admit students of the opposite sex. This probably means that from kindergarten to post-graduate training all classes will have to be sexually integrated and all school-sponsored activities as well: gym classes and athletic programs, classes on "health" or on "women's issues" or on religion or on fatherhood, baking clubs and "consciousness-raising" groups and so on and so on. Indeed the implementing regulations for Title IX suggest that even sexually differentiating "dress codes" or counseling services may be considered "sex discrimination."²⁰ I do not offer these examples to caricature or denigrate the goal of sexual equality and I do not mean to say that there is anything wrong with running schools in this way. The question is simply whether all educational institutions should be pressured to conduct themselves according to such patterns.

The E.R.A. would doubtless permit many single-sex institutions to continue, along with many schools that hold to traditional patterns of sexual separation or differentiation. But it would place great financial strain on such schools and a large number may not survive. It has been estimated, for example, that loss of tax exempt status would cost the average private school (at the elementary and secondary level over 20 percent of its annual income.²¹ That exceeds the margin for survival for many schools and those that are able to absorb such a loss will be forced to curtail their programs and limit access (by increased tuition and/or reduced scholarship aid provisions). Private colleges may be even more hard hit and become even less accessible—those that survive. And beyond all the financial blows, unconventional private schools and colleges will suffer the stigma of public quarantine, treated as too tainted, in effect, for any contact or cooperation with public institutions. Those schools that can still attract students under these conditions will surely be driven to embittered isolation.

Now we have done all this to private schools that persist in racial discrimination precisely to express an unyielding abhorrence to racist practices. The question again is whether we want to oppose all aspects of sexual separation or differentiation with equally uncompromising condemnation, imposing the same financial penalties and the same moral stigma. My own view is that there is something terribly wrong with a constitution that puts the sexual exclusion of a Catholic seminary or a traditional women's college on the same plane with the racial bigotry of a white supremacist "segregation academy".

I will not here attempt to argue the moral differences between race discrimination and sexual exclusion, however. I will simply record my strong impression that Americans now seem to share this sense that sexual differentiation should not be regarded with the same intolerance as race discrimination. Thus IX, enacted within a year of the original congressional submission of the Equal Rights Amendment, expressed strong opposition to public funding of sex discrimination in education, but the general policy was understood to require exceptions and qualifications. In addition to the original statutory exemptions for religious schools and for most kinds of single sex schools, Congress has added numerous amendments to prevent dogmatic applications of general policy

by civil rights officials. Congress has acted, for example, to exempt school sponsorship of boy scout and girl scout troops, of all-female beauty pageants, of separate mother-daughter and father-son banquets and of social sororities and fraternities. Most people seem to want this flexibility even in public schools and are certainly prepared to tolerate greater diversity along these lines in private education.

The Equal Rights Amendment will almost certainly eliminate such flexibility and greatly reduce such diversity. And this will not be the effect of sloppy draftsmanship by its current sponsors or errant dogmatism by its subsequent judicial interpreters. Many sincere and thoughtful people support the Equal Rights Amendment precisely because they desire the kinds of legal consequences I have tried to sketch out in this statement. Many people do believe that opposition to sexual differentiation, like opposition to race discrimination, must override our traditional regard for religious pluralism and educational diversity. The country as a whole should consider what this means, however, before the Equal Rights Amendment is resubmitted to the states.

FOOTNOTES

¹ 20 U.S.C. § 1681-86.

² 42 U.S.C. § 2000d.

³ *Lemon v. Kurtzman*, 403 U.S. 602 (1971), *Meek v. Pittenger*, 421 U.S. 349 (1975).

⁴ *Tilton v. Richardson*, 403 U.S. 672 (1971), *Hunt v. McNair*, 403 U.S. 734 (1972).

⁵ *Green v. Kennedy*, 309 F. Supp. 1127 (1970), *Green v. Connally*, 330 F. Supp. 1150 (1971), aff'd sub nom. *Coit v. Green*, 404 U.S. 997 (1971).

⁶ *Bob Jones University v. U.S.*, 51 L. W. 4593 (May 24, 1983).

⁷ *Ibid* at 4601.

⁸ U.S. Commission on Civil Rights, *To Ensure Equal Educational Opportunity*, Vol. III of *The Federal Civil Rights Enforcement Effort 1974* (January 1975), p. 153-54.

⁹ 51 L. W. at 4600, fn. 24.

¹⁰ The objections to the Court's purported basis for decision are powerfully articulated not only in the dissenting opinion by Justice Rehnquist, but also in the uneasy concurrence by Justice Powell in *Bob Jones*. See also the strong arguments rejecting IRS authority on the basis of existing law in *Bob Jones University v. Blumenthal*, 468 F. Supp. 890 (P.S.C., 1978).

¹¹ *Green v. Kennedy*, 309 F. Supp. 1127 (1970) at 1136, 1134 and *Green v. Connally*, 330 F. Supp. 1150 (1971) at 1165: "... it would be difficult indeed to establish that such support can be provided consistent with the Constitution.

¹² 338 F. Supp. 488 (D.D.C. 1972).

¹³ *Falkenstein v. Department of Revenue*, 350 F. Supp. 887 (D. Or. 1972); *Pitts v. Department of Revenue*, 333 F. Supp. 662 (E.D. Wisc. 1971); *McCoy v. Shultz*, 73-1 U.S.T.C. 9233 (D.D.C. 1973).

¹⁴ Monica Gallagher, "Desegregation: The Effect of the Proposed Equal Rights Amendment on Single Sex Colleges," 18 *St. Louis University L.J.* 41 (1973); Testimony of Laurence Tribe, Professor of Law, Harvard University, *Tax Exempt Status of Private School*, Hearings Before the Subcommittee on Oversight of the Committee on Ways and Means, House of Representatives, 96th Cong., 1st Session (Feb.-March, 1979), p. 385.

¹⁵ 413 U.S. 455 (1974).

¹⁶ *Board of Education v. Allen*, 392 U.S. 236 (1968).

¹⁷ This provision in the Title IX regulation is now before the Supreme Court in *Grove City College v. Bell*. In *Hillsdale College v. HEW*, 696 F. 2d 418 (1982), the 6th Circuit Court of Appeals invalidated this provision but indicated that it would probably not have done so if the statutory prohibition on sex discrimination were based on constitutional requirements—as would be the case under the E.R.A.

¹⁸ 417 U.S. 556 (1974).

¹⁹ The argument could be made that education is inherently a "public function" and that even private schools would therefore be covered by constitutional prohibitions on government. Thus Prof. Emerson noted in his widely cited article on the E.R.A. that in the field of education (along with other fields) "the public character of the function

would lead to the requirement that the state assume extensive responsibility." Emerson, et. al. "The E.R.A.: A Constitutional Basis for Equal Rights for Women," 80 *Yale L.J.* 81 (1971) at 907. Alternately, it could be argued that the state has already involved itself so extensively in private education through regulation and accreditation standards that all or most private schools must conform to the same standards as government itself. For a sophisticated analysis of "state action" doctrine—suggesting several routes to this conclusion—see Laurence Tribe, *American Constitutional Law* (Mineola, N.Y.: Foundation Press, 1978), pp. 1157-1171.

²⁰ See 40 Fed. Reg. 24128 et seq. (June 4, 1975) or 34 C.F.R. 106.3 et seq.

²¹ Testimony of John Esty, Jr., President, National Association of Independent Schools, *Tax Exempt Status of Private Schools*, (Hearings cited at note 14), p. 400. The precise figure offered here is 23 percent of operating budgets for boarding schools and 11 percent for day schools. But the estimate applies only to NAIS members—that is, non-church-related elementary and secondary schools. Mr. Esty, himself, suggests the figure may be much higher for church-related schools at this level and might be still higher for many colleges. Colleges with large endowments would be especially hard hit since the I.R.S. would undoubtedly tax income on these endowments: interest, dividends, capital gains from the endowments would presumably be taxed like the gains to any other investor. Finally, this figure does not calculate the substantial costs arising from the imposition of local property taxes and state sales taxes.■

TRIBUTE TO CLARENCE M. MITCHELL, JR.

● Mr. MOYNIHAN. Mr. President, I rise to add my voice to those millions of Americans who mourn the death of Clarence M. Mitchell, Jr. The loss of a dear friend, as Clarence Mitchell was to me, is always a source of pain. In his passing, there is a double anguish because of what he meant to our Nation and to the struggle for equality for all races.

He was the Washington director of the National Association for the Advancement of Colored People. For two decades, every civil rights act and every antidiscrimination statute enacted by Congress bore Mr. Mitchell's distinguishing mark. In his long tenure, he was perhaps the most effective legislative craftsman in the field of human rights in the United States.

So deep was his commitment, so broad the respect he earned, that he was not unfairly called "the 101st Senator."

His concern for human and civil rights did not stop at our water's edge. When I became Ambassador to the United Nations in 1975, I asked Mr. Mitchell to join me as a U.S. Representative at the U.N. General Assembly.

His performance was absolutely magnificent. On October 23 of that year, he addressed the U.N. Special Political Committee on the subject of apartheid.

He called it an "odious and abhorrent" system, a characterization which prompted an emotional response from the South African Prime Minister, Balthazar Johannes Vorster.

The Prime Minister challenged Mr. Mitchell to name those persons who, in Mr. Mitchell's previous words, had

been detained in his country for their outspoken opposition to apartheid. It was a challenge our Representative met superbly.

He prepared a 6,000-word reply which was accompanied by three pages listing the names of persons, white and nonwhite, in detention for precisely the reason Mr. Mitchell had first claimed. His reply was a meticulously documented, closely reasoned argument that what was legal in South Africa was illegal by the standards of a liberal society.

The response introduced a wholly new method of argument to the General Assembly. We thought of it as the equivalent of a "Brandeis brief" in the American legal system, including as it did economic and social findings which gave a human dimension to the legal arguments contained therein. It was a moment to be cherished. Would that it had been emulated.

Mr. President, there will be no shortage of tributes to this unique man. But I call your attention to one in particular. It was an editorial in the March 20 editions of the Washington Post. Its headline was: "Clarence M. Mitchell, Jr."

As if the name alone should mean something to us all. As indeed it should.

Mr. President, I ask without objection that the Washington Post editorial be printed in the RECORD.

The editorial follows:

CLARENCE M. MITCHELL JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being

mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation. ●

NEW YORK UNIVERSITY CONFERS HONORARY DEGREE ON KING OF SPAIN

● Mr. SARBANES. Mr. President, an important event took place recently in the history of the relationship between the peoples of the United States and Spain—New York University conferred an honorary degree on the King of Spain, His Majesty Juan Carlos. It is the first honorary degree bestowed by an American University on Juan Carlos, whom New York University President John Brademas, our distinguished former colleague in the Congress, described as this outstanding leader of new Spain. Her Majesty Queen Sophia was present at the convocation.

Dr. Brademas also announced the establishment at New York University of the "King Juan Carlos I Chair in Spanish Culture and Civilization," to honor the King and to deepen the commitment of NYU to Spanish studies. "This Chair, made possible by the splendid generosity of Milton Petrie, a life trustee of New York University, will be occupied by the world's most eminent authorities on Spanish life, history, and culture," he said.

In his remarks at the convocation, Dr. Brademas cited several reasons for the tribute paid to King Juan Carlos I by New York University. We want first to acknowledge the major contributions which the nation of which His Majesty is head of state has made to the history of this hemisphere. It would be obviously impossible even to begin to comprehend the countries of South, Central, and North America without an understanding of their origins in Spain.

We wish as well to salute the significant role that Spanish-speaking peoples play in the life of our own country. Dr. Brademas declared, noting that there are over 15 million persons in the United States today of Spanish descent.

Finally, Dr. Brademas expressed the admiration and respect of the American people for the wise and courageous leadership King Juan Carlos I has given to his people as Spain plays a more important and more visible part in the family of free and democratic nations. At a critical moment in the life of the new Spain, it was the brave and farsighted stance of His Majesty, King Juan Carlos I, that protected the institutions of the new Spanish democracy.

Mr. President, prior to assuming the presidency of New York University, our Nation's largest private university,

John Brademas served with great distinction for 22 years as a member of the House of Representatives from Indiana, during the last 4 years of his service as majority whip. In addition to the extraordinary qualities of informed and responsible leadership which he has brought both to Congress and to NYU, Dr. Brademas is also a student of Spanish history and the author of a study of the anarchist movement in Spain.

His remarks upon conferring the honorary degree upon King Juan Carlos I of Spain and the King's response will be of keen interest to Members of the Senate and to all those interested in Hispanic life and culture. I therefore ask to have the texts of their remarks delivered at the December 7, 1983 convocation printed in the RECORD.

The texts follow:

REMARKS OF DR. JOHN BRADEMÁS, PRESIDENT, NEW YORK UNIVERSITY

Your Majesty, King Juan Carlos I of Spain; Your Majesty, Queen Sofia; Chairman Tisch; Reverend Clergy, Distinguished public officials of both Spain and the United States.

I should like to extend a greeting to the United States Ambassador to Spain, Thomas O. Enders; the Spanish Ambassador to the United States, Gabriel Manuero; the Spanish Minister of Education, Jose Maria Maravall; the Spanish Minister of Culture, Javier Solana; and the Mayor of Barcelona, Pasqual Maragall i Mira;

Members of the board of trustees; Chancellor Oliva; members of the faculty, staff and student body; distinguished guests and friends. . . .

ACKNOWLEDGMENT BY DR. BRADEMÁS OF MAJOR CONTRIBUTIONS OF SPAIN TO THE HISTORY OF THIS HEMISPHERE

As president of New York University, I take great pleasure in extending to you all a warm welcome on this historic day in the life of our university.

Today's event is yet another manifestation of the leading role that New York University is playing in American higher education.

There are several reasons that New York University is pleased to honor our distinguished visitor today.

We want first to acknowledge the major contributions which the nation of which His Majesty is head of state has made to the history of this hemisphere.

For it would be obviously impossible even to begin to comprehend the countries of South, Central and North America without an understanding of their origins in Spain.

A second—and related—reason that we wish to honor His Majesty is to salute thereby the significant role of Spanish-speaking peoples in the life of our own country.

If there are over fifteen million persons in the United States today of Spanish descent, some one and a half million of them live in New York City, and we are, therefore, increasingly a country and a community that speak Spanish as well as English.

There is another reason we are pleased to honor His Majesty, the King of Spain, today. It is to mark the great importance that New York University assigns in our teaching and research to Spanish and Hispanic culture and civilization.

Our guest of honor is wholly at home with such a commitment for His Majesty has spoken eloquently of the indispensable role of education and culture in building a world of peace and freedom. That His Majesty should be accompanied today by the distinguished Minister of Education of Spain, Dr. Jose Maria Maravall; and the distinguished Minister of Culture, Dr. Javier Solana, is further evidence of His Majesty's appreciation of the crucial place of international education.

COMMITMENT OF NEW YORK UNIVERSITY TO INTERNATIONAL EDUCATION

This university has had from its founding over 150 years ago an international dimension that rises naturally from its history, location and resources. New York University has long been a place of opportunity, opening its doors to thousands of immigrants and their sons and daughters, and today, a significant percentage of our large, multi-ethnic student body continues to be drawn from first and second generation families.

Our commitment as a university to international education is evident in our language and area programs—from the Hagop Kevorkian Center for Near Eastern studies to our Department of French Culture and Civilization, our Institute for Hebrew and Judaic studies, and our offerings in German, Italian and Portuguese languages and cultures—and others.

HISTORIC ROLE OF NEW YORK UNIVERSITY IN HISPANIC STUDIES

We take particular pride, however, in the longstanding interest of New York University in Hispanic studies, a field in which we have a wide range of activities. Our department of Spanish and Portuguese offers courses in both these languages and literatures and in Spanish-American and Brazilian literatures as well. Indeed, this university grants the fourth largest number of doctoral degrees in Hispanic literature in the United States.

We have, moreover, welcomed to our lecture halls and classrooms some of the most eminent writers and thinkers of 20th century Spain as well as of Latin America.

Twenty-five years ago, we inaugurated the first North American program of study in Madrid and during these years, we numbered among our faculty in Spain such distinguished writers and scholars as Enrique Tierno Galvan, the present mayor of Madrid; Joaquin Casaldueño; Jose Hierro and Carlos Bousoño.

Several years ago we began a summer course in Salamanca, in cooperation with that university of such famed tradition of scientific and humanistic studies.

This year, in collaboration with the University of Barcelona, we established a program of Catalan studies, one of the first of its kind in the United States. Hispanic studies at New York University are further enriched by the work of our Center for Latin American and Caribbean Studies; and I must mention, too, our cooperation with such institutions as the Spanish Institute and the Center for Inter-American Relations.

Earlier this fall New York University took an active part in the celebration of Madrid-New York week, and last spring we joined in heralding *Semana Catalana*, a week of lectures, music and dance and meetings between leaders of New York City and Barcelona.

Only last month, in fact, I visited Spain to accept, on behalf of the university, a fellowship to be named for Maestro Andres Sego-

via and made possible by a gift from the Spanish firm of Loewe, whose president, Don Enrique Loewe, is also with us this morning. The Andres Segovia fellowship will, through an international competition, make possible studies at our university in the tradition and instrumentation of the classical guitar.

I hope that I shall be forgiven if I add here that a generation ago, I did my own doctoral dissertation on a Spanish revolutionary movement and so I myself have felt a longstanding link with the country whose constitutional monarch we welcome today.

RECOGNITION BY DR. BRADEMAs OF GENEROSITY OF LIFE TRUSTEE MILTON PETRIE AND HIS WIFE CARROLL

This morning I take great pleasure in announcing that, in order to deepen the commitment of New York University to Hispanic studies, and thanks to the splendid generosity of a distinguished life trustee, Mr. Milton Petrie, New York University has created the King Juan Carlos I Chair in Spanish culture and civilization.

I am pleased at this time to recognize Mr. Petrie, and his wife, Carroll, who is a member of the board of our Institute of Fine Arts. To you both, we express our deep appreciation.

This named Chair will be held by the most eminent authorities in the world on every aspect of Spanish life and culture.

The King Juan Carlos I Chair will be a permanent symbol of the friendship that unites our two countries and of the dedication of New York University to the study of Spanish civilization.

But there is yet one final reason we wish today to honor His Majesty and it is to express to him the admiration and respect of the American people for the wise and courageous leadership he has given to his people as Spain plays a more important and more visible part in the family of free and democratic nations.

It requires no elaboration here to say that at a critical moment in the life of the new Spain, it was the brave and farsighted stance of His Majesty, King Juan Carlos I, that protected the institutions of the new Spanish democracy.

For all these reasons then, we welcome this gifted constitutional Monarch and his gracious Queen, Her Majesty, Queen Sofia, to our country, our city and our university.

I should like now to call upon Vice President S. Andrew Schaffer, secretary of the university, to present the candidate for the honorary degree.

Dr. Brademas reads the honorary degree citation:

His Majesty, Juan Carlos I, King of Spain: your Majesty—your presence among us symbolizes ties between Spain and the Americas that reach back nearly 500 years. In the course of that near half a millenium, the language and culture of the Spanish people have in profound ways shaped the history of the Western Hemisphere. We welcome your reaffirmation of these common bonds. We wish as well to salute the significant role that Spanish-speaking peoples play in the life of our own country even as we mark the importance that we at New York University assign in our teaching and research to Spanish culture and civilization.

Your Majesty, yours has been a vigorous voice in the forums of the world for the place of education in the difficult search for peace among nations. "La educacion y la comunicacion, la ciencia y la cultura, constituyen elementos idoneos para hacer viable la paz e imposible la guerra." [Educa-

tion and communication, science and culture, are the very elements which make peace possible and war impossible.] Your Majesty, we are proud also to honor you for your fearless protection of parliamentary institutions at a critical point in the history of your country. As a youth, your Majesty, you were a student at the Institute of San Isidro in Madrid, named for that remarkable man of learning of thirteen centuries ago. He once declared, "Seras rey si obras rectamente; si no obras asi no lo seras." [You will be king if you act justly; if you do not do so, you shall not be.] You have, Your Majesty, as constitutional Monarch of the democracy that is modern Spain, kept faith with the highest expectations of that venerable saint.

Your Majesty, King Juan Carlos I of Spain, you represent a noble culture, one we revere deeply at this university. For the inspired leadership you give your country, for your courageous defense of democratic principles, for your eloquent commitment to education in the service of peace, I take great pleasure in conferring upon you the degree of doctor of laws, *Honoris Causa*.

REMARKS OF HIS MAJESTY KING JUAN CARLOS I OF SPAIN AT A CONVOCATION AT NEW YORK UNIVERSITY

Mr. President, Professors and Students, Ladies and Gentlemen, first of all, I wish to greet you and to thank you.

My greetings to all of you who, in the unequalled setting of this beautiful and fascinating city, form an exemplary community devoted to the study and progress of jurisprudence, and are committed to one of the most exciting tasks that can be undertaken by men: the attainment of freedom in peace and justice.

My thanks for the distinction which you have awarded me, and which fills me with special satisfaction. This is because, within the social sciences, it is the science of law that most fundamentally influences the lives of citizens and the progress of the international community. Law is, has been and will continue to be, one of the most significant pillars in the fabric of mankind's progress.

Thank you very much, Mr. Chairman, for your kind welcome, and for your generous words.

SPANISH CONTRIBUTIONS TO THE STUDY OF LAW

The Spanish Monarchy, to which I am the heir and for which I provide continuity, has always protected and encouraged the study and progress of law.

I must mention here the outstanding contribution of Alfonso the Wise to the progress of jurisprudence in Spain and the Western world. The "Siete Partidas," a monument to thinking and knowledge, has had a great influence both in my country and in the broader setting of the New World.

As you know, through the work of its Universities, such as Salamanca, Alcalá and Valladolid, and that of its philosophers, such as Vitoria and Suárez, Spain has contributed to the important study of the essence of law, to creating the bases of what would be the future People's Law, to encouraging ideas whose influence on equality and the individual rights of men has been as necessary as it has proved beneficial for my country and for this Continent.

I shall take the liberty of reminding you of the precursory action of so many Spaniards who gave their efforts to establish the legal system that now regulates social life in Latin America.

This was an immense task, which perhaps today is only adequately appreciated by those who study our presence on this side of the Atlantic.

In Latin America, the Crown has always played the role of protector of the weakest and least privileged sectors of society against the abuses and the strength of the powerful.

Many writers of legal treatises have pointed out that the very root of legality is to be found in this search for protection against arbitrariness.

My country, which founded the first universities in the New World, is justly proud of its efforts to assure that the teachings of Law and humanistic ideas should, as soon as possible, constitute the common heritage of all individuals under the Spanish Crown.

Among the laws and customs of territories that today form part of the United States are many precepts of Spanish origin.

However, I do not wish to enlarge too much on the past, although it is always present in our minds, but rather look toward the future.

HIGH PRIORITY OF ADAPTING LEGAL STRUCTURES TO CHANGING SOCIETY

Mr. President, we are living in a dynamic society, which is moving toward fundamental changes. Many of those who are listening to me here will exercise the noble profession of Law in the Twenty First Century. They will have the historic responsibility of crystallizing the cultural heritage they received into new laws, and meeting the new challenges posed by society. It is an extraordinarily complex task, but at the same time an invaluable incentive for any humanistic vocation.

For all of us, professors, students, citizens and rulers, the adaptation of legal structures to a world in which the universal values of freedom, equality and justice prevail, must be a task with high priority. It is a mission that justifies any sacrifice, and must inspire our will and our imagination.

I affirm this in this city, in which the citizens of so many countries are gathered together, which is open and alive to so many cultures, and in which this University carries out a task of exemplary teaching and research.

It also gives me personal pleasure to affirm this in the light of the recent establishment of democracy in Spain, through a legal framework that both admits and encourages change, which is the best guarantee for our coexistence.

In the world in which we live, the protection of public freedoms is the inescapable duty of all these connected with the legal system. This exercise of public freedoms, which is part of tradition and is specified in the constitutions of a large number of countries, is, unfortunately, forgotten in many other parts of the world.

IMPORTANCE OF BRINGING LAW TO THE INDIVIDUAL

At the same time, the danger exists in our society, which is becoming increasingly more complex and diversified, that those social groups least able to assure their own representation may be discriminated against with regard to the protection of their rights.

One of the most important efforts to be made by lawyers of all countries is that of bringing Law to the individual and overcoming a tendency, which is normal in all professions, to isolate themselves through the possession of specific knowledge and the use of a language that is incomprehensible to the ordinary man in the street.

Technological advances also pose a problem that deserves consideration by all jurists. At the present time we see sufficient signs for alarm indicating that the individual appears in many cases to be threatened by the indiscriminate, and in some cases dangerous progress of technology.

In the process of adaptation to these advances, we should not forget that the ultimate goal of Law is to humanize daily life as much as possible.

There is also a challenge to all of us inherent in the structure of society, which burdens individuals with the growing bureaucratization of justice, encourages administrative inertia, and in many cases prevents greater participation by people in the life of their communities.

THE FUTURE OF LAW IN THE UNITED STATES AND THE WORLD

Mr. President, your country constitutes a focus of attention for many parts of the world.

The United States, with its power and its capacity for innovation, has heavy responsibilities in the Western world. This has also been the case for other great countries in the past. But it is even more accentuated today as a result of our modern systems of communication.

Frontiers today are less defined, the universe larger. Very little prevents the advances of a great country like this from being used by other countries.

Therefore, Mr. President, the future of Law in the United States is not a matter of no concern to other nations. And, within this context, the work of this University, which is carried out through research and teaching, acquires a dimension that goes beyond the limits of this institution.

This University, which is located in one of the most influential cities of the country and which occupies a very outstanding place in the defence of democratic values, has in you a select group of scholars undoubtedly able through your work to shape a better world.

In this way you will follow the long and prestigious tradition of this institution, founded in 1831, which has provided the setting for inventions decisive for the contemporary world, such as those of Morse and Edison. This is a tradition in which the social sciences and scientific research combine successfully.

For all these reasons, I am very pleased to be included as one of you through the awarding of this distinction, and I want to thank you for this opportunity. You may be sure that I share your hopes and your efforts to make the world in which we live freer and more just.

Thank you very much. ●

INSTALLATION OF ARCHBISHOP JOHN J. O'CONNOR, OF NEW YORK

● Mr. MOYNIHAN. Mr. President, on Monday I was privileged to attend the installation of the Most Reverend John J. O'Connor as Roman Catholic archbishop of New York. Archbishop O'Connor succeeds Terence Cardinal Cooke, who passed away last October after a lifetime of extraordinary service to the 1.8 million Catholics of the archdiocese of New York.

In the course of the majestic installation ceremony at St. Patrick's Cathedral, Archbishop O'Connor evinced

not only the seriousness of purpose appropriate to his new duties but also a personal warmth that will surely endear him to all the people of New York.

In his remarks to the 3,000 persons of all religious faiths who gathered in the cathedral, Archbishop O'Connor expressed his desire to "work lovingly by (the) side" of other religious leaders in New York for spiritual unity whenever possible.

As the New York Times reported yesterday:

The Archbishop's address was a medley of humor, anecdotes and admonition. He was thoughtful and introspective in examining his own fitness for the role.

I would like to share with my colleagues, and the many readers of the CONGRESSIONAL RECORD, Archbishop O'Connor's message. I ask that excerpts of his homily at St. Patrick's Cathedral on Monday be printed at this point in the RECORD, along with the accounts of the events in the New York Times.

The material follows:

[From the New York Times, Mar. 20, 1984]

ARCHBISHOP GREETES CITY IN GRATITUDE

Mr. Mayor, how am I doing?

All of you think I meant Mayor Koch; I meant Mayor McNulty of Scranton.

Here we go again.

It's less than 48 hours ago that I left the second-greatest city in the entire world, and my heart was heavy indeed as I left Scranton and the people that I love so much there.

I cried a bit because, after all, this was the first time in history, I think, that a bishop was ever recalled by plebiscite after only eight months.

But I must confess that the sorrow of losing my first love is more than counterbalanced today with the tremendous joy that I feel as I stand before you in this magnificent cathedral in this truly spectacular city and with no disloyalty, Your Eminence Cardinal Kroll, to my beloved home town of Philadelphia, and with no disloyalty to my beloved adopted town of Scranton, now "Ich bin ein New Yorker."

Now, this is an occasion on which it would be very easy to be pompous and to attempt to give an address which would readily outrank what Lincoln did at Gettysburg.

But I want to speak with you as friends; very, very simply, simply to reflect with you on what it means to me to be given the opportunity to serve you, and what the whole concept, indeed, of service means to me.

But first, if the others of you here will forgive me, Las pocas palabras a todos los queridos Hispanos . . . (A few words to all the beloved Hispanics . . .)—now wait I'll forget—you'll throw me off—. . . a todos los queridos Hispanos de la archidiócesis. Yo sé que mi Español suena mal, porque se parece de una gallina o pato. Pero a la vez sé que me perdonarán porque simplemente quiero a todos Ustedes que Dios quiere y eso es fácil de entender en cualquier idioma. Voy a tomar clases de Español y trabajaré mucho para mejorar mi pronunciación. A caso ire también a Puerto Rico por una temporada durante el invierno, naturalmente. En serio, espiritualmente me siento muy unido a todos Ustedes a pesar de mi nombre Irlandés y trataré de hacer todo lo posible

para Ustedes como su obispo. Si bien no llego a ser un buen servidor no dejaré de quererlos y ayudarlos. Muchas gracias.

(. . . of the Archdiocese, I know that my Spanish sounds bad, because it sounds like a chicken or a duck. But at the same time, I know that you'll pardon me because I simply love all of you, and God loves you, and this is simple to understand in any language. I am going to take classes in Spanish, and I will work hard to improve my pronunciation. Perhaps I'll also go to Puerto Rico for a while, during the winter, naturally. Seriously, I feel very close to you spiritually in spite of my Irish name, and I will try to do everything possible for you as your Bishop. If perchance I do not succeed in being a good servant, I will never stop loving you and helping you. Thank you very much.)

My niece Elleen taught me that, she's a Spanish teacher. She's here today.

It would be unthinkable for us to proceed further, and particularly to speak of serving you, without paying tribute to that man who walked among you here as the Archbishop of New York, as the military vicar; that man who served you as few people perhaps could with such gentleness, love and kindness; the man whose ring and cross I wear today in his honor.

His spirit pervades this cathedral today, and I hope, therefore, you will consider it appropriate to honor him with a truly joyous ovation, our dear beloved Terence Cardinal Cooke.

I have here some letters selected from the many thousands of the warm and gracious letters that I received from all over the country since it was announced that I would be your Archbishop.

These are all from New York schoolchildren, grades second through fifth. I want to read portions of just a very few.

The first youngster obviously wants to make sure that I don't get carried away with myself. And makes it quite clear that even one's name in The New York Times doesn't guarantee fame, though it gets a lot of attention in a hurry. I'm very happy The New York Times has welcomed me to New York. I welcome The New York Times into my house every morning with my coffee.

The first youngster obviously, as I said, wants to make clear that I shouldn't get carried away with myself. "Dear Bishop O'Connor: Bishop O'Connor. That name I was surprised to hear. Until now I did not know who you were. I'm very curious about your life because I've never heard of you before."

Try that on your ego!

The second letter is from a secondgrader equally unimpressed by my record. "Dear Archbishop O'Connor: Before you had the new job did you have a job? And do you have some children? My mother has one boy and two girls."

That's from Rayco. I can't match that, Rayco.

And next is from a young lad who's clearly dubious about my potential. "Dear Archbishop O'Connor. I have heard about the job you've got. Please try hard."

And another. "Dear Bishop O'Connor, I liked your sense of humor. I would like to welcome you to the Big Apple. Just stay off the subways unless you're wearing armor."

And finally, here's a future 20-game winner for the Yankees, with the fastest-breaking curve ball, I think, that I've ever seen. "Dear Bishop O'Connor, it would be nice to see you on television or in St. Raymond's Catholic School. Soon I will be baptized and be a Methodist. Anthony."

Well, that's real ecumenism.

The second young letter writer wanted to know if I had some children.

Now thank God, by my first wife, the Diocese of Scranton, I had 365,000 Catholics and I was deeply privileged to have a substantial number of those of Jewish, Protestant, Orthodox and other persuasions whom I came to love truly as my own flesh and blood.

Yesterday afternoon at 4 o'clock in this cathedral I was married to the Archdiocese of New York in a ceremony called canonical possession and inherited at least 1.8 million Catholics as flesh of my flesh and blood of my blood, but more, I sincerely pray that many others of you, of all faiths, will permit me to serve you as well. My favorite meditation is a saying of Mother Theresa of Calcutta: Give God permission.

Somehow it seems that in God's mysterious design He has brought each one of us into this world in order to work His wonders through us.

This is our great calling, all of us: To give God permission, to open our minds and hearts so that he can indeed work through us.

It will be my prayer every day of my life as Archbishop of New York that I will never impede any of you in any way from letting God work through you.

I want to conclude with a story I've told before in this cathedral on the occasion of Cardinal Cooke's death.

Herb Epstein is a Jewish haberdasher in Newport, R.I. I've known Herb for a number of years, but until recently I'd lost contact and then one day while Cardinal Cooke was dying, Herb Epstein called me in my office in Scranton, Pa.

He was calling, he said, because I was the only man he knew who might be able to reach the Cardinal. It seems that Herb had contracted cancer and because of this had come in contact with a doctor who he felt might help the Cardinal.

That in itself was not particularly startling; many people were calling for similar reasons, but Herb went on to tell me that he, a practicing Jew, had such tremendous respect for Cardinal Cooke, that he was prepared to believe and accept the notion that God may have permitted him, Herb Epstein, to get cancer in order that he might meet a doctor who could help the Cardinal.

Further, that he could accept all the suffering or the shortening of his own life if Cardinal Cooke's suffering could be alleviated and his life lengthened.

The Epstein story goes to the heart of the meaning of being, as I view it, the Archbishop of New York.

Since my appointment, I've heard and read many references to the alleged power of the Archbishop of New York. It is obviously assumed that the economic, the industrial, the political power of New York itself, with its role as the center of the communications media and other major activities, lend enormous power to the Archbishop of New York.

But this was not the kind of power exercised by the gentle and loving Cardinal Cooke. This is the power of the world, legitimate in its own right within restrictions.

It is not the kind of power that attracted the respect of a Herb Epstein and much of the world to Cardinal Cooke on his deathbed. Indeed I believe it's safe to say that the Cardinal was never so powerful as when he lay helpless and suffering on that deathbed.

It's no secret that he spent his life pleading for the protection of the unborn and preaching the sanctity of all human life, in

his own words "From conception until death and at every moment in between." Yet his voice in the full vigor of health, we must confess, never seemed to reach the number of people who were so deeply touched by the letter he dictated from his deathbed and which was published virtually throughout the world.

I quote but one brief paragraph. "The gift of life," he said, "God's special gift is no less beautiful when it is accompanied by illness or weakness, hunger or poverty, mental or physical handicap, loneliness or old age. Indeed at these times human life gains extra splendor as it requires our special care, concern and reverence. It is in and through the weakness of human vessels that the Lord continues to reveal the power of his love."

That's the only power I want.

What can I do but ask for your prayers, ask for your indulgence, your understanding of my weakness, your sympathy with, yes, my stupidity. And your forgiveness for my sins.

I need you very much. I need your strength, I need your wisdom, I need your counsel, above all, I need your love. And, oh how much, how very much I will love you in return.

God bless you!

[From the New York Times, Mar. 20, 1984]

O'CONNOR IS INSTALLED AS ARCHBISHOP

(By Kenneth A. Briggs)

In rites of both majesty and whimsy, John J. O'Connor yesterday took occupancy of St. Patrick's cathedral chair as the eighth Archbishop of New York.

"Ich bin ein New Yorker," Archbishop O'Connor said, echoing President John F. Kennedy, who used German two decades ago to tell a West Berlin crowd, "I am a Berliner." The archbishop drew one of many roars of applause from the congregation of more than 3,000 in the cathedral.

Speaking decisively in a crisp, engaging voice, he also vowed to join a cooperative drive to overcome social ills such as hunger and abortion, and offered compassion to those who disagree with the church's views. Yesterday's ceremony completed the two-day installation of the Archbishop, which began Sunday afternoon as a formal service of canonical possession.

Days before his arrival in New York, Archbishop O'Connor caused debate by comparing the practice of abortion in America to the Nazi Holocaust. At the installation, he appeared eager to dispell any fears that his staunch defense of church doctrine and authority would hamper relations with those who do not share his outlook.

"Whether or not you are of my religious faith or my moral convictions," said the Archbishop, "whether you accept the teaching of the church or reject it on any issue, I see you as sacred persons to be loved, persons of priceless dignity and worth."

He was applauded frequently. He reached out to leaders of other faiths, waded into the pews to greet friends and distributed communion wafers to a long line that included Governor Cuomo and New York's two Senators, Daniel Patrick Moynihan and Alfonse M. D'Amato.

Archbishop O'Connor, who is 64 years old, was the Bishop of Scranton, Pa., when Pope John Paul II named him to replace Terence Cardinal Cooke as head of the Archdiocese of New York. Cardinal Cooke, who died last Oct. 6, was recalled fondly yesterday by his successor.

The new Archbishop's relaxed, informal and breezy manner set the mood for the elaborate service. Playing off the image of pomp and stiffness that has marked such occasions in the past, Archbishop O'Connor punctured such expectations with self-deprecating wit and jaunty asides.

"Mr. Mayor, how am I doing?" the Archbishop said, borrowing the quip from Mayor Koch, who was seated near the front. He hugged fellow prelates and friends, spoke a personal word to representatives of church groups, including nuns and military chaplains, and produced a Mets cap to show he was an impartial fan. He had displayed a Yankees cap the night before at a canonical service in the cathedral.

The ceremony began at 11 A.M. when a procession of hundreds of priests, bishops and cardinals robed in colorful vestments began winding its way around the outside of the cathedral and through the huge doors into the sanctuary.

Members of men's religious orders, among them Franciscans and Benedictines, wore their cowed brown and black robes, while other priests were dressed in an assortment of black cassocks and simple white robes cinched around the waist.

Dozens of mitred bishops in white and five cardinals with their distinctive red capes stood behind the altar. Behind them were sprays of gladiolus and carnations and at the sides of the altar stood six white candles.

From the rear choir loft the organ thundered, brass instruments pierced the air and the cathedral choir, robed in blue and gold, raised their voices in a variety of sacred music from traditional to modern.

Adding to the pageantry and ecumenical character of the installation were figures from other faiths. Among them were Eastern Orthodox bishops, in black robes, gold pectoral crosses and pillbox headpieces; Protestant clergy in white, blue and black vestments, and rabbis dressed in plain black pulpit gowns.

When the Archbishop appeared at the door, music stopped and he was officially greeted by Bishop Joseph T. O'Keefe, the vicar general of the Archdiocese and Msgr. James F. Rigney, the dean of the cathedral.

They presented him with a cross and with holy water, with which he made the sign of the cross. "May the Lord sustain you and your ministry among us," Bishop O'Keefe said. The archbishop replied by thanking Bishop O'Keefe, who had been administrator of the Archdiocese since the death of Cardinal Cooke, "for all you have done prior to my coming and receiving me so graciously."

Immediately the onlookers broke into the first of many loud, sustained ovations as Archbishop O'Connor, wearing a cream-colored robe ornately embellished in green, gold, red and yellow, made his way slowly down the aisle. Archbishop Pio Laghi, the Pope's personal representative to the United States, read the documents of appointment from the Vatican and escorted Archbishop O'Connor to his cathedral chair at the left of the main altar.

There he greeted his auxiliary bishops, the heads of dioceses throughout New York state and representatives from an assortment of religious groups. The Archbishop responded to each personally, embracing some and making an effort to accommodate individual needs. He reached out for elderly retired prelates and spoke words of encouragement to many. When a blind woman ap-

proached him, he said, "You can see better than I can."

The Archbishop's address was a medley of humor, anecdotes and admonition. He was thoughtful and introspective in examining his own fitness for the role.

"What can I do but ask for your prayers, ask for your indulgence, your understanding of my weakness, your sympathy with, yes, my stupidity," the Archbishop said, "and your forgiveness for my sins. I need you very much. I need your strength, I need your wisdom, I need your council, above all, I need your love. And, oh how much, how very much I will love you in return."

REMARKS MADE IN SPANISH

At one point in his address, the Archbishop broke into Spanish, using some tutoring he said his niece Eileen had given him. The Archdiocese, covering Staten Island, Manhattan, the Bronx and seven upstate counties with a combined Catholic population of 1.8 million, is at least one-third Hispanic by church estimates, and the number is growing.

Archbishop O'Connor also made good on a promise to a 10-year-old namesake, John J. O'Connor of the Bronx, who wrote to the new Archbishop after his appointment. The boy noted he would become an altar boy the same year the Bishop became the Archbishop. Archbishop O'Connor called the boy to the pulpit and placed the Archbishop's mitre on his head, watching it fall over the boy's ears.

The Archbishop also quoted from four other letters he had received from children. Michele, a fifth-grader, said she was "very curious about your life because I have never heard of you before," to which the Archbishop responded, "Try that on your ego." Rayco, a second-grade student, wondered, "Before you had the new job did you have a job? And do you have some children?" Another, Mike said "I have heard about the job you've got. Please try hard and I wish you luck."

Debbie, wishing him well, said, "It took New York practically a month to find the right bishop. Now we know you're the one we need."

John Joseph O'Connor was born in Philadelphia on Dec. 15, 1920. He brings to New York a background of academic achievement, military experience and pastoral service.

For 27 years, until he became an auxiliary bishop in charge of the Catholic chaplains in the armed forces, Archbishop O'Connor was a Navy chaplain.

[From the New York Times, Mar. 20, 1984]

CITY RELIGIOUS LEADERS LAUD O'CONNOR'S CALL FOR NEW UNITY AMONG THEM

(By Ari L. Goldman)

Religious leaders in New York responded with enthusiasm yesterday to the call of Archbishop John J. O'Connor for a new spirit of unity among them, but some noted that differences on some social issues continued to divide them.

Thirty-four religious leaders—some wearing black frocks, others yarmulkes or business suits—made up an ecumenical delegation to the Roman Catholic mass at which the new Archbishop was installed. The Archbishop embraced many as they stepped up to the altar of St. Patrick's Cathedral.

In a homily that followed, Archbishop O'Connor pledged to the religious leaders that he would "work lovingly by your side."

At a brief outdoor news conference after the service, the Archbishop said that, if in-

vited, he would be happy to preach in both synagogues and Protestant churches.

A NEW TREND WELCOMED

The Rev. Richard J. Rice, who represented the United Methodist Church at yesterday's ceremonies, said that the Archbishop's predecessor, Terence Cardinal Cooke, "did not involve himself very much in the ecumenical community." He said he looked forward to working with the new Archbishop to forge "a very strong united religious approach to the concerns of New York City."

In interviews, several other religious leaders said they, too, welcomed the new Archbishop's enthusiasm and good will. Some added, however, that they differed with his opposition to both abortion and the ordination of women as priests.

"I hope that we are not going to begin at the place we differ," said the Rev. Carl E. Flemister, the executive minister of the American Baptist Churches of Metropolitan New York, "but begin with those things which we are in agreement, such as the need to deal with the plight of the poor and the unemployed and the poor relations between racial groups in this city."

REVERSAL OF RETREAT SEEN

Rabbi Sheldon Zimmerman, the leader of Central Synagogue, said there had been a retreat in recent years in efforts toward Catholic-Jewish understanding, efforts begun after the Second Vatican Council almost 20 years ago.

"On the one hand, there has been a real sense of ecumenical activity in the area of human needs and the nuclear arms race," Rabbi Zimmerman said. "But there has also been a lessening of personal ties that bind us that we saw in the early age of dialog."

CLEAR WHERE HE STANDS

"In a number of ways, I think the new Archbishop has shown us that he is willing to improve those ties," the rabbi said.

Rabbi Zimmerman, a Reform rabbi who supports the current abortion laws, noted that Archbishop O'Connor has met with six Orthodox rabbis who shared the Archbishop's opposition to abortion. "It would be a very sad occurrence," Rabbi Zimmerman said, "if everything would be seen through this one issue."

The Rev. Stuart Wetmore, the Suffragan Bishop of New York for the Episcopal Church, said that while he disagreed with some of the Archbishop's positions, there was some "advantages" to laying out the issues. "He is making it very clear where he stands," said Bishop Wetmore. "Now I think he is going to be much more aggressively co-operative on the ecumenical scene."

Unlike several of the Protestant ministers, Archbishop Iakovos, primate of the Greek Orthodox Church of North and South America, agreed with the Archbishop of several issues, including abortion. He said ecumenical work was a challenge, and he counseled the Archbishop to go "tactfully, carefully and lovingly."

There were many ecumenical touches in Archbishop O'Connor's homily. He spoke about Herb Epstein, "a Jewish haberdasher in Newport, R.I.," who had called him and recommended a cancer specialist soon after Terence Cardinal Cooke learned he had leukemia. And the Archbishop read a letter from a boy named Anthony, a student at a Roman Catholic school in the archdiocese who wrote, "Soon I will be baptized and be a Methodist."

Anthony is a part of a growing non-Catholic population in the city's Catholic schools,

which have been hit with a significant decline in enrollment in recent years.

The Archbishop said "it is imperative that our Catholic schools teach our Catholic faith in pure undiluted form," yet he added, "Within that teaching, there is tremendous room for sensitivity to the beliefs of others."

[From the New York Times, Mar. 20, 1984]

THE RITE DRAWS THOUSANDS INSIDE CATHEDRAL AND OUTSIDE

(By Maureen Dowd)

First came the seminarians. Then the bishops in their miters and flowing white robes. Finally, Archbishop John J. O'Connor turned the corner and came into sight, waving and smiling, as the procession moved up 50th Street toward St. Patrick's Cathedral.

Hazel Muserilli of Norwich, N.Y., teetered on top of a police barricade with her Instamatic camera. "Oh, he's so handsome," she called down to her husband, Angelo, as she clicked away. "This is the biggest thrill. It's almost like seeing the Pope."

Crowds circled the cathedral yesterday, eager to catch a glimpse of the pomp and pageantry and the city's new Archbishop.

"I saw Frank Sinatra at Radio City last night so I thought I'd come here today," said Ann Urban, a file clerk at Memorial Hospital.

Even on such a holy occasion, there was a little larceny in the crowd. Some people looked around in vain, for ticket scalpers. Others spent the morning scheming about how they could sneak into the ceremony. William Riley, a retired postal clerk, and Noreen Cronin, a widow from Jersey City, stood impatiently behind the blue police barriers. Both had arrived early, not realizing that tickets would be necessary. "I'm just conniving how to get by that policeman there," said Mr. Riley.

"I got all the way up to the door before they stopped me inside," said Mrs. Cronin, proudly.

Wanda O'Neill from Elizabeth, N.J. was waving red-and-white streamers on a stick, trying to capture the attention of her nephew, a priest from Scranton marching in the procession. She explained that the nephew, 28-year-old Joseph Bombera, was one of eight priests ordained by Archbishop O'Connor when he was the Bishop of Scranton. "Joe went away to become a dentist and he came back a priest," she said.

Not all the people in the crowd were Catholics. Some just stopped to see what was happening.

"This is an investiture?" asked one woman. "Is that something to do with Merrill Lynch?"

"There's supposed to be some type of Irish day parade here, I think," said William Jordan, an unemployed shipping clerk. Informed that it was the Archbishop's installation, Mr. Jordan did not seem fazed. "That's O.K., I'll stay for a little while. I don't have anything else to do."

The onlookers, many of whom had waited for hours, gave the Archbishop positive reviews on his first day. "He's tall and quite good-looking and he has a lot of charm," announced Marilyn O'Hara of Great Neck, L.I.

The shorter John J. O'Connor in the pulpit yesterday was the freckle-faced Bronx 10-year-old who captured the attention of the new Archbishop when he wrote him a letter of good luck last month and pointed out that they had the same name.

The Archbishop read that letter aloud yesterday during his homily. "I would love to go to St. Patrick's Church just to see you become an Archbishop," the younger O'Connor wrote to the older one. "The day when you become an Archbishop is my granddad's anniversary and the day before my birthday."

The fifth grader at Visitation School received quite a birthday present. Wearing a black and white altar boy's outfit, he stayed close to the Archbishop's side, carried his cross and even wore his miter at one point. "I never thought it would come out like this," the dazed boy said afterward.

His father, a native of Limerick, Ireland, seemed even more overwhelmed. "It was a privilege and an honor," he said, as he ran to a drugstore to buy more film for his camera. Mr. O'Connor, a bank employee, said he hoped the occasion might even give young John a vocation. "He has a little girlfriend in the Bronx," said the father. "But I'm hoping."

Everyone else began calling him Archbishop yesterday, but Hugh Ward Jr. was still calling him "Uncle Jack."

"It's hard to get used to all the attention Uncle Jack is getting, seeing his name plastered everywhere," said the 30-year-old law student at George Mason University who is the son of Archbishop O'Connor's sister, Mary Therese. "I'm sort of getting tired of it."

At the reception at the Catholic Center that followed the ceremony, the Archbishop's family said the relaxed manner and sense of humor the Archbishop has shown in his first month in the limelight are typical. Mr. Ward recalled one summer vacation when John O'Connor took one of his nephews on his shoulders waterskiing and had a wonderful time capsizing. He also remembered a Christmas a few years ago when the Archbishop so loved his first present, a Dallas Cowboys sweatshirt with Tony Dorsett's 33 on it, that he put it on, hood and all, to open the rest of his presents. "It's the stupid things I keep remembering about him today," Mr. Ward said.

The Archbishop had confided in his family that he was nervous about his new job. "He's a little intimidated," said Mr. Ward. "It's the first time I've ever seen him like that."

By the end of the day, the family seemed to be adjusting to the title of Archbishop and one nephew, Thomas Hamilton, a salesman from Philadelphia, was testing out a new moniker. "Maybe he can be the first Irish-American pope," said Mr. Hamilton, with a proud gleam in his eye.

If the installation had a master tactician, it was the Rev. Ferdinando D. Berardi, the Vice Chancellor of the archdiocese.

Father Berardi was a whirl of activity, directing traffic with his walkie-talkie, pointing bishops here, cardinals there and ecumenical guests somewhere else. "We were afraid of gridlock," said the priest.

The planning for the affair, which brought more than 3,000 people to the cathedral, had begun even before the Archbishop was named.

The seating plan in the sanctuary took weeks to design. Each of the 44 ecumenical guests had to be seated according to rank and title, and preferably, not near other religious leaders with whom they were not on good ecumenical terms. Father Berardi solved the problem of juggling the egos of 100 bishops, 19 archbishops and 5 cardinals by placing them in the procession according to their date of ordination.

"I don't think we offended anybody," the priest said. "It was fun but I'm glad it's over." ●

DEDICATION OF BOWEN LIBRARY AT BETHEL COLLEGE

● Mr. LUGAR. Mr. President, today marks the dedication of the Bowen Library at Bethel College in Mishawaka, Ind. The library honors two of Indiana's finest, Gov. Otis Bowen and his late wife Beth.

Doc and Beth Bowen represent the finest Hoosier tradition and I know that this particular form of commemoration will mean a great deal to Doc and to all who have known the Bowens during their long service to the State of Indiana.

There is virtually no aspect of life in Indiana which was not touched, and touched for the better, by the Bowens. The Bowen team contributed richly to the fields of health, business, religion, education, politics, and family life. But more than any specific contribution, the warm and gentle spirit which infused the Bowens' endeavors will remain as a strong model for citizen participation in the life of Indiana.

For this reason, it is especially fortunate that young Hoosiers will have an opportunity at the Bowen Library to learn firsthand of the contributions of Beth and Otis Bowen. In this way, young generations of Hoosiers for many years to come can preserve and deepen what the Bowens have given to us all. ●

THE FEMININE FACE OF POVERTY

● Mr. RIEGLE. Mr. President, during the past 3 years of economic uncertainty, many of the residents in my home State of Michigan have learned a painful lesson about the poor and working poor in our country. For many, the faces of the new poor are those of family members, close friends, and neighbors. People, who just a short time before, had adequate financial resources but after the longest and deepest recession since the Great Depression find themselves with no job, exhausted unemployment benefits, depleted savings accounts, and burdened by financial commitments made in more prosperous times.

Recently, Mr. President, the Detroit Free Press carried a series of articles depicting yet another face of poverty. The lead article, entitled "The Feminine Face of Poverty," chronicles the increase in the number of women in poverty, both nationally and in Michigan. In addition, the article describes research which provides keen insights into the feminization of poverty that is being conducted by the Institute for Social Research at the University of Michigan. Also included in the series are five profiles of women which detail the pain and suffering experienced by

being both a woman and poor in America.

The increasing incidence of poverty among women should be of concern to every Member of the Senate, and I urge my colleagues to take a few moments to review this article.

I ask that the text of the articles be printed in the RECORD:

[From the Detroit Free Press, Mar. 11, 1984]

THE FEMININE FACE OF POVERTY

(By James Ricci)

The face of poverty in the United States has undergone a radical transformation in the last 15 years. Its mouth is more likely to be lipstick red, its cheeks are smooth, its ears are apt to dangle earrings.

It is now the face of a woman.

Powerful social, demographic and economic changes have made poverty an increasingly female phenomenon, a specter that haunts women of all ages and every race, including women whose economic background had, in other times, made them relatively immune.

"The one thing that unites women across economic and social lines is their vulnerability to poverty," says Diane Emiling, assistant to the director of the Michigan Department of Social Services. "A woman may be comfortable now, but tomorrow she may be divorced, widowed, abandoned. Unless she has a career of her own and a good income of her own, she is vulnerable."

U.S. Bureau of Census statistics clearly tell the tale of women's vulnerability:

Two of every three poor adults in the United States are women.

Nearly half of all poor persons in the country live in households headed by females. Twenty years ago, only a fourth did.

More than a third of all persons living in female-headed families in Michigan are poor. Less than five percent of Michiganders living in male-headed families are poor.

In Detroit, nearly 72 percent of the city's 60,000 poor families are headed by women.

The feminization of poverty took place during the 1960s and 1970s, while the total number of Americans living in poverty was falling drastically, from nearly 40 million to 23 million. The phenomenon—smaller numbers of poor, but larger percentage of them in female-headed households—strongly suggested that poor females and the families dependent on them were the least touched by government anti-poverty programs and the least to hoist themselves out of poverty during economic good times.

Just since the economic downturn of 1980, the total number of poor persons has risen again, to more than 34 million, but the percentage of them in female-headed households has held steady near the 50 percent mark.

A landmark study being done by the Institute for Social Research at the University of Michigan has provided scholars with compelling insights into the nature of feminine poverty. The Panel Study of Income Dynamics, begun 16 years ago, has tracked the actual economic experiences of more than 7,000 American families by means of annual interviews. As census reports provide scholars with static snapshots of the poverty population, the panel study provides them with motion pictures that depict the movement of individuals into and out of poverty and the reasons for that movement.

The study shows convincingly that poverty, for most poor persons, is a shifting, temporary status. Fully a third of those in poverty one year are not poor the next.

However, of those who are persistently poor, two-thirds are in households headed by women, many of them elderly.

Some of the causes of poverty among women are traditional—widowhood, disability, low rates of pay relative to men. Many others, however, are the result of social and economic changes in recent years.

The most common cause of poverty among married women is a decline in the income of a spouse—a particularly visible cause in a state such as Michigan which has yet to recover from massive waves of industrial layoffs in recent years. Such spells of poverty, the panel study suggests, tend to be rather short-lived, existing until the spouse has regained his former earning power.

A sour economy also tends to create poverty among young women who must struggle with unemployment and underemployment after leaving their parents' homes to establish independent lives. Such women, the panel study indicates, often have relatively short spells of poverty, which last only until adequate employment or marriage lifts them above it.

Among non-elderly white women, the greatest poverty-maker is divorce, which in Michigan has nearly tripled, from 16,656 cases in 1960 to more than 45,000 in 1980. Typically, divorce results in a woman's being awarded custody of children and child-support payments which are usually inadequate to keep the fatherless family above the poverty level.

"Divorce is a route out of poverty for men and a route into poverty for women," says Greg Duncan, a senior researcher on the Institute for Social Research study. "Not much alimony is paid. The husband gets to keep most of his income and doesn't have to spread it among a wife and children anymore. The economic status of a woman is better preserved through the death of her spouse than through his departure."

The system of child support is "totally inadequate," says Agnes Mary Mansour, director of the Michigan Department of Social Services. "In only 50 percent of cases are mothers awarded any child support at all, and only 50 percent of that figure actually collect the full amount. And the full amount is usually inadequate to keep up with inflation."

A researcher at Harvard University, using the data from the study, suggests that a woman who drops below the poverty line because of divorce will remain there an average of three to five years. Most commonly, after sharpening her employment skills, she will lift herself and her children out of poverty, or will remarry and escape poverty that way.

A rise in out-of-wedlock births has spelled poverty for many young women who often find themselves burdened with several children, unable to work outside the home and lacking the income of a spouse. In Michigan, out-of-wedlock births tripled from 7,200 in 1960 to more than 21,000 in 1977, the last year for which figures are available.

Demographic changes in society also have contributed to the feminization of poverty. With life spans lengthening and females continuing to outlive males, more and more elderly women must confront economic hardship. "You have to remember," says Emling, who has written many of Mansour's speeches on the subject of the feminization of poverty, "many of the elderly women do

not have pensions of their own. Many of their husbands did not have pensions that could be transferred to the wives when the men died. Many of them never worked and others never qualified for pensions. They're prone to poverty because they didn't really have work histories."

It does not follow that the increasingly high visibility of poverty's feminization will speed its eradication. Its solutions tend to be long-term ones—elimination of sexual wage discrimination, better sex education for teenage girls, reforms of the child-support system. In addition, there is even a certain resistance to facing the problem.

"I must say, some of the feedback I get shows it is a polarizing issue in a state with high unemployment among male heads of households," says Emling.

Mansour agrees. "It's a difficult issue to sell to any legislative body because there are never enough women in that body," she says. "There is no question, as far as I am concerned, that poverty ought to be the No. 1 feminist issue, and that is not occurring to my satisfaction. I don't think it's often enough equated with equal rights and equal opportunities. I am concerned that the women who do have greater opportunity now don't forget a certain population (of women) that is really being left behind."

SHIRLEY CARVER: SHE WANTS A JOB—FOR HUSBAND

Three years ago, Roger Carver's future fell in on him when he lost a good-paying job as a rigger at a tool company in Southfield. He was not the only one buried in the rubble.

"His job was my job," says his wife, Shirley. "I woke him up each day and made his breakfast and packed his lunch. He always gave me his paycheck and I'd cash it and pay all the bills and if we needed something I could just go ahead and buy it. To us, with what he was making then, we were millionaires. Now, because I'm his wife, I just feel I should be going through this with him now."

Her husband's job loss spelled poverty for Shirley Carver, a poverty that persists because of Roger's continued inability to find substantial work in Detroit's still wheezing industrial economy. In his last year of work, Roger earned \$26,000. Now the family of four—the couple has two sons, Nicholas, 7, and Brett, 21 months—subsists on \$476 a month in special Aid to Dependent Children benefits for the unemployed, supplemented by the \$134 a month Shirley earns as a noon-hour aide at Burgess Elementary School. Their total annual income is about \$7,300, nearly \$3,000 below the federal government's poverty line for a family of four.

Shirley Carver's view of the world, a view that once embraced new clothes for her family, steaks in the refrigerator, and a new Mustang in the driveway, had been radically altered. Clothes now come from rummage sales. Dinner fare is hamburger and chicken. Transportation is a largely brakeless, usually gasless, 1971 Ford Torino that is so deteriorated it is driven only on short hauls to the supermarket.

"We'll go to eat at his mom's house once a week, or to my mom's," says Shirley, 28. "Sometimes his brother brings some food over when he comes to visit. The family buys us soap and toothpaste, things we can't buy with food stamps. And when the food-stuffs run out, they give us food out of their own cupboards. I really don't think we could make it without them."

What resources they have are marshalled to make the \$410 monthly payment on their small northwest Detroit house.

Shirley, who once worked in a drycleaning shop and as a secretary in a small factory and has completed a starter course in medical recordkeeping, sees herself as unqualified to hold the sort of job that might lift her and her family out of poverty.

"I really don't have any skills. If I did get a job, it would be for the minimum wage, and if I'm working full-time, we'd lose all benefits—especially the health insurance—we have on ADC. I couldn't be a top-notch secretary. I've never done factory work. I'd like to go to school for computers or more education in the medical field, but I can't afford it."

In any case, she says, she is reluctant to enter the work force full-time at least until Brett is old enough to be in school all day. The short-term answer to her poverty problem, she says simply, is "a job. A job for Roger."

In the meantime, Shirley carries an equal share of the psychological burden of her husband's unemployment. "Roger is around the house so much, I've gotten used to it, and when he leaves home during the day, I feel deserted. I cry and feel angry when he gets back. Yet, I know he needs to get out once in a while. Sometimes I find myself watching what I say around him. I try not to say anything about the way we live now because that sometimes causes a big argument. So I hold a lot to myself. Some nights I go to bed exhausted from walking on eggshells all day long."

SAMUELETTA VINES: THE BILLS GROW AS FAST AS THE KIDS

Plants thrive in the large, bright, sparsely furnished apartment where Samueledda Vines sits rocking and sweet-talking her nine-month-old niece. Caring for growing things is Vines' preoccupation and vocation; it is also the reason she has lived in poverty most of her adult life.

The trap was set early. When Vines was a 15-year-old ninth grader, she dropped out of Detroit Northwestern High School to give birth to her first child. Now 34, she has five children, two of them born of a marriage that lasted five years. That first out-of-wedlock pregnancy, her lack of marketable job skills, the divorce 12 years ago, the continued growth of her family. . . all these have made for an adulthood that has been measured in insufficiencies.

"When the kids were smaller, it seemed to be easier," says Vines, whose children range in age from six to 19, "but now the three older ones eat like adults, forever hungry. And they wear grown people's clothes. The food bill and the clothes bill are murder. Good Lord, I can go into a supermarket and spend \$150 for one week's food without even knowing it. With five kids, I could actually wash clothes every day, but in this building you're not allowed to have your own washer or drier, and every load at the laundromat costs 75 cents."

Each month, Vines is given \$1,056—\$431 in Aid to Dependent Children benefits and \$625 in Social Security benefits which 16-year-old Marie and 13-year-old Timothy receive in the name of their late father. The benefits place Vines and her family below the \$13,630 the federal government has established as the poverty line for a family of six.

"My sister works, doesn't get much money, but usually has \$10 or \$15 tucked

away and she'll let me borrow that when I run out at the end of the month," Vines says. "The girl across the hall, she's on aid, too, and we find ways to cut down on expenses. She'll cook one day and I'll cook the next. But it's still tight. Each month, she'll get flat busted and I'll get flat busted."

Now that her youngest child is in school all day, Vines is considering going to school herself. She has a dream of getting off welfare "and maybe moving into a house where the kids could have more room and maybe have a dog." If she can earn \$24,000 a year, she figures, she can take care of things comfortably.

"I can sew very well," she says. "I can make just about anything. I want to go to tailoring school and I had plans to start, but my sister had Sydney here and I figured I could sacrifice one more year to help her by baby-sitting so she can keep her job. Really, these are like my early golden years, being able to come and go easily. Before, I always had to stay here with the kids."

Vines, the daughter of a meat cutter, did not grow up on public assistance. She is determined to put her dependency behind her "and not wallow in poverty the rest of my life just because I'm already almost 35." Her greatest concern is that her children not repeat the pattern of her life.

"Sometimes I'm afraid they think being on aid is a way of life, because all their friends are on it, too. I tell them, 'Try not to live like that. Go to school and get a job. Make your own living. Don't be waiting on the state to take care of you.'"

"I tell my oldest daughter, 'Don't have sex, but if you're thinking about having it, come to me first and I'll get you the birth control devices you need.' A lot of other mothers think that's like telling a kid it's OK to have sex. But I disagree. I don't want to see her burdened with a child when she's young. She's college material and I don't want to let her opportunity slip away the way I let my opportunity slip away."

JOAN RUDNIK: A MARRIAGE ENDS, STRUGGLE BEGINS

The first time Joan Rudnik used her food stamps at the supermarket a few months ago, she was astounded by the disdainful looks directed at her by other women in the checkout line. A portly, energetic woman not easily cowed, Rudnik "just looked right back at them," she says, "and said nice and loud so they could all hear me, 'This is what you get when your husband walks out on you and leaves you with kids.' Boy, did they change their expressions. Suddenly, they were all sympathy."

As a married woman for 20 years, Rudnik, 43, shared in her husband's income and did not work outside the home, except for an occasional stint caring for an elderly invalid. During the last year of her marriage, which ended in divorce last fall, her husband earned \$34,000.

Now Rudnik, who has a 17-year-old son at home and a 19-year-old daughter working in Texas, must make do with \$344 a month in Aid to Dependent Children benefits. By the terms of the divorce, her ex-husband must help with their son's tuition and pay \$280 a month in child support. The child support payments, however, do not go to Rudnik but to the Department of Social Services as partial reimbursement for the aid.

Her ADC benefits provide Rudnik with an annual income of about \$4,100, well below the \$6,480 federal poverty line for a family of two.

"All of a sudden," she says, "it's like the rug's pulled out from under you. There are problems trying to make the house payment. The menu is hot dogs, hamburgers and tuna fish. I get \$84 a month in food stamps, but my son's a football player, a big eater, and I could easily spend \$70 to \$100 a week on food."

"The husbands, they just leave. They've still got their jobs. Hey, they've got nothing to worry about."

Rudnik already has tasted the difficulty she will have lifting herself out of poverty. Her age, her two decades outside the labor market and her lack of a car are serious obstacles. "You go to apply for a job and you say you're 43 and they give you that look: 43 years old!" she says. "They look at you and at some 20-year-old chick and they say, 'Hey, we'll take the young one.' And how can I go way back and say, 'The last time I worked was 20 years ago.' For now, Rudnik must content herself with an occasional job cleaning house or caring for an invalid. She accepts food rather than money as payment, or has her customer pay an overdue telephone bill for her, so as not to jeopardize her welfare benefits."

Although her descent into poverty was precipitous, she is determined her stay will be brief. She hopes her daughter will come back to Detroit and move in with her, and that her son can work part-time when he gets to college. She plans to take on more housecleaning and homecare jobs as time passes, and to get formal training in health care for the elderly.

"I'm not afraid of work," she says. "I'm open to anything. I'll be a janitor. I'll do anything to keep my house and to keep my family together. Things'll be a lot better. Give me about a year and a half."

MARY WILLIS: NO WORK, NO PENSION, AND NOWHERE TO TURN

For most of her life as a low-paid domestic worker, Mary Willis could almost hear the hound of poverty breathing outside her door, waiting. Now it finally has cornered her, a 67-year-old woman without pension or prospects, in a small but defiantly tidy apartment on Detroit's east side.

"When I was working, it seems like I could make things work pretty good," she says. "Sometimes I only got paid \$36 a week plus bus fare, but things weren't as high as they are now. I was managing."

Advancing age and a leg injury which requires her to walk with a cane and a special brace forced Willis to give up working in 1971. Since then, she has had to rely on Supplemental Security Income (SSI) benefits, which amount to \$338 a month—about \$1,000 a year below the federal government's poverty line of \$5,060 for a single person.

After her \$150 monthly rent and \$20 electricity bill are paid, Willis is left with about \$40 a week, supplemented by \$28 a month in food stamps, to provide herself with other necessities. Transportation, to such places as the market and the New Rising Star Baptist Church, is a particular problem. Usually, she must rely on neighborhood jitneys, unlicensed taxicabs that do a brisk business among the city's elderly, at a cost of \$3 to \$5 a trip.

Willis was born in Mississippi and raised in Cincinnati. Her only child was stillborn when she was 16, and her subsequent marriage to a construction worker ended after 18 months when her husband died of tuberculosis. In 1948 the young widow moved to

Detroit to find domestic work in the homes of the well-to-do.

A lifetime of cleaning other people's houses has made Willis a confirmed hater of dirt and disorder. Despite her economic circumstances, the apartment where she likely will live out most of the rest of her life in poverty is neat and clean. Clear plastic runners protect the nondescript carpeting. The windows that look out on Mack Avenue glisten in the afternoon sun. Ash from her cigarette is deposited in the exact center of a clean ashtray. Couch, curtains and tabletops are fastidiously free of dust.

What cannot be scrubbed from the apartment, however, is the aloneness that is the hallmark of Willis' life these days. Aside from an occasional visit by one of the half-dozen second cousins she has in the area, entertainment consists of her television which, on a cold winter afternoon, is flickering with the frenzy of a Batman cartoon.

As palpable as the loneliness is Willis' sense that she is utterly helpless to improve her economic situation. Like nearly all the elderly poor, she must cling to a scant hope that government or some other outside force will salvage her.

"I can only hope they give me a little more money for the SSI," she says. "I can't do anything myself. I could make do, I think, on about \$500 a month. You know, I pray every morning and thank God for waking me up; I bless my food every time I go to eat. But I also pray for a little more than I have. I pray and ask God to send just a little more my way, if He desires to."

LETITIA JOHNSON: ROAD TO INDEPENDENCE STARTS OUT WITH BUMPS

Fate has kept 23-year-old Letitia Johnson waiting in the anteroom of a productive adult life, longing "to make something of myself, to get my foot in the door," living the meantime in impatience and poverty.

Like many another young woman who left her parents' home to establish an independent life, Johnson has found she must endure a transition period of deprivation. The deprivation is relieved, however, by a youthful certainty that life will get much, much better.

Johnson was one of seven children born to a Detroit truck driver and his wife. In 1978, ignoring their advice, she dropped out of Central High School to take a minimum-wage job as an aide at a Westland nursing home.

"When I was in high school," she says, "my mind was not on getting anywhere. My grades were low and I got discouraged, so I dropped out. But I couldn't get a decent job. I had no experience, and no skills whatsoever. My father finally told me if I didn't go back to school, I couldn't stay at home."

Johnson, a carefully groomed woman with the physical grace of a fashion model, did return to school and graduated in 1980. But after graduation, the sclerotic Detroit economy could offer her little more than occasional work at a Southfield nursing home and a profound understanding that she must make something more of herself.

In early 1981, she decided to leave her parents' home. "I just got to the stage where I felt I had to try to support myself," she explains. "I was old enough to get a job and, besides, my father was trying hard to take care of the other kids in the family."

The work at the nursing home soon dried up and Johnson was forced to go on General Assistance, which pays her \$145 a month—about one-third of what the federal govern-

ment says it takes to keep a single person above the poverty line. She also receives \$76 a month in food stamps.

Under General Assistance regulations, Johnson is required to do clerical work twice a week at a Michigan Department of Social Service office downtown. Although she receives no pay, she relishes the work because it appeals to her eagerness to be productive.

This spring, she plans to enter cosmetology school and hopes to land a job in that field so that she can pay for a college education in nursing, the profession of her dreams.

"General Assistance isn't something you want to make a career of. It's just sitting and collecting aid," she says. "I see some things now that my father tried to get me to understand. He always used to tell me to go to school, to get an education, to not get in trouble with boys and have kids. I feel lucky I'm not on welfare taking care of kids, with no high school education. So I'm going to take advantage of this."

Jaw set firmly, Johnson speaks of her optimism: "In five years, I hope to be married and settled down and have a nice job and a husband who works. I am determined. I'm 23 years old and not getting any younger. It's time to start. You all come back in five years and see how I'm living." ●

TREATMENT OF SOVIET JEWS

● **Mr. BOSCHWITZ.** Mr. President, 1 month ago when Constantine Chernenko took over as General Secretary of the Central Committee of the Communist Party of the Soviet Union, our hopes of achieving a better relationship between the United States and the Soviet Union were rekindled.

United States-Soviet relations affect many realms—the nuclear arms race, the power struggle in Europe, regional conflicts in the Mideast and Africa, trade, and human relations. Most of these are complicated and difficult to resolve. They involve complex formulas and technical evaluations of missiles, behind-the-scenes discussions in the capitals of the Third World, or prolonged negotiations and maneuverings.

But the human rights issue, particularly the treatment of Soviet Jews, could be resolved relatively easily. These decisions and actions can be taken unilaterally by the leaders of the Kremlin. They do not need to conduct long negotiations or reach international agreements to treat their own citizens fairly. They do not need a treaty to allow Soviet Jews to emigrate if they desire to do so. They could act unilaterally.

They could, if they wanted to, make it clear to local officials to stop their discrimination and harassment against Soviet Jews. They could lower the procedural barriers to emigration for those who have concluded that the conditions of the Soviet Union are no longer tolerable.

This would be a major step toward improving the climate and helping improve East-West relations. It would not only be a tangible step, it would be a human step to help improve rela-

tions between the world's two superpowers.

We are concerned about the situation because it has deteriorated so badly in the past couple of years. In the recent past discrimination against Soviet Jewish citizens has increased and emigration has virtually been brought to a halt.

It is the hope of all of us who support human rights that the declining rate of Jewish emigration in the Soviet Union be turned around. In 1979, 51,320 Soviet Jews left the U.S.S.R. However, in 1983, only 1,315 Soviet Jews were permitted to emigrate. Last month only 90 Jews left the Soviet Union with visas for Israel.

Soviet officials claim that all of those who wish to leave have already done so. They continue to contend that the reunification of Soviet Jews with their families abroad has been completed. This is far from true. We must call upon the Soviet Union to open her gates to allow more Jewish emigration.

While the Soviets closed their gates to emigration, they also made things much worse for those trapped within their country. There has been a new wave of Soviet-state-sponsored anti-Semitism. The Soviet anti-Zionist committee has stepped up discrimination toward Jews. Its aim is to eliminate Jewish cultural, national, and religious identity within the U.S.S.R. Long-term refuseniks have felt increased harassment. Prisoners of Conscience have been the recipients of harsh treatment. For example, Josef Begun recently received 7 years of hard labor followed by 5 years of internal exile for the crime of teaching Hebrew. This discrimination must end. Jewish Soviet citizens must receive equitable treatment.

If the Soviets treat their own citizens so badly, how can we have any faith in their professed efforts to improve relations with people of other nations?

With a new leader in office, the Soviet Union has a renewed chance to improve international relations with the world at large. If they are really interested, they can show it by improving the treatment of their persecuted Jewish minority. It would be a simple and unilateral act of basic human rights and decency.

Thus, we call on the new leader of the Soviet Union to end discrimination against Soviet Jews and let those who wish to leave emigrate. ●

SUPPORT CONTADORA DIPLOMACY

● **Mr. KENNEDY.** Mr. President, a genuine resolution of the conflict in Central America must come from the region itself. Recent history shows that a settlement cannot be imposed by forces outside the region. Such at-

tempts have only fanned the flames of war.

There is a process underway in the region today that holds great promise for making progress toward a secure peace. That process is the Contadora process—led by Mexico, Venezuela, Colombia, and Panama. It is the only path to a peaceful solution of the conflict in Central America.

At a time when conflict in the region is expanding, it is imperative that all states provide full backing to the efforts of this group. Progress is being made. But that progress is inhibited by mixed signals from Washington and skeptical attitudes in certain Central American capitals. I urge President Reagan to step forward now and state in unequivocal terms U.S. support for a Contadora solution. But lip-service is not enough; the administration should take concrete steps to demonstrate its commitment to the Contadora process.

In a recent New York Times op-ed article, former Ambassador Sol Linowitz makes a compelling argument in support of Contadora. Ambassador Linowitz is a distinguished, experienced and knowledgeable expert on Latin American affairs. His advice merits our serious attention. In this article, Ambassador Linowitz concludes that:

When it comes to peaceful solutions in Central America, Contadora—despite its limits—is really the only game in town. The United States must lend wholehearted support to Contadora before it is too late.

I ask that the full text of Ambassador Linowitz' New York Times article appear at this point in the RECORD.

The article follows:

[From the New York Times, Mar. 20, 1984]

SUPPORT CONTADORA DIPLOMACY

(By Sol M. Linowitz)

WASHINGTON.—The peace-making effort known as the Contadora process—it is named after the island where representatives from Colombia, Mexico, Venezuela and Panama first met to discuss the crisis in Central America—has not yet achieved much concrete success. It may, however, be the only promising avenue toward peace in the region.

Central America's crisis is deepening. Next week's scheduled elections in El Salvador offer little prospect of ending that nation's civil war. Nicaragua has raised an army 50,000 strong and continues its arms buildup, causing understandable fears among its neighbors. Attacks on Nicaragua by counter-revolutionary groups based in Honduras and Costa Rica are becoming broader and more destructive. Honduras itself faces the danger of being overwhelmed by huge amounts of military aid. Troubling questions are also raised by the United States troops in Honduras on prolonged exercises and by the new United States bases there. Another military coup in Guatemala has done nothing to stop the internal bleeding in that country. Even democratic Costa Rica now fears it may be drawn into the struggle.

Here in the United States, the debate about how we should respond to Central

America's trauma is heating up. Congress is understandably hesitant to endorse the Administration's proposal to increase military and economic aid pending further clarification. The recommendations of the Kissinger commission have failed to achieve a bipartisan consensus.

Last year, a group of some 50 eminent Latin American and North American leaders known as the Inter-American Dialogue met several times to consider hemispheric problems. Its report suggested among other things that the United States should vigorously support an active role by the Contadora countries. That group is reconvening this week and will take a close look at the Contadora process.

It has shown significant promise during the past year. The Contadora foreign ministers have met nine times, including four meetings with Central America's foreign ministers. Last September, they hammered out 21 points of regional consensus to serve as a basis for discussions. In January, they reached agreement in principle to phase down the presence of foreign military advisers and to carry out an inventory of weapons. In recent weeks, working groups on security, political, social and economic aspects of the crisis have been fashioning more specific accords that could be the basis for further negotiations. In short, progress is being made, albeit by fits and starts.

To be effective, a plan for peace in Central America must address four separate but interconnected issues—the struggles within El Salvador and Nicaragua, the efforts of various Central American governments and outside countries to aid insurgents in the region, the growing danger of outright wars among states and, finally, the entanglement of Central America's strife with the East-West conflict. These four problems are intertwined and none can be fully resolved without also facing the others. But a first step toward resolving Central America's crisis would be to recognize that these are also separate questions and to focus on how the Contadora process can be supported in dealing with each one.

It may be, for instance, that Contadora could help forge agreements among the countries of the region to keep it free of strategic military facilities. The Contadora countries might be urged to take the lead in actually reducing the numbers of foreign military advisers in Central America and in monitoring limits on the quantity and quality of weapons introduced into the region. Contadoran countries could be asked to help to demilitarize and inspect border regions in order to reduce tensions.

Contadora's strength is clearly limited. Each of the four countries has its own interests and concerns and its own internal political calendar. The Contadora countries do not see eye-to-eye on all aspects of the Central American problem. And the Central American nations are not equally ready to accept Contadora's good offices, in part because of mixed signals from Washington about how seriously it takes Contadora.

I have learned the hard way that international negotiations can be excruciatingly difficult and frustrating, and the bitter struggles in Central America may be particularly intractable. But commitment, patience, flexibility and political will can sometimes produce meaningful accords even in the toughest situations. And when it comes to peaceful solutions in Central America, Contadora—despite its limits—is really the only game in town. The United States must lend wholehearted support to Contadora before it is too late. ●

PILLORING MEESE

● Mr. HATCH. Mr. President, in an effort to place just a small bit of perspective on the nomination of Edwin Meese to be Attorney General of the United States, I would like to place in the RECORD an editorial from March 19, from the Baltimore News-American. This editorial was prepared by the Hearst Newspapers under the direction of its national editor, Joseph Kingsbury-Smith and appeared in a large number of the Hearst Newspapers on that date.

I hope that my colleagues will take several minutes to read the editorial.

PILLORING MEESE

Edwin Meese, President Reagan's close friend and adviser whose Senate confirmation as attorney general has run into difficulties, has paid a high price in personal tragedy and financial problems since he came to Washington to serve his president and his country. Two years ago, his 19-year-old son was killed in a motor accident on the George Washington Memorial Highway while driving to the Meese home in McLean, Virginia.

The financial sacrifice Mr. Meese made to become White House counsellor to President Reagan involved a 50 percent cut in income.

It took 20 months to sell his La Mesa, Calif. home, during which time he paid the mortgages on both his California house and the one he purchased near Washington. His non-reimbursable moving expenses cost \$10,000. Since coming to Washington in 1981 his wife has had to go to work to help ends meet.

Now confirmation of his appointment as attorney general is being challenged, mostly by the Democrats, because he helped obtain federal jobs for personal friends who arranged loans for him and Mrs. Meese. Denying that he engaged in any improper acts, he accused his Senate critics of making "false and misleading statements" and "indulging in election year politics."

Perhaps he showed some lack of judgment in the handling of the loans and jobs for friends, but he does not deserve the pillorying to which he has been subjected by extremist liberal columnists who dislike his strong anti-crime and law enforcement attitude, and who, by attacking him, hope to hurt President Reagan's re-election prospects. ●

AUTO IMPORTS

● Mr. RIEGLE. Mr. President, 5 months ago it was announced that the Japanese had agreed to limit auto imports for the year from April 1984 to March 1985 to 1.85 million cars. At the time of that announcement, I said that not only was this increase in the limit unacceptable, but also, it was clear that the administration was planning on letting the restraints be totally lifted after that 1 year—in time for the Reagan administration to get through the 1984 Presidential election. If reelected in November, President Reagan would then completely open the floodgates for Japanese auto imports. I am sorry to say that recent comments by Secretary of Commerce

Malcolm Baldrige tend to support that prediction.

Last week it was reported that Secretary Baldrige said that he opposes extending the import restraints for another year. Interestingly, he also said that he supported the extension last year because "you don't build up a balance sheet in 1 year."

The fact is that from 1980 to 1982 alone, the industry lost over \$5.2 billion. During this time, the American auto industry engaged in an unprecedented modernization retooling program—investing over \$40 billion in 5 years to make a competitive, fuel efficient car. At the same time, working capital in the industry decreased over \$10 billion while long-term debt increased over \$5 billion. And industry analysts predict that from 1985 to 1995, the American auto manufacturers will have to invest another \$80 billion just to remain competitive.

The United States is the only major Western industrialized nation without an effective auto policy. Great Britain and West Germany both have tariffs of over 10 percent and Japanese imports are limited to 10 to 11 percent of the market. In France, Japanese imports are limited to 3 percent of the market and in Italy the Japanese are limited to only 2,200 imported cars—less than 1 percent of the market. Canada enforces a tight import policy, with the Japanese being subject to import restraints and commitments to invest in domestic production.

Compare this to the United States. The original voluntary restraint agreement limited Japanese imports to a number expected to represent 16.5 percent of the market. As the economic situation in this country worsened and U.S. sales plummeted, the Japanese share widened to almost 23 percent—more than twice their market share in any major industrialized country. Instead of lowering the restraints, the administration supported increased limits. The limit announced in October will allow Japan to bring in more than 2 million cars, restraining them to over 20 percent of even this year's expected 10 million plus sales market.

While the administration appears willing to blindly pursue free trade, it has been far from aggressive with regard to fair trade. Japanese tax policies, a costly yen-dollar imbalance and an assortment of nontariff barriers continue to make it virtually impossible for the American auto industry to compete with the Japanese on even footing. It is primarily because of this unfair situation that Japanese cars sold in this country start out with a sizable cost advantage and American cars sold in Japan are eventually priced at up to four times what they would cost in this country.

I should like to bring to the attention of my colleagues a letter sent by Lee Iacocca, chairman of the Chrysler Corp., to Secretary Baldrige on the need for a continuation of Japanese import restraints. As Mr. Iacocca says at the beginning of the letter:

The continuation of such restraints is absolutely essential until our Government takes the steps which are necessary to provide a level playing field in Japanese/United States trade relations.

Mr. Iacocca lays out a persuasive case for the continuation of restraints. I hope that the administration and Members of Congress will consider it as we continue to monitor the situation in the auto industry. I ask that the letter be printed in the RECORD.

The letter follows:

CHRYSLER CORP.,

Detroit, Mich., March 14, 1984.

HON. MALCOLM BALDRIGE,
Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY BALDRIGE: The Dow Jones Wire this morning reports that you stated at a breakfast meeting with reporters that you personally were opposed to renewing voluntary restraints on Japanese car imports to the United States. The continuation of such restraints is absolutely essential until our government takes those steps which are necessary to provide a level playing field in Japanese/U.S. trade relations.

The trade deficit this year is projected to reach \$100 billion, of which \$15 billion is in the automotive trade account with Japan alone even with a Voluntary Restraint Agreement. Without a Voluntary Restraint Agreement it will jump to \$30 billion within two years.

Our government must take action on the unfair trade advantages Japanese automobile manufacturers enjoy. They are the forgiveness by the Japanese government of the 22½ percent commodity tax on cars shipped to the United States and the much publicized, but nonetheless real, yen/dollar imbalance. These two advantages account for \$2,000¹ per car to the Japanese manufacturers on every car they land in the United States.

At Chrysler we are becoming more efficient and more productive every day and our quality is increasing rapidly. We surpass Japanese products in reliability and durability. But with all of this, I cannot compete on a fair basis against Japanese-made cars until you and the other members of the Administration address the \$2,000 per car problem.

If the voluntary restraints are not renewed, J. D. Powers Associates, the leading forecasters on Japanese imports, predicts that the Japanese will take as much as 40% of the U.S. total market, with all that means in terms of lost jobs, lost payrolls, lost Federal, state and local taxes (\$4 to \$5 billion). I need not point out to you that a 40% Japanese market share combined with a normal cyclical downturn in the domestic economy would result in an economic and political disaster for the country. We cannot, therefore, base our policy decision on Japanese restraints in the short term "having a good year" rationale you referred to in your comments. If you can guarantee me all "good years," then I will gladly go

along with ending Japanese import restraints.

I would suggest that a better course of action is to keep import restraints in place until we get the required level playing field. It is important to note that this also has a critical beneficial effect of encouraging major Japanese investments in auto facilities and jobs in this country. The Reagan administration voluntary restraint program has had such positive effects already; for example, Honda's proposed new investment in car manufacturing facilities in Ohio, Nissan's car production plans in Tennessee, Mazda's announced intention to invest in car manufacturing in the U.S., and our program with Mitsubishi. These programs in our opinion will disappear if the Voluntary Restraint Agreement is removed while the playing field remains tilted in Japan's favor.

Great Britain sets a limit on Japanese imports at 11% of its market, Germany at approximately 10%; France sets a limit at 3% of its market and Italy restricts them to 2,000 cars per year. Canada has set tight limits on imports until all the Japanese manufacturers make substantial investments. In other words, Mr. Secretary, nearly every nation in the Free World restricts Japanese cars and for good reason.

The original intent of the Voluntary Restraint Agreement was to limit Japanese imports to 16.5% of the U.S. market. We allowed them, however, to set their limit on a numerical unit base rather than on a market-share percentage basis. This mistake should be corrected during the negotiations this year, and I suggest we return to the original intent of a 16.5% market-share limit on Japanese imports until the disadvantages are removed.

I would welcome the opportunity to discuss this with you further in person.

Sincerely,

LEE IACOCCA.

THE PRESIDENTIAL MEDAL OF FREEDOM TO DR. HECTOR P. GARCIA

● Mr. TOWER. Mr. President, on Monday, March 26, the President will award the Presidential Medal of Freedom Award to a distinguished American and Texan, my good friend, Dr. Hector P. Garcia. At this juncture, I would like to publicly commend Dr. Garcia for his tireless and selfless efforts on behalf of mankind that have led the President to bestow upon him this prestigious honor.

I have known Dr. Garcia for many years and have the highest regard for him and his many accomplishments. He is respected by all who know him as a distinguished physician, military officer, and humanitarian. After graduation from the University of Texas at Austin, Dr. Garcia attended the university's school of medicine, graduating in 1940. He is a member of the American Medical Association and the Texas Medical Association.

After completion of his internship, Dr. Garcia began his service to this Nation as an infantry officer during World War II. During his military service, he was awarded the Bronze Star Medal with six Battle Stars. Currently a resident of Corpus Christi,

Tex., Dr. Garcia is perhaps best known as the first national chairman and founder of the American GI Forum, a veterans family organization composed primarily of Americans of Hispanic origin in 24 States. He was particularly beneficial in establishing the GI Forum cosponsorship of the SER-jobs for progress national program.

Dr. Garcia has served several previous administrations as an adviser and Presidential representative in various capacities. In 1967, he was appointed as a delegate to the United Nations with the rank of Ambassador. He also served as a member of the U.S. Commission on Civil Rights. In the latter capacity, he was instrumental in promoting the civil rights and contributions of many Mexican Americans.

Indeed, Mr. President, in my view, Dr. Garcia possesses the qualities and record of service to this Nation that exemplify the very ideals embodied by the Presidential Medal of Freedom Award. I am extremely pleased that the President has chosen to honor this great American and Texan for his contributions to mankind.●

AFGHANISTAN DAY

● Mr. PELL. Mr. President, yesterday, March 21, was the day the Afghan people celebrated their New Year. It is fitting, therefore, that we commemorate the people of that country and their heroic struggle for freedom.

More than 2 years ago, on Christmas Day, Soviet forces moved into Afghanistan beginning a brutal war against the people of that country.

Contrary to Soviet expectations, subjugating Afghanistan proved an elusive goal. Today the Soviets exercise effective control over only the capital, their own garrisons, and intermittently over some supply routes.

The Afghan freedom fighters, in spite of internal divisions, now control most of the countryside, have a functioning administration in some provinces, and have demonstrated their ability to strike at will.

That a backward nation of 17 million could so effectively stymie one of the most advanced and powerful military forces in history is a remarkable testament to the heroism of the Afghan freedom fighters.

In our admiration of the determination of the people of Afghanistan to protect their freedom, we must not lose sight of the terrible price the Afghan people have paid. Soviet airplanes have strafed, bombed, and dropped napalm on Afghan villages, killing indiscriminately men, women, and children.

Soviet search and destroy missions have blown up villages, massacred the inhabitants, and burned crops in an effort to deny food and shelter to the resistance. The Afghan landscape is

¹ At 235 yen to the U.S. dollar.

today littered with the antipersonnel mines dropped by Soviet aircraft.

To escape the hell that is today Afghanistan, more than 3,000,000 Afghans, mostly women and children, have fled to neighboring countries.

I am sure I speak for all Americans in hoping that this New Year will bring a return to independence, freedom, and peace for the suffering people of Afghanistan.●

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

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

URGENT SUPPLEMENTAL FOR FISCAL YEAR 1984 PUBLIC LAW 480 PROGRAM

Mr. BAKER. Mr. President, I apologize to the Chair and other Senators for taking a while to proceed to the next item of business of the Senate.

As Members can understand, there has been a matter of some sensitivity, indeed a considerable amount of energy and emotion, on the subject of the supplemental, especially that portion of it dealing with aid for El Salvador. I have had extensive conversations with a number of Senators on both sides of the aisle but principally with the distinguished Senator from Hawaii on this subject and with the minority leader, the Senator from Wisconsin on our side, the Senator from North Carolina, the Senator from Minnesota, and others. I am not trying to involve them in this agreement or this statement but, rather, simply to recite what has been going on. I believe we have an arrangement that is going to serve everybody's best interests.

Mr. President, let me say, to begin with, that I understand the distinguished Senator from Hawaii may offer an amendment to the supplemental appropriations bill when it is pending which will establish a funding level for the El Salvador portion of this bill at about \$61 million.

Mr. INOUE. Will the Senator yield?

Mr. BAKER. Yes.

Mr. INOUE. I originally intended to submit an amendment which would have reduced the administration request of \$92.5 million to \$49.25 million, but after discussing the whole package with administration officials and with others, I am now convinced it would be fully justified to increase that amount by \$12.5 million to provide extra medical supplies and medical training.

It may interest the Senate to know at the present time the death rate for

those who are wounded in El Salvador is 67 percent as compared to 11 percent during World War II. I am certain that all Senators will go along with this.

So the amendment I intend to submit next week will be \$61.5 million, which would permit, as the Senator indicated, the military activities to be carried on at the present level until the end of the fiscal year.

Mr. BAKER. Mr. President, I thank the Senator from Hawaii. As Members can imagine, I have taken this matter up with the administration, with the Secretary of State, with the White House, and I believe we can work out an arrangement on this basis so that the administration will support that funding level.

I should like to suggest—I especially invite the minority leader's attention to this—that on this basis then we lay down the supplemental appropriation bill this evening and then go out until Monday; that on Monday we will proceed to take up whatever amendments may be offered by Senators to this bill but not the funding level for El Salvador until late Tuesday or Wednesday.

There is no secret about why we are doing that. It is to suit the convenience of a number of Senators who are principally involved in this matter. I think it is a fair accommodation under the circumstances.

So I hope, with the announcement that the administration will support the funding level in this bill, we will be permitted by unanimous consent to lay this bill down tonight, then to adjourn, again with the boilerplate that I usually submit to the minority leader for his consideration and approval, until Monday.

Mr. INOUE. If the Senator will yield for a correction, the amount is \$61.75 million.

Mr. BAKER. I thank the Senator.

Mr. KENNEDY. Will the majority leader yield?

Mr. BAKER. Yes, I am happy to yield.

Mr. KENNEDY. I think the majority leader has outlined a reasonable way to proceed on this issue as I understand it, and that is to lay down the legislation this evening, which will be formalized in a unanimous-consent request; that the issue of the funding for the El Salvador military assistance program will be debated on Tuesday or Wednesday next.

Do I understand that the majority leader is going to present that program to the Senate shortly?

Mr. BAKER. Yes, Mr. President, the Senator is right.

Mr. KENNEDY. And that the consent request will in no way diminish the opportunity for any of those Members of the Senate, either who are present now or are not present now, from having an opportunity for full debate on the particular amendment

which the Senator has mentioned at this time and that there will be nothing in the unanimous-consent request which will prohibit any Member of the Senate from offering an alternative figure or an alternative amendment to either raise or reduce the figure which has been outlined?

Mr. BAKER. Mr. President, the Senator is correct. No effort will be made by me to restrict the opportunity of any Senator to do anything they wish on this bill.

No request will be made. But I wish to announce for the benefit of Senators that I will support the amendment of the Senator from Hawaii, and the Senator from Hawaii, I hope, will do so, and I hope it will have broad bipartisan support. It represents a conscientious and dedicated effort of a number of Senators on both sides to try to resolve this issue on a satisfactory basis.

In answer to the Senator from Massachusetts, nothing I will put will restrict his right or that of any other Senator to offer any other amendment.

Mr. KENNEDY. I just want to express my appreciation for the way the leader has proceeded on this issue. I know that he has strong views on this issue, and I know how he feels about both the amount and the timing of the consideration of a funding amendment for El Salvador.

But I do feel, for some of the reasons I outlined yesterday, and for the basic reason that El Salvador will be facing elections on Sunday, that it is a wiser course of action for this body to make whatever judgment it will make on Tuesday or Wednesday next, when it has the full results of the election, and that we do know whether we will have, as the leader of El Salvador, the ultraright regime, which has had virtually no respect for human rights and human dignity, whether we will have seen the democratic process at work and functioning in that country.

I think the American people and the Senate will be better served in committing the American taxpayers' resources when we have a clearer idea about who will be receiving those resources and what kind of regime we will be supporting.

I want to express my appreciation for the way the majority leader has proceeded on this issue.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I think the majority leader has outlined a very reasonable and, so far as I am concerned, agreeable course of action here. I compliment him and I compliment Senator INOUE, who I think has made a very acceptable proposition. I will support Senator INOUE.

This, as I understand it, is the approach that has been worked out in concert with the majority leader and is agreeable to him.

I would not want to commit myself on the bill at this point, because I want to know more about the bill. That does not mean I will not support it, but I do like to leave myself a little wiggling room on that. I do support the amendment which Senator INOUE has mentioned.

I do not think the majority leader could have done better under the circumstances. I compliment him and Senator INOUE. I hope the amendment by Senator INOUE will be adopted by the Senate.

Mr. BAKER. I thank the Senator.

Mr. President, I yield to the Senator from Wisconsin (Mr. KASTEN), who is chairman of the Appropriations Subcommittee in this field.

Mr. KASTEN. I thank the majority leader.

Mr. President, as the majority leader knows, and as the ranking minority member on the Foreign Operations Subcommittee knows, we did prevail, on a 16 to 13 vote, at the \$93 million level in the Appropriations Committee. It was a bipartisan vote, although we did not have as much bipartisan support as we would have hoped.

I simply say to the majority leader and to my ranking minority Member that I feel this is a step, especially with the comments just made by the Democratic leader, toward the kind of bipartisan support we need if we are going to solve our problems in Central America.

I hope that with the leadership of the majority leader and with the leadership of the Democratic leader, we will not have a vote that will squeak through, but that the bill will pass by a strong margin.

As the majority leader, the minority leader, and the Senator from Hawaii know, we also have had a number of discussions in the committee on various conditions, veto power of Congress, and so forth. I do not want to ask the Senator from Hawaii to get out in front on any specific kinds of issues, but we do have basic conditions which I attached in the bill along with our \$93 million amount which are consistent with the conditions which the Kissinger Commission report established.

I ask the Senator from Hawaii if he is also satisfied with the conditions as they now exist in the bill and would work with all of us to keep those conditions in place for the amendment he intends to come forward with, and which I intend to support, in the hope of developing the kind of bipartisan consensus that I think we need on this issue.

Mr. INOUE. With the amendment I propose, I am prepared to support

my chairman in all the other aspects of the bill.

Mr. KASTEN. I thank the Senator from Hawaii. I look forward to working with him in further developing this bipartisan consensus.

Mr. PELL. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. PELL. Mr. President, I want to make one point. I am very glad, indeed, that we will not be taking up this matter until after at least the first round of elections.

As I mentioned to the Senator from Hawaii, I think he has done a good job in trying to work out a compromise. Some members of the committee, including myself, may not vote for the amounts offered in the amendment. I want to reserve my position and that of my colleagues on the Foreign Relations Committee in that regard.

Mr. BAKER. Mr. President, I think it is clear that we do not have an amendment here that everybody is going to vote for, but I think it is also clear that we have done a very important thing here; and I wish to extend to the Senator from Hawaii, the minority leader, and others my deepest appreciation.

I think that what we are doing in gaining administration support for this amendment at this level, and the support of a number of Democrats, who I believe will support it, is that we have moved back in the direction of a bipartisan position on an important foreign policy issue, which is not to say that we have settled it for all time. We have not. I think we have moved an inch in that direction, and I am happy for it.

Mr. President, once again, I am not trying to limit the opportunity of any Senator to do anything he wants to do to this bill. But I am announcing that I support, and the administration will support, the amendment to be offered by the Senator from Hawaii.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. MELCHER. Mr. President, as the Senator from Rhode Island just said, I also am delighted that arrangements have been made to bring up this matter after Sunday's election, or the first round of the election. However, lest there be a feeling that two-thirds of the \$90 million is a very appropriate compromise, a lot of us are wondering, just as a lot of other people in this country are wondering, and perhaps a majority are wondering, what we are spending all that money for in El Salvador.

Personally, I will listen with a great deal of interest as to why it is worth 60 million bucks at this time.

Mr. BAKER. Mr. President, unless some other Senator wishes me to yield at this point, what I propose to do is to provide for adjournment of the Senate

and the convening of the Senate on Monday next. After those arrangements are made, it would be my intention to ask the Senate to proceed to the consideration of the supplemental appropriation, with the clear understanding that nothing will be done except to lay down the measure today.

(The unanimous-consent requests relating to Senate procedure on Monday are printed at the conclusion of today's proceedings.)

Mr. BAKER. Mr. President, I now ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 709, House Joint Resolution 492.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with an amendment.

On page 2, after line 17, insert:

FOOD AND NUTRITION SERVICE
CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", \$545,544,000.

FEEDING PROGRAMS FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Feeding Program for Women, Infants, and Children (WIC)", \$300,000,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT
MILITARY ASSISTANCE

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, \$92,750,000: Provided, That this sum shall be available only for assistance for El Salvador, notwithstanding the limitations and restrictions on such assistance contained in section 101(b) of Public Law 98-151: Provided further, That none of the funds appropriated under this heading may be available for obligation or expenditure until the President prepares and transmits to the Congress a report—

"(1) stating his determination that the Government of El Salvador has demonstrated progress toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders;

"(2) describing the progress made in—

"(A) the development of an effective medical evacuation and training system for El Salvador;

"(B) the training of the Armed Forces of El Salvador;

"(C) the quantification of the losses or expenditures in El Salvador of munitions, weaponry, and combat support equipment which has been furnished by the United States; and

"(D) the acquisition and support of tactical communications and the upgrading and

modification of the national strategic communications network; and

"(3) setting forth the rate of usage by the Armed Forces of El Salvador of spare parts furnished by the United States: *Provided further*, That 60 days after the date of enactment of this Act and at intervals of 60 days thereafter the President shall prepare and transmit to the Congress a report on the progress made during the preceding 60 days in achieving the objectives described in the preceding proviso.

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency, notwithstanding any other provision of law, in addition to amounts previously appropriated, not to exceed \$21,000,000, to remain available for obligation until September 30, 1984: *Provided*, That \$14,000,000 shall be allocated to the Reserve for Contingencies administered by the Director of Central Intelligence and shall be subject to applicable statutory procedures prior to obligation.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated for the fiscal year 1984 to carry out chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 or make available under the Arms Export Control Act may be available under the Arms Export Control Act may be available for Panama on or after any date of disruption or cancellation by the Armed Forces of Panama of the general elections scheduled for May 6, 1984.

SEC. 102. (a)(1) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "65,800".

(2) Notwithstanding any other provision of law, the rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made by a law specifically referring to the rates of pay of such magistrates.

(b) Section 232 of the Bankruptcy Reform Act of 1978 (Public Law 95-598, November 6, 1978) is repealed.

(c) Section 634(c) of title 28, United States Code, is amended by striking out "section III" and inserting in lieu thereof "subchapter III".

SEC. 103. Notwithstanding any other provision of law, no funds appropriated to the Department of Defense for operations and maintenance for fiscal year 1984 may be obligated or expended after the date of the enactment of this Act for the construction, modification, or improvement of any military facility in Honduras, other than temporary facilities, unless such funds have been specifically authorized and appropriated for such purpose by legislation enacted by Congress or unless the President determines and provides prior notification to the Committees on Appropriations, Armed Services, and Foreign Relations that an unforeseen emergency exists which requires such construction, modification, or improvement.

SEC. 104. Deferral No. D84-50, submitted to the Congress on February 22, 1984, to defer \$14,000,000 in funds provided in Public Law 98-394 for construction of the Cumberland Gap Tunnel and related activities, is hereby disapproved.

So as to make the bill read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984; namely:

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

For an additional amount for "Public Law 480", for commodities supplied in connection with dispositions abroad, pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, as amended, \$150,000,000, of which \$150,000,000 is hereby appropriated and made available through December 31, 1984; and in addition not to exceed \$90,000,000 shall be available from Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries requiring emergency food assistance, or any country for use in assisting in emergency food assistance to Africa, as authorized by section 101(b) of Public Law 98-107. In the event Commodity Credit Corporation stocks are not available, the Corporation may purchase commodities to meet emergency requirements.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child Nutrition Programs", \$545,544,000.

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Feeding Program for Women, Infants, and Children (WIC)", \$300,000.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, \$92,750,000: *Provided*, That this sum shall be available only for assistance for El Salvador, notwithstanding the limitations and restrictions on such assistance contained in section 101(b) of Public Law 98-151: *Provided further*, That none of the funds appropriated under this heading may be available for obligation or expenditure until the President prepares and transmits to the Congress a report—

"(1) stating his determination that the Government of El Salvador has demonstrated progress toward free elections, freedom of association, the establishment of the rule of law and an effective judicial system, and the termination of the activities of the so-called death squads, including vigorous action against members of such squads who are guilty of crimes and prosecution to the extent possible of such members who are past offenders;

"(2) describing the progress made in—

"(A) the development of an effective medical evacuation and training system for El Salvador;

"(B) the training of the Armed Forces of El Salvador;

"(C) the quantification of the losses or expenditures in El Salvador of munitions, weaponry, and combat support equipment which has been furnished by the United States; and

"(D) the acquisition and support of tactical communications and the upgrading and modification of the national strategic communications network; and

"(3) setting forth the rate of usage by the Armed Forces of El Salvador of spare parts furnished by the United States: *Provided further*, That 60 days after the date of enactment of this Act and at intervals of 60 days thereafter the President shall prepare and transmit to the Congress a report on the progress made during the preceding 60 days in achieving the objectives described in the preceding proviso.

CENTRAL INTELLIGENCE AGENCY

For activities of the Central Intelligence Agency, notwithstanding any other provision of law, in addition to amounts previously appropriated, not to exceed \$21,000,000, to remain available for obligation until September 30, 1984: *Provided*, That \$14,000,000 shall be allocated to the Reserve for Contingencies administered by the Director of Central Intelligence and shall be subject to applicable statutory procedures prior to obligation.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated for the fiscal year 1984 to carry out chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 or made available under the Arms Export Control Act may be available for Panama on or after any date of disruption or cancellation by the Armed Forces of Panama of the general elections scheduled for May 6, 1984.

SEC. 102. (a)(1) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "65,800".

(2) Notwithstanding any other provision of law, the rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made by a law specifically referring to the rates of pay of such magistrates.

(b) Section 232 of the Bankruptcy Reform Act of 1978 (Public Law 95-598, November 6, 1978) is repealed.

(c) Section 634(c) of title 28, United States Code, is amended by striking out "section III" and inserting in lieu thereof "subchapter III".

SEC. 103. Notwithstanding any other provision of law, no funds appropriated to the Department of Defense for operations and maintenance for fiscal year 1984 may be obligated or expended after the date of the enactment of this Act for the construction, modification, or improvement of any military facility in Honduras, other than temporary facilities, unless such funds have been specifically authorized and appropriated for such purpose by legislation enacted by Congress or unless the President determines and provides prior notification to the Committees on Appropriations, Armed Services, and Foreign Relations that an unforeseen emergency exists which requires such construction, modification, or improvement.

SEC. 104. Deferral No. D84-50, submitted to the Congress on February 22, 1984, to defer \$14,000,000 in funds provided in Public Law 98-394 for construction of the Cumberland Gap Tunnel and related activities, is hereby disapproved.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I am told there are two items on today's Executive Calendar that are cleared for action by unanimous consent.

Could I inquire of the acting minority leader if he is in a position to consider at this time the nomination of Harry W. Shlaudeman, to be Ambassador at Large, which is Calendar Order No. 518.

Mr. INOUE. Mr. President, we are ready to proceed. We have no objection.

Mr. BAKER. I thank the acting minority leader.

There is no other name, and that is the nomination of David K. Doyle, to be Lieutenant General in the U.S. Army.

Mr. INOUE. No objection.

Mr. BAKER. I thank the acting minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the sole purpose of considering those two nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Harry W. Shlaudeman, of California, to be Ambassador at Large.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ARMY

The legislative clerk read the nomination of Maj. Gen. David K. Doyle to be Lieutenant General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to move to reconsider the votes by which these nominations were confirmed on one motion.

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

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

Mr. BAKER. Mr. President, I am told that there may be one other matter cleared for action by unanimous consent.

SENATE JOINT RESOLUTION 263
PLACED ON CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 263, a joint resolution designating the week of April 8 through 14, 1984, as "Parkinson's Disease Awareness Week" and it be placed on the calendar.

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

Mr. BAKER. Mr. President, this item I understand has been cleared. I inquire of the acting minority leader if he is prepared to consider Calendar Order No. 656, S. 803.

Mr. INOUE. I am prepared and have no objection.

Mr. BAKER. I thank the acting minority leader.

COMMISSION ON THE CENTENNIAL
REVIEW OF THE CIVIL
SERVICE

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 656.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 803) to establish the Commission on the Centennial Review of the Civil Service.

The PRESIDING OFFICER. Is there objection to the request of the minority leader?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment, to strike all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Centennial Review of the Civil Service".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Commission on the Centennial Review of the Civil Service (hereinafter in this Act referred to as the "Commission").

POLICY PURPOSE

SEC. 3. (a) It is hereby declared to be the policy of Congress that appropriate terms of Federal employment should be provided to ensure that quality Government services

continue to be rendered to the American people, that such terms should reflect the proper treatment and compensation of employees charged with the task of providing such services, and that such terms should incorporate personnel practices that take into consideration the personnel practices which have been successfully applied in the private and public sector or in other governmental institutions.

(b) In carrying out the policy set forth in subsection (a), it is the purpose of the Commission to study the history and development of the civil service system over the past one hundred years since its inception, to study the history and development of the other civil service systems which have been used in governmental institutions in the United States and in other nations, and to make recommendations on methods for ensuring the continued high level of performance of the civil service system of the Government or providing for its further improvement, as the Commission determines appropriate. The Commission shall consider—

(1) methods to improve and expand the training and development of Federal directors, managers, and supervisors in such areas as—

(A) theories and methods of leadership;
(B) planning, appraising, and rewarding work;
(C) effective communication;
(D) time management;
(E) techniques to maximize productivity; and

(F) strategies for maximizing quality and achieving excellence;

(2) pay and benefits for employees under the civil service system, including the pay comparability system, the retirement system, leave policies, health benefits, and life insurance;

(3) Federal personnel practices, including those relating to hiring and retention, training, promotions, and performance appraisal systems;

(4) the labor-management relations system for Federal employees, including collective bargaining, grievance, arbitration, and appeal procedures;

(5) ways to maintain high morale among Federal employees; and

(6) such other matters as the Commission considers appropriate.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of seven members as follows:

(1) three individuals appointed by the Speaker of the House of Representatives;

(2) three individuals appointed by the majority leader of the Senate; and

(3) one individual appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate from among persons who are not affiliated with any political party.

(b) At least one, but not more than two, of the members of the Commission shall be appointed from persons who are not officers or employees of any government and are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) If any member of the Commission who was appointed to the Commission while serving as an officer or employee of any government leaves office or is separated from service as such an employee, or if any

member of the Commission who was appointed from among persons who are not officers or employees of any government becomes an officer or employee of a government, that member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date that such individual leaves that office or is separated from service, or becomes such an officer or employee, as the case may be.

(2) Service as a member of the Commission shall not be discontinued because of paragraph (1) in the case of an individual who has served as a member of the Commission for a period of fifteen calendar months or more before the date on which the applicable change in the employment status of such member takes effect.

(e)(1) Members shall be appointed for the life of the Commission.

(2) Any member appointed to fill a vacancy occurring before the expiration of the Commission for which the predecessor of such member was appointed shall be appointed for the remainder of the Commission's life.

(f) Four members of the Commission shall constitute a quorum.

(g) The Chair and Vice Chair of the Commission shall be elected by the members of the Commission.

(h)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for level III of the Executive Schedule for each day (including travel-time) during which they are engaged in the performance of duties vested in the commission.

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

STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

Sec. 5. (a)(1) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code.

(b) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) Upon request of the Commission, the head of any Federal agency is authorized—

(1) to detail, on a reimbursable basis, any of the personnel of such agency to the Commission; and

(2) to make any office space of such agency available to the Commission.

to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

Sec. 6. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit an act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it and may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission considers advisable. Subpoenas may be issued under the signature of the chair of the Commission or any duly designated member, and may be served by any person designated by such chair or member. In the

case of any failure of a witness to comply with a subpoena issued under the authority of this section or to testify when summoned under the authority of this section, the provisions of sections 102, 103, and 104 of the Revised Statutes (2 U.S.C. 192-194) shall apply in the same manner as such provisions would apply if the Commission were a committee of either House of Congress.

(b) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chair or vice chair of the Commission, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORT

Sec. 7. The Commission shall transmit to each House of Congress and the President such interim reports as it considers appropriate, and shall transmit a final report to each House of Congress not later than ten calendar days after the date on which the Ninety-ninth Congress first assembles. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation of administrative action as it considers appropriate. Any recommendations submitted under this section shall be accompanied by provisions specifying the method and period of time over which such recommendations may be phased in without causing undue interruption to the existing civil service system, and provisions describing any employees who would not be covered under such recommendations (or any part thereof).

TERMINATION

Sec. 8. The Commission shall terminate ninety days after submitting its final report pursuant to section 7.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

AMENDMENT NO. 2833

(Purpose: To change the effective and termination dates)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Alaska (Mr. STEVENS) I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of the Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2833.

Mr. BAKER. Mr. President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 18, insert "for the session beginning in 1986" after "first assembles".

On page 16, after line 9, add the following new section:

EFFECTIVE DATE

Sec. 10. This Act shall take effect October 1, 1984.

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

The amendment (No. 2833) was agreed to.

AMENDMENT NO. 2834

Mr. BAKER. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), I send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of the Senator from Alaska (Mr. STEVENS), proposes an amendment numbered 2834.

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

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

The amendment is as follows:

On page 11, strike line 6 through line 7 and insert the following:

"(1) three individuals, two of whom to be appointed by the Speaker of the House of Representatives and one of whom to be appointed by the Minority Leader of the House; and"

On page 11, strike line 8 through line 9 and insert the following:

"(2) three individuals, two of whom to be appointed by the Majority Leader of the Senate and one of whom to be appointed by the Minority Leader of the Senate; and"

On page 11, line 11 after the word "Representatives" insert the following: "in consultation with the Minority Leader of the House."

On page 11, line 12 after the word "Senate" insert of following: "in consultation with the Minority Leader of the Senate."

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

The amendment (No. 2834) was agreed to.

Mr. STEVENS. Mr. President, I wish to commend the distinguished sponsor of S. 803, Senator WARNER, for his dedication to redirecting and revitalizing the Federal civil service by energetically moving this bill which establishes a commission to review the civil service.

Ever since the hastily drawn Civil Service Reform Act of 1978 was enacted into law, Federal employees have been burdened with an inordinate number of conflicting policies.

We celebrated the 100th anniversary of civil service last year. We need a thorough review of all aspects of Federal service. This commission will perform that task which will cover the whole gamut of Federal employment.

Again, I commend the senior Senator from Virginia. He has been a friend to Federal employees.

Mr. WARNER. Mr. President, I rise today in support of S. 803, legislation I introduced on March 14, 1983, to establish a Commission on the Centennial Review of the Civil Service. Senator TRIBLE and Senator GOLDWATER joined me as cosponsors of S. 803, and I deeply appreciate the support and assistance they have provided since the time of the bill's introduction.

At the outset of the November 2, 1983 hearings before the Subcommittee on Civil Service, Post Office, and General Services, the distinguished chairman of the Governmental Affairs Committee, Senator STEVENS, concurred with my belief that today's civil service is in dire need of review, and I appreciate his support and guidance. Every aspect of the system deserves our closest scrutiny and constructive recommendation, including:

First, improvement and expansion of training and development for Federal directors, managers, and supervisors;

Second, current pay and benefits including the pay comparability system, retirement, leave policies, health benefits, and life insurance;

Third, personnel practices including hiring, retention, training, promotions, and performance appraisal;

Fourth, labor-management relation systems, including grievance, arbitration, and appeal procedures; and

Fifth, and finally, morale building in the entire area of public service—what combination of elements do we need to instill pride in Government personnel and provide a greater sense of mission and accomplishment.

The findings of the subcommittee hearings, I believe, were both startling and enlightening.

I wonder if my colleagues are aware that in 1981, 78 percent of all Federal senior executives between ages 55 and 59 retired, when only 3 years before, average retirement among that age group was only at 19 percent.

Office of Personnel Management Director Donald Devine has stated that in our civil service, the American people are blessed with probably the greatest concentration of talent of any governmental work force in the world. Indeed, in the 80-year history of the prestigious Nobel Prizes, U.S. civil servants have been selected for these coveted awards seven times, and the staggering number of 66 Nobel Prizes have been awarded to scientists supported by the National Institutes of Health. The U.S. Government cannot afford to lose people of this caliber, and that is what is happening because

of constant disparagement, criticism lack of pay comparability, and other attacks.

I am not here today to support bigger Government; I am here to promote better Government. As now proposed, the Civil Service Centennial Commission will be established by Congress, with three members appointed by the Speaker of the House of Representatives and three members appointed by the Senate majority leader. A seventh member will be jointly appointed and must have no political affiliation. Their task will be enormous, but we have the resources to assist them. More than that, it is our duty to our constituents to see that their tax dollars are being utilized in a manner resulting in the best possible public service.

My colleagues, the time is now to initiate this effort. The civil service, as we know it was founded on January 16, 1883, when President Chester A. Arthur signed the Pendleton Act into law. The last 100 years have brought vast changes and huge growth, but only commensurate with the responsibilities Congress and succeeding Presidencies have created and approved.

I ask for your support today to establish this Commission. If your constituents are telling you they are dissatisfied with public service, let us do our part to improve public service. If civil service members in your home States are disillusioned and disheartened in accomplishing their work, let us show that we are interested and willing to address their concerns.

Mr. President, in the Commission on the Centennial Review of the Civil Service, we have a vehicle which has found support among Federal employee unions, Federal management associations, and representatives of the administration. It is my sincere hope that my colleagues here in the Senate will now join in this coalition to make this Commission a reality.

Mr. TRIBLE. Mr. President, I rise in support of S. 803, legislation sponsored by my colleague from Virginia, Senator WARNER. I am pleased to be a cosponsor of this measure to establish the Commission on the Centennial Review of the Civil Service.

We all share a common goal—the operation of the Federal Government by a skilled and productive work force, a Government that provides the best possible service for the American taxpayer.

Today, however, the Federal work force and our taxpayers are not well served. The civil service system is in desperate need of reform. The Senior Executive Service and the merit pay system currently operate as a disincentive to better performance. The most recent pay raise for Federal workers are delayed and major overhauls of the health and retirement programs are being considered. Such uncertainty

in Federal employment benefits negatively affects morale and this may lead to poor job performance.

Mr. President, I do not believe Congress can effectively address the problems of the Federal work force on a piecemeal or ad hoc basis. These problems and the variety of proposals seeking to correct them merit independent and systematic consideration. It is for this reason that I support the creation of a bipartisan Commission charged with the duty of investigating, studying, and making recommendations for changes in the civil service system.

Among the issues the Commission would consider would be Government management systems, Federal pay comparability systems, the performance appraisal systems and leave policies. The findings of the Commission and legislative remedies would be submitted for consideration by the 99th Congress.

Mr. President, personnel and management issues must be addressed in a prudent and objective manner. I believe that an independent, bipartisan Commission provides the best means of providing broad and objective recommendations for changes in the civil service system. It will remove such discussion from the politically charged atmosphere which now militates against effective discussion and action.

The findings of the Commission could greatly assist the Congress, the Office of Personnel Management, and Federal employee groups in strengthening the civil service system and insuring that we are able to attract and retain a quality work force that serves our Nation with distinction.

Mr. President, I am proud to support S. 803, and urge my colleagues to join with me in enacting this measure.

Mr. BAKER. Mr. President, I believe there are no other floor amendments. I move the adoption of the committee substitute, as amended.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commission on the Centennial Review of the Civil Service".

ESTABLISHMENT

SEC. 2. There is established a commission to be known as the Commission on the Centennial Review of the Civil Service (hereinafter in this Act referred to as the "Commission").

POLICY; PURPOSE

SEC. 3. (a) It is hereby declared to be the policy of Congress that appropriate terms of Federal employment should be provided to ensure that quality Government services continue to be rendered to the American people, that such terms should reflect the proper treatment and compensation of employees charged with the task of providing such services, and that such terms should incorporate personnel practices that take into consideration the personnel practices which have been successfully applied in the private and public sector or in other governmental institutions.

(b) In carrying out the policy set forth in subsection (a), it is the purpose of the Commission to study the history and development of the civil service system over the past one hundred years since its inception, to study the history and development of the other civil service systems which have been used in governmental institutions, in the United States and in other nations, and to make recommendations on methods for ensuring the continued high level of performance of the civil service system of the Government or providing for its further improvement, as the Commission determines appropriate. The Commission shall consider—

(1) methods to improve and expand the training and development of Federal directors, managers, and supervisors in such areas as—

- (A) theories and methods of leadership;
- (B) planning, appraising, and rewarding work;
- (C) effective communication;
- (D) time management;
- (E) techniques to maximize productivity;

and

(F) strategies for maximizing quality and achieving excellences;

(2) pay and benefits for employees under the civil service system, including the pay comparability system, the retirement system, leave policies, health benefits, and life insurance;

(3) Federal personnel practices, including those relating to hiring and retention, training, promotions, and performance appraisal systems;

(4) the labor-management relations system for Federal employees, including collective bargaining, grievance, arbitration, and appeal procedures;

(5) ways to maintain high morale among Federal employees; and

(6) such other matters as the Commission considers appropriate.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of seven members as follows:

(1) three individuals, two of whom to be appointed by the Speaker of the House of Representatives and one of whom to be appointed by the Minority Leader of the House; and

(2) three individuals, two of whom to be appointed by the Majority Leader of the Senate and one of whom to be appointed by the Minority Leader of the Senate; and

(3) one individual appointed jointly by the Speaker of the House of Representatives in consultation with the Minority Leader of the House, and the majority leader of the

Senate in consultation with the Minority Leader of the Senate, from among persons who are not affiliated with any political party.

(b) At least one, but not more than two, of the members of the Commission shall be appointed from persons who are not officers or employees of any government and are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(c) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) If any member of the Commission who was appointed to the Commission while serving as an officer or employee of any government leaves office or is separated from service as such an employee, or if any member of the Commission who was appointed from among persons who are not officers or employees of any government becomes an officer or employee of a government, that member may continue as a member of the Commission for not longer than the thirty-day period beginning on the date that such individual leaves that office or is separated from service, or becomes such an officer or employee, as the case may be.

(2) Service as a member of the Commission shall not be discontinued because of paragraph (1) in the case of an individual who has served as a member of the Commission for a period of fifteen calendar months or more before the date on which the applicable change in the employment status of such member takes effect.

(e)(1) Members shall be appointed for the life of the Commission.

(2) Any member appointed to fill a vacancy occurring before the expiration of the Commission for which the predecessor of such member was appointed shall be appointed for the remainder of the Commission's life.

(f) Four members of the Commission shall constitute a quorum.

(g) The Chair and Vice Chair of the Commission shall be elected by the members of the Commission.

(h)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for level III of the Executive Schedule for each day (including travel-time) during which they are engaged in the performance of duties vested in the commission.

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

STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 5. (a)(1) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code.

(b) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) Upon request of the Commission, the head of any Federal agency is authorized—

(1) to detail, on a reimbursable basis, any of the personnel of such agency to the Commission; and

(2) to make any office space of such agency available to the Commission, to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 6. (a) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it and may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission considers advisable. Subpenas may be issued under the signature of the chair of the Commission or any duly designated member, and may be served by any person designated by such chair or member. In the case of any failure of a witness to comply with a subpoena issued under the authority of this section or to testify when summoned under the authority of this section, the provisions of sections 102, 103, and 104 of the Revised Statutes (2 U.S.C. 192-194) shall apply in the same manner as such provisions would apply if the Commission were a committee of either House of Congress.

(b) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the chair or vice chair of the Commission, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(d) The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORT

SEC. 7. The Commission shall transmit to each House of Congress and the President such interim reports as it considers appropriate, and shall transmit a final report to each House of Congress not later than ten calendar days after the date on which the Ninety-ninth Congress first assembles for the session beginning in 1986. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation of administrative action as it considers appropriate. Any recommendations submitted under this section shall be accompanied by provisions specifying the method and period of time over which such recommendations may be phased in without causing undue interruption to the existing civil service system, and provisions describing any employees who should not be covered under such recommendations (or any part thereof).

TERMINATION

SEC. 8. The Commission shall terminate ninety days after submitting its final report pursuant to section 7.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

EFFECTIVE DATE

SEC. 10. This Act shall take effect October 1, 1984.

ORDERS FOR MONDAY, MARCH 26, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, March 26, 1984, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE), for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1 hour, with Senators permitted to speak therein for not more than 10 minutes each; and provided further that the morning hour be deemed to have expired.

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

ORDER FOR ADJOURNMENT

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

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

PROGRAM

Mr. BAKER. Mr. President, when the Senate completes its business today it will stand in adjournment until the hour of 12 noon on Monday next.

After the recognition of the two leaders under the standing order, there will be a special order in favor of Senator PROXMIRE for not to exceed 15 minutes to be followed by a period for the transaction of routine morning business of not longer than 1 hour in length in which Senators may speak for not more than 10 minutes each.

After the expiration of the time for the transaction of routine morning business the Senate will turn to the consideration of the unfinished business which is House Joint Resolution 492, the urgent supplemental appropriations bill.

ADJOURNMENT UNTIL MONDAY, MARCH 26, 1984

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and, at 7:18 p.m., the Senate adjourned until Monday, March 26, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 22, 1984:

DEPARTMENT OF THE TREASURY

Bruce E. Thompson, Jr., of Maryland, to be a Deputy Under Secretary of the Treasury, vice E. Dennis Thomas, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 1984:

DEPARTMENT OF STATE

Harry W. Shlaudeman, of California, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador at Large.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.

IN THE ARMY

The following named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be Lieutenant general

Maj. Gen. David K. Doyle, ~~xxxx-xx-xxxx~~, U.S. Army.