HOUSE OF REPRESENTATIVES—*Monday, June 18, 1984*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 15, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 18, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Gracious God, may we be aware of the passing of time and the moments of opportunity. We have been thankful when we have used the time given to us in ways that contributed to the quality of life for ourselves and those about us, and we confess that we have also used time wastefully or foolishly. Encourage us, O Lord, while time is before us, to make wise use of our days to better be the people we ought to be and to do the things that make for peace in our land and in our world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

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

H.R. 3131. An act for the relief of Marina Kunyavsky;

H.R. 3221. An act for the relief of Harvey E. Ward;

H.R. 4201. An act to provide for the rescheduling of methaqualone into schedule I of the Controlled Substances Act, and for other purposes; and

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4325) entitled "An act to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOLE, Mr. PACKWOOD, Mr. ARMSTRONG, Mr. GRASSLEY, Mr. LONG, Mr. MOYNIHAN, and Mr. BRADLEY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 548. Joint Resolution authorizing the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information, and for other purposes.

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

S. 197. An act to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes;

S. 2483. An act to rename Dulles International Airport in Virginia as the "Washington Dulles International Airport";

S. 2619. An act to extend programs under the Indian Education Act through fiscal year 1985;

S. 2635. An act to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1985;

S. 2706. An act to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1985 and 1986, and for other purposes;

S.J. Res. 55. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities;

S.J. Res. 270. Joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp";

S.J. Res. 297. Joint resolution to designate the month of June 1984 as "Veterans' Preference Month"; and

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

JAMES O. EASTLAND U.S. COURTHOUSE

The Clerk called the bill (H.R. 3401) to designate that hereafter the U.S. Post Office and Courthouse at 245 East Capital Street in Jackson, MS, will be known as the James O. Eastland Federal Court Building.

There being no objection, the Clerk read the bill, as follows:

H.R. 3401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the United States Post Office and Courthouse at 245 East Capital Street in Jackson, Mississippi will be known as the James O. Eastland Federal Court Building. Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "James O. Eastland Federal Court Building."

With the following committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

That the United States Post Office and Courthouse located at 245 East Capital Street in Jackson, Mississippi, shall hereafter be known and designated as the "James O. Eastland United States Courthouse". Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be deemed to be a reference to the "James O. Eastland United States Courthouse".

The committee amendment was agreed to.

● Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3401, a bill to designate that the U.S. Post Office and Courthouse at 245 East Capital Street in Jackson, MS, be known as the "James O. Eastland U.S. Courthouse."

Senator James O. Eastland was born on the family farm in Sunflower County, Doddsville, MS, on November 28, 1904. He grew up in Scott County, MS, and was a graduate of Forest High School. He attended the University of Mississippi, Vanderbilt University, and the University of Alabama. He was admitted to the bar in 1927 and commenced practice in Forest, MS. He also engaged in farming. He was elected to the Mississippi House of Representatives from Scott County in 1927 and served one term from 1928 to

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1932. Thereafter, he returned to Sunflower County to farm and practice law.

Senator James O. Eastland married Elizabeth Coleman in 1932 and they have four children.

Senator Eastland was appointed to the U.S. Senate on June 30, 1941, and served in that capacity until September 28, 1941. He was elected to the U.S. Senate on November 3, 1942, for the term beginning January 3, 1943, and was reelected for five succeeding terms until his resignation on December 27, 1978. During his tenure in the U.S. Senate, Senator Eastland served with distinction on the Committee on Agriculture, Nutrition, and Forestry, and was the author of agriculture legislation which benefited Americans nationwide. In addition, he served as chairman of the Committee on the Judiciary longer than any Senator in history and was the sponsor of significant anticrime legislation. Senator Eastland is the first Mississippian to have served in the line of Presidential succession. He was elected President pro tempore on July 28, 1972. He was President of the Senate on two occasions; namely, October 11, 1973, through December 6, 1973, and August 9, 1974, through December 19, 1974.

In view of his many years of service to his fellow citizens, and his many contributions to the quality of American life, it is fitting that the U.S. post office and courthouse at 245 East Capital Street, Jackson, Miss., be known as the James O. Eastland U.S. Courthouse.

I urge enactment of H.R. 3401.●

● Mr. HOWARD. I rise in support of H.R. 3401, a bill paying tribute to Senator James O. Eastland by naming the U.S. post office and courthouse at 245 East Capital Street in Jackson, Miss., as the "James O. Eastland U.S. Courthouse."

Mr. Speaker, Senator Eastland served with distinction in the U.S. Senate for the term beginning January 3, 1943, until his resignation on December 27, 1978. During his tenure, he was held in high regard by his colleagues on both sides of the aisle and served with distinction as chairman of the Senate Committee on the Judiciary.

I urge enactment of H.R. 3401.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to designate the United States Post Office and Courthouse located at 245 East Capital Street in Jackson, Mississippi, as the James O. Eastland United States Courthouse."

A motion to reconsider was laid on the table.

DR. A.H. McCOY FEDERAL BUILDING

The Clerk called the bill (H.R. 3402) to designate that hereafter the Federal building at 100 West Capital Street in Jackson, MS, will be known as the Dr. A.H. McCoy Federal Building.

There being no objection, the Clerk read the bill, as follows:

H.R. 3402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the Federal building at 100 West Capital Street in Jackson, Mississippi, will be known as the Doctor A.H. McCoy Building. Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Doctor A. H. McCoy Federal Building."

With the following committee amendment:

That the Federal building at 100 West Capital Street in Jackson, Mississippi, shall hereafter be known and designated as the "Doctor A.H. McCoy Federal Building". Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Doctor A.H. McCoy Federal Building".

The committee amendment was agreed to.

● Mr. YOUNG of Missouri. Mr. Speaker, I rise in support of H.R. 3402, a bill to designate that the Federal Building at 100 West Capital Street in Jackson, MS, be known as the D.A.H. McCoy Federal Bulding.

Dr. A.H. McCoy was a black dentist who provided care to the citizens of Jackson, MS, for over 40 years. He worked to improve the plight of those living in poverty. He participated in many civic organizations and was constantly involved in the activities of the community.

As a business leader, Dr. McCoy was held in high regard. He built and operated two movie theaters in Jackson after World War II and helped to build and operate a trade school for veterans after the war. Dr. McCoy was in the forefront in the struggle to gain equal justice under the law for all citizens, black and white. He was the first State president of the NAACP in Mississippi and held that office at the time of the Brown against Board of Education Supreme Court decision in 1954.

Dr. McCoy's widow, the former Dr. Rose Embly, served on the faculty of Jackson State University for many years where she was a professor and headed the department of psychology. She remains active in the community.

Paying tribute to Dr. McCoy by naming the Federal Building located at 100 West Capital Street in Jackson, MS, in his honor is fitting in the view of his dedication and service to the community of Jackson, MS.

I urge enactment of H.R. 3402.●

● Mr. HOWARD. Mr. Speaker. I rise in support of H.R. 3402, a bill to memorialize the late Dr. A.H. McCoy by designating the Federal building at 100 West Capital Street, in Jackson, MS, in his honor and concur with the remarks of the distinguished chairman of the Subcommittee on Public Buildings and Grounds of the House Committee on Public Works and Transportation, the gentleman from Missouri, Congressman ROBERT A. YOUNG.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDGAR, Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on H.R. 3401 and H.R. 3402.

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

There was no objection.

RONALD BECK

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

Mr. LEVINE of California. Mr. Speaker, last Friday, Ronald James Beck was buried. It was a sad day last Friday not only for the people who knew him but also for America.

Ron Beck was a war hero who served three tours of duty of Vietnam. He received three bronze stars and two purple hearts along with more than a dozen other medals.

Ron Beck survived Vietnam. Unfortunately, he did not survive a decade of battles with the Veterans' Administration here at home. Mr. Beck lived in pain for 19 years as a result of a back injury suffered in Vietnam. The pain was so intense he had to drop out of school and could not hold a job.

After 10 years of attempting to convince the VA that he was fully, rather than partially disabled, Ron Beck finally decided he had had enough when he was notified that his $535 monthly disability payments had been cut off because the VA claimed he had been overpaid.

The VA now admits that it was wrong and never should have taken such action against Mr. Beck. The VA's admission of error is little consolation, however. Mr. Speaker, our veterans deserve to be treated with respect and with dignity. Unfortunately, too often they get neither. I promise to do all I can to ensure that Ron Beck will not have suffered in vain and that this tragedy will not be repeated.

NELLIS AIR FORCE BASE, "HOME OF THE FIGHTER PILOT"

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

Mr. REID. Mr. Speaker, Nellis Air Force Base, NV, is known as the Home of the Fighter Pilot, and justly so. Virtually every free-world fighter pilot since the Korean conflict has trained there. And, its Tactical Fighter Weapons Center continues to provide graduate-level fighter weapons training for mission-ready air crews.

Much of the success of this center can be attributed to three of the men who commanded it, men who continue to call Las Vegas home.

Gen. R. G. Zack Taylor founded the center in 1966. Taylor, himself a highly decorated fighter ace, spent 30 years commanding fighter units. The combat veteran of two wars is now president of First Western Savings & Loan.

Gen. Homer Hansen, the first Air Force pilot to fly 100 combat missions in Korea, took command after General Taylor. Hansen, who also received many decorations, including the Distinguished Flying Cross, is now an executive with Family Savings & Loan.

In the early seventies Gen. William Chairsell commanded the center. Having served as a fighter pilot, and military leader for 32 years, General Chairsell retired from the Air Force in 1973. He then became an executive with the Union Plaza Hotel.

Three commanders who gave nearly 100 years of cumulative service, to our military.

Three leaders who continue to serve the interests and needs of this Nation in Las Vegas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of bills under suspension of the rules.

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

Such rollcall votes, if postponed, will be taken on Tuesday, June 19, 1984.

VETERANS' COMPENSATION AMENDMENTS FOR FISCAL YEAR 1985

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5688) to amend title 38, United States Code, to provide a cost-of-living increase for fiscal year 1985 in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation paid to survivors of such veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Compensation Amendments for Fiscal Year 1985".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE 1—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

PART A—RATE INCREASES

DISABILITY COMPENSATION

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$64" in subsection (a) and inserting in lieu thereof "$67";

(2) by striking out "$118" in subsection (b) and inserting in lieu thereof "123";

(3) by striking out "$179" in subsection (c) and inserting in lieu thereof "$187";

(4) by striking out "$258" in subsection (d) and inserting in lieu thereof "$269";

(5) by striking out "$364" in subsection (e) and inserting in lieu thereof "$380";

(6) by striking out "$459" in subsection (f) and inserting in lieu thereof "$479";

(7) by striking out "$579" in subsection (g) and inserting in lieu thereof "$604";

(8) by striking out "$671" in subsection (h) and inserting in lieu thereof "$700";

(9) by striking out "$755" in subsection (i) and inserting in lieu thereof "$787";

(10) by striking out "$1,255" in subsection (j) and inserting in lieu thereof "$1,309";

(11) by striking out "$1,559" and "$2,185" in subsection (k) and inserting in lieu thereof "$1,626" and "$2,279", respectively;

(12) by striking out "$1,559" in subsection (l) and inserting in lieu thereof "$1,626";

(13) by striking out "$1,719" in subsection (m) and inserting in lieu thereof "$1,793";

(14) by striking out "$1,954" in subsection (n) and inserting in lieu thereof "$2,038";

(15) by striking out "$2,185" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,279";

(16) by striking out "$938" and "$1,397" in subsection (r) and inserting in lieu thereof "$978" and "$1457", respectively;

(17) by striking out "$1,404" in subsection (s) and inserting in lieu thereof "$1,464"; and

(18) by striking out "$271" in subsection (t) and inserting in lieu thereof "$283".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

(1) by striking out "$77" in clause (A) and inserting in lieu thereof "$80";

(2) by striking out "$128" and "$41" in clause (B) and inserting in lieu thereof "$134" and "$43", respectively;

(3) by striking out "$52" and "$41" in clause (C) and inserting in lieu thereof "$54" and "$43", respectively;

(4) by striking out "$62" in clause (D) and inserting in lieu thereof "$65";

(5) by striking out "$139" in clause (E) and inserting in lieu thereof "$145"; and

(6) by striking out "$116" in clause (F) and inserting in lieu thereof "$121".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$338" and inserting in lieu thereof "$353".

DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 104. (a)(1) Subsection (a) of section 411 is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$481
E-2	495
E-3	507
E-4	540
E-5	555
E-6	567
E-7	596
E-8	628
E-9	[1] 656
W-1	608
W-2	633
W-3	651
W-4	689
O-1	608
O-2	628
O-3	672
O-4	710
O-5	783
O-6	882
O-7	954
O-8	1,046
O-9	1,123
O-10	[2] 1,230

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $707.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,319.".

(2) Subsection (b) of such section is amended by striking out "$53" and inserting in lieu thereof "$55".

(3) Subsection (c) of such section is amended by striking out "$139" and inserting in lieu thereof "$145".

(4) Subsection (d) of such section is amended by striking out "$68" and inserting in lieu thereof "$71".

(b) Section 413 is amended—

(1) by striking out "$233" in clause (1) and inserting in lieu thereof "$243";

(2) by striking out "$334" in clause (2) and inserting in lieu thereof "$348";

(3) by striking out "$432" in clause (3) and inserting in lieu thereof "$451"; and

(4) by striking out "$432" and "$87" in clause (4) and inserting in lieu thereof "$451" and "$91", respectively.

(c) Section 414 is amended—

(1) by striking out "$139" in subsection (a) and inserting in lieu thereof "$145";

(2) by striking out "$233" in subsection (b) and inserting in lieu thereof "$243"; and

(3) by striking out "$118" in subsection (c) and inserting in lieu thereof "$123".

EFFECTIVE DATE FOR RATE INCREASES

SEC. 105. The amendments made by this part shall take effect on December 1, 1984.

PART B—COMPENSATION PROGRAM AMENDMENTS

PRESUMPTION OF SERVICE-CONNECTION FOR LUPUS

SEC. 111. (a) Section 301(3) is amended by inserting below "Leukemia" the following:

"Lupus erythematosus, systemic".

(b) Section 312 is amended—

(1) by striking out "to a degree of 10 percent or more" each place it appears;

(2) by striking out "a 10 percent degree of disability or more" each place it appears; and

(3) by striking out "or aggravated by" both place it appears.

(c) The amendments made by this section shall take effect on October 1, 1984.

PERCENTAGE OF DISABILITY FOR PEACE-TIME SERVICE-CONNECTED DISABILITIES IN ORDER TO RECEIVE ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 112. (a) Section 335 is amended by striking out "50 per centum" and inserting in lieu thereof "30 percent".

(b) The amendment made by subsection (a) shall take effect on October 1, 1984.

TITLE II—OTHER VETERANS' PROGRAM IMPROVEMENTS

ADVISORY COMMITTEE ON ATOMIC VETERANS

SEC. 201. (a)(1) Chapter 3 is amended by inserting after section 222 the following new section:

§ 223. Advisory Committee on Veterans Exposed to Ionizing Radiation

"(a) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Veterans Exposed to Ionizing Radiation (hereinafter in this section referred to as the 'committee').

"(b) The committee shall consist of—

"(1) members appointed by the Administrator from the general public, including—

"(A) veterans, or appropriate representatives of veterans, who were exposed to ionizing radiation from the testing of a nuclear device or during the occupation of Hiroshima or Nagasaki during World War II;

"(B) individuals who are recognized authorities in fields pertinent to ionizing radiation, including the health-care needs of persons exposed to ionizing radiation; and

"(C) representatives of veterans with service-connected disabilities;

"(2) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary from the Defense Nuclear Agency); and

"(3) the Chief Medical Director and the Chief Benefits Director of the Veterans' Administration (or their designees).

"(c) The Administrator shall determine the number, terms of service, and pay and allowances of members of the committee appointed by the Administrator, except that the term of service of any such members may not exceed three years.

"(d) The Administrator shall, on a regular basis, consult with and seek the advise of the committee with respect to (1) the administration of benefits under laws administered by the Veterans' Administration for veterans who were exposed to ionizing radiation during active military, naval, or air service, (2) the unique needs of such veterans and their dependents and survivors with respect to compensation, health care, and rehabilitation, and (3) the basis for, and appropriateness of, the recognition of disabilities, disorders, infirmities, diseases, or chromosomal damages as symptomatic of exposure to ionizing radiation.

"(e) Not later than July 1, 1985, and not later than July 1 of each second year thereafter, the committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to veterans exposed to ionizing radiation. The committee shall include in each such report an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation, a review of the programs and activities of the Veterans' Administration designed to meet such needs, and such recommendations (including recommendations for administrative and legislative action) as the committee consider appropriate. The Administrator shall immediately submit such report to the Congress with any comments concerning the report that the Administrator considers appropriate.

"(f) The committee may also submit to the Administrator such other reports and recommendations concerning veterans exposed to ionizing radiation as the committee considers appropriate.

"(g) The Administrator shall include in each annual report submitted to Congress pursuant to section 214 of this title a summary of all reports and recommendations of the committee submitted to the Administrator since the previous annual report of the Administrator.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 222 the following new item:

"223. Advisory Committee on Veterans Exposed to Ionizing Radiation.".

(b) Section 223 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

VOCATIONAL TRAINING ASSISTANCE FOR NEW PENSION RECIPIENTS UNDER AGE 50

SEC. 202. (a)(1) Subchapter II of chapter 15 is amended by adding at the end the following new section:

"§ 524. Vocational training assistance for new pension recipients under age 50

"(a) This section applies (in addition to the other requirements of this title) to the awarding of pension to a veteran under the age of 50.

"(b) In the case of a veteran under the age of 50 who has applied for pension and has been determined to be permanently and totally disabled from a non-service-connected disability and otherwise to be entitled to pension, the Administrator shall determine whether the achievement of a vocational goal by the veteran is reasonably feasible. Any such determination shall be made only after a personal interview with the veteran by a Veteran's Administration employee who is trained in vocational counseling. Failure of the veteran to participate in the interview and to otherwise participate in a manner required by the Administrator in order to make such determination shall result in this suspension of the veteran's pension until the veteran completes the required participation.

"(c) If the Administrator determines that the achievement of a vocational goal by the veteran is not reasonably feasible, payment of pension to the veteran shall continue.

"(d)(1) If the Administrator determines that the achievement of a vocational goal by the veteran is reasonably feasible, then the veteran may elect to undertake a program of vocational training under this subsection. Any such program shall be designed in consultation with the veteran in order to meet the veteran's individual needs.

"(2) Notwithstanding the provisions of sections 1502 and 1503 of this title, a vocational training program for the purposes of this section shall be carried out as a vocational rehabilitation program under chapter 31 of this title.

"(3) A veteran enrolled in a vocational training program under this section shall be paid pension in accordance with this chapter and may receive any of the types of service and assistance described in section 1504(a) of this title with the exception of a subsistence allowance and other assistance authorized by sections 1508 and 1512 of this title.

"(4)(A) The vocational training provided a veteran under a vocational training program under this section may not exceed 48 months.

"(B) Upon completion of a program of vocational training under this section, a veteran may receive the counseling and placement and postplacement services described in clauses (2) and (5) of section 1504(a) of this title for a period not to exceed 18 months.

"(5) A program of vocational training may not be begun under this section after September 30, 1989.

"(e) In the case of a veteran to whom this section applies who is entitled to increased pension by reason of being permanently housebound or in need of regular aid and attendance who pursues a vocational training program under this section and whose entitlement to pension is terminated after completion of such program solely because the amount of the veteran's annual income is greater than the applicable maximum annual income limitation, the eligibility of the veterans for drugs and medicine under section 612(h) of this title shall continue (without regard to the amount of the annual income of the veteran) for one year after such termination of the veteran's entitlement to pension.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new item:

"524. Vocational training assistance for new pension recipients under age 50.".

(b) Section 524 of title 38, United States Code, as added by subsection (a), shall apply only with respect to the awarding of pension for which application is first received by the Veterans' Administration after September 30, 1984.

SERVICEMEN'S GROUP LIFE INSURANCE

SEC. 203. (a) Section 767 is amended—

(1) by striking out "$35,000" in subsections (a) and (d) and inserting in lieu thereof "$50,000";

(2) by striking out "the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000" in subsections (a) and (c) and inserting in lieu thereof "any amount less than $50,000 divisible by $5,000"; and

(3) by striking out "the amount of $35,000, $30,000, $25,000, $20,000, $15,000, or $10,000" in subsection (c) and inserting in

lieu thereof "the amount of $50,000 (or any lesser amount divisible by $5,000)".

(b) The amendments made by subsection (a) shall take effect on October 1, 1984.

AUTOMOTIVE ADAPTIVE EQUIPMENT PROGRAM

SEC. 204. (a) Section 1902(a) is amended by striking out "$4,400" and inserting in lieu thereof "$5,000".

(b) Section 1903(c) is amended by adding at the end thereof the following new sentence: "An eligible person who owns an automobile or other conveyance for which such person has received assistance under this chapter and who subsequently conveys such automobile or other conveyance is entitled to adaptive equipment assistance under this chapter for an automobile or other conveyance acquired after such conveyance, regardless of the person to whom the conveyance was made.".

(c) The amendments made by this section shall take effect on October 1, 1984.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks, and included extraneous matter, on H.R. 5688.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring before the House a bill to provide cost-of-living increases in rates of compensation paid to service-connected disabled veterans and dependency and indemnity compensation payments [DIC] for the survivors of veterans who die of service-connected causes. The rate of increase in this bill is 4.3 percent. The effective date of the rate increase is December 1, 1984.

As my colleagues know, cost-of-living adjustments for compensation and DIC purposes are not indexed by law. Therefore, we must make annual adjustments and this bill will offset the rate of inflation that has occurred since the last increase.

Mr. Speaker, I can assure my colleagues that the budget authority and outlays contained in this bill are within the target allocation for compensation and DIC benefits as contained in the House-passed budget resolution. The 4.3 percent cost-of-living increase is the major provision of this bill. It will benefit 2.25 million veterans and 300,000 survivors of veterans who die of service-connected causes. Passage of this bill will let our veterans and their families know that the House of Representatives places the highest priority on service-connected benefits.

Mr. Speaker, I shall not take the time of the House to discuss in detail other provisions of the bill. They are set out in the committee report. In addition to the rate increase, the bill would:

Increase the one-time automobile allowance for service-connected disabled veterans from $4,400 to $5,000.

Permit an eligible veteran to be reimbursed for the special adaptive equipment required because of disability for the safe operation of the vehicle if the veteran divests himself or herself of the title to a previously purchased and adapted vehicle;

Increase the maximum servicemen's group life insurance available to active duty military personnel from $35,000 to $50,000;

Add the disease lupus to the list of chronic diseases for which compensation is paid; and

Establish an advisory committee on veterans exposed to ionizing radiation.

Finally, Mr. Speaker, the bill would make certain vocational training benefits available for some veterans under the age of 50 who are eligible for pension benefits from the Veterans' Administration. The purpose of this provision is to encourage certain younger veterans who are disabled to overcome their disabilities and become employed rather than stay on the Government pension rolls. This provision of the bill is discretionary in that the Administrator would make the decision as to which veterans might be prime candidates to participate in the program. We think the program will permit some veterans to go back to productive jobs, thus saving the Federal Government money in the long run. The program is a pilot program and would expire in 1989. At that time the committee will evaluate the results of the program to determine whether or not it is cost-effective and, if so, whether it should be extended beyond the 1989 date.

Mr. Speaker, I want to commend the chairman of our Subcommittee on Compensation, Pension and Insurance, Mr. APPLEGATE, for his leadership in getting this measure to the floor. He has done an outstanding job. In addition, I want to commend the distinguished ranking minority member of the subcommittee, Mr. MCEWEN, who has cooperated fully with the leadership of the committee. I want to thank the distinguished gentleman from Georgia, [Dr. ROWLAND], for his interest in this bill. Dr. ROWLAND and Mr. HAMMERSCHMIDT are the chief sponsors of the provision of the bill that would establish an Advisory Committee on Veterans exposed to ionizing radiation. They worked very hard to get this accomplished.

Finally, Mr. Speaker, I want to recognize the outstanding leadership of the distinguished ranking minority member of the committee, my good friend, Mr. HAMMERSCHMIDT, for his work on this bill. He has been a great help to the leadership of the committee, and I sincerely appreciate his cooperation. I am grateful to all members of the subcommittee: Mr. HALL, Mr. DASCHLE, Mr. MARTINEZ, Mr. LEATH, Mr. SHELBY, Mr. MICA, Mr. DOWDY, Mr. WYLIE, Mr. HAMMERSCHMIDT, Mr. DENNY SMITH, and Mr. BURTON. All members of the subcommittee have attended the hearings and markup sessions and are to be commended for the time and attention they have devoted to this bill.

This is a good measure, Mr. Speaker, and I urge all Members of the House to support the bill.

□ 1210

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

Mr. Speaker, I rise in support of H.R. 5688, and I wish to commend the chairman of the Veterans' Affairs Subcommittee on Compensation and Pension, Mr. APPLEGATE, for his dedicated efforts in bringing this bill to the full Committee on Veterans' Affairs. He, and his colleague from Ohio, the subcommittee's ranking member, Mr. MCEWEN, have done an excellent job of consolidating several pressing issues into a bipartisan, noncontroversial measure.

I also congratulate the distinguished chairman of the committee, Mr. MONTGOMERY, for his continuing leadership in addressing the needs of our Nation's service-connected disabled veterans and their widows and survivors.

Mr. Speaker, I know this House shares with me the conviction that this Nation owes much more than it can possibly repay to those who have become disabled in the service of our country. From time to time, therefore, it is incumbent on us to act to alleviate the financial hardships or inequities that affect the lives of service-connected disabled veterans.

These veterans—and their dependents, through their representatives in the several veterans' organizations—ask of their Government only that they be accorded the respect they are certainly due. When these representatives appear before the Veterans' Affairs Committee, they are always most gracious.

This graciousness was amply demonstrated last year when, in response to budgetary necessity, all the veterans' organizations agreed to a 6-month de-

ferral of the normally scheduled cost-of-living increase.

The administration, in the budget submitted for fiscal year 1985, projected a 4.3-percent compensation COLA with an effective date of April 1985. Mr. Speaker, Public Law 98-223 was passed and signed following that submission. It expressed the sense of the Congress that compensation COLA's be effective on December 1 of each year, and I do not think we should depart from that target. We should not ask these disabled veterans to wait for their benefits a day longer than absolutely necessary when this Congress has already made its intentions clear.

I support such an increase, with an effective date of December 1, and I join with my colleagues on the committee who voted unanimously for this measure in urging the House to act favorably upon it.

In addition, Mr. Speaker, the bill has other valuable and compassionate aspects that make it good legislation.

The modest increase in the one-time automobile allowance for certain service-connected veterans is a good example. It represents a vitally needed adjustment if we are to offer relief to those men and women whose day-to-day routines depend on reliable devices to operate their automobiles. We must assure them of the means to operate their cars safely and with up-to-date equipment.

Mr. Speaker, the systemic disease known as lupus—a disease of the body's connective tissue—is difficult to diagnose and is often masked as other ailments in its early stages. The Veterans' Affairs Committee recognizes this disease to be a seriously debilitating one, and this legislation would add lupus to the Veterans' Administration list of chronic diseases for which compensation is payable on a presumptive basis.

Mr. Speaker, among our veteran population, there are those nonservice-connected pensioners who have developed crippling diseases or have suffered debilitating injuries after their military service. Many of these men and women are relatively young—there are some 35,000 who are under 50—and, because of their disabilities, have been unable to join the regular workforce.

Although the pension program has not, to date, included vocational rehabilitation as part of its scope, this bill would institute such a goal for a pilot period of 5 years. It would be directed at those pensioners under 50 considered by the Veterans' Administration to be eligible for job training and counseling. As these veterans are trained and find jobs, their numbers on the pension rolls should decrease, offering both a reduction in costs to the Government, and an increase in income to the veterans.

Holding a job is, for most of us, a mark of achievement and dignity. For those who wish to work but cannot because they are blocked by a disability, this bill would clear the way toward adding a number of productive and proud years to their lives.

Last year the President signed into law a measure that required the VA to look into the possibility of instituting a study of the effects of ionizing radiation on veterans. Because of the delayed and insidious effects of atomic radiation, we are just now coming to grips with the potential damage it may possibly inflict.

I was pleased to join with my colleague, Dr. ROWLAND, in sponsoring the portion of this bill that would create an advisory committee to oversee studies of atomic radiation. It would also set in place the mechanism with which to catalog and review the wealth of medical data that is currently not adequately compiled.

Finally, Mr. Speaker, this bill would increase the maximum amount of servicemen's group life insurance from $35,000 to $50,000, at no cost to the Government. The SGLI Program has been a good one, one that has assured our active-duty servicemen and women fair insurance coverage during times when private policies may not be practical.

In order to keep the maximum SGLI level competitive with other plans. We have, from time to time, raised its limits. This bill once again provides that necessary and equitable adjustment.

Mr. Speaker, H.R. 5688 is a well-considered bill. All its provisions have as their goals the best interests of our veterans, and I join with my colleagues of the Veterans' Affairs Committee in urging the House to see to it that those interests are justly served.

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

Mr. HAMMERSCHMIDT. I yield to the gentleman from Ohio.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman for yielding, and I want to note his valuable contributions of leadership and expertise as the ranking member of the Veterans' Affairs Committee in helping to guide this bill through the committee.

I wish to also commend the chairman of the Compensation and Pension Subcommittee [Mr. APPLEGATE] for his guidance and bipartisan spirit in coordinating the various bills that make up this measure. He is truly committed to bettering the lives of our veterans, and it is a pleasure to serve on the subcommittee with him.

As a member of the Veterans' Affairs Committee. I am privileged to work with our distinguished chairman [Mr. MONTGOMERY]. In concert with the gentleman from Arkansas, he represents the best this Nation can offer to her veterans.

Mr. Speaker, I support H.R. 5688, and urge my colleagues to pass it without delay. America's service-connected disabled veterans are among our most valued national resources, and I, for one, believe they are deserving of no less than the best this Congress can offer.

These veterans have been patient with their Government—they accepted a COLA delay last year and they have worked closely with the Veterans' Affairs Committee to work within a limited budget this year.

I agree with the committee that we must move forward in the spirit of Public Law 98-223 and provide this much-needed increase for December 1 of this year.

As Mr. HAMMERSCHMIDT has noted most eloquently, the other provisions of the bill include necessary adjustments for specially adapted automobiles, improved SGLI insurance rates, the institution of Disabled Pensioners Vocational Program, and the organization of an Atomic Veterans' Advisory Committee, which the gentleman from Arkansas cosponsored with Mr. ROWLAND.

I stand firmly behind the intent of these provisions and urge my colleagues to do the same and support this bill.

Again, I commend the chairman, Mr. HAMMERSCHMIDT, and Mr. APPLEGATE for their leadership in directing this measure through the Veterans' Affairs Committee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico [Mr. CORRADA].

□ 1220

Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 5688, a bill providing, among other things, an adjustment to service-connected disability compensation and dependency and indemnity compensation for veterans and their survivors reflecting the impact inflation has on these sorely needed benefits. The measure also proposes a modest increase from $4,400 to $5,000 in the one-time automobile allowance for certain service-connected disabled veterans.

The provisions contained in the legislation are warranted and of paramount importance to the welfare of our veterans. We must continue to revise the benefits our veterans and their survivors receive to ensure that inflation does not subdue the original intent of Congress when approving these benefits. Our veterans depend dearly and some totally on these benefits for their sustenance and daily living. Our responsibility to these loyal servants of democracy and freedom,

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and to the survivors of those who made the ultimate sacrifice for the America we enjoy today, demand our consistent review of their needs in line with the changing economic situation of the Nation. The cost-of-living adjustment the bill proposes reflects our commitment to the welfare of our veterans in just reciprocity for their deeds on our behalf.

The increase in the one-time automobile allowance for our disabled veterans is also fitting. Given the soaring increase in the cost of automobiles in recent times, the current $4,400 grant which we approved in the last Congress, fails to properly serve the purpose for which it was established. Automobiles with adaptive equipment are no longer within the economic reach of many of our disabled veterans. We must increase our participation in this effort to secure a reasonable opportunity for disabled veterans to acquire the kind of automobile that suits the needs their special conditions demand. These special conditions, such as the loss of extremities and the like, were suffered at our expense. We must continue to alleviate the burden their past sacrifices in the defense of our ideals pose on their daily living.

I urge my colleagues to vote for the passage of this sound legislation crafted to further our efforts on behalf of our most deserving citizens.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute.

I would like to recognize again the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and thank him for the work he has done on this bill, plus the gentleman from Ohio [Mr. APPLEGATE], who is the chairman of this subcommittee and who would be handling the bill today if he did not have a matter that he had to attend to, and the gentleman from Ohio [Mr. MCEWEN], the ranking minority member.

Mr. Speaker, I might say that we are very proud that all of the members of the subcommittee did go to all of these hearings and had 100-percent attendance at these hearings, which included the gentleman from Texas [Mr. SAM B. HALL, JR.], the gentleman from South Dakota [Mr. DASCHLE], the gentleman from California [Mr. MARTINEZ], the gentleman from Texas [Mr. LEATH], the gentleman from Alabama [Mr. SHELBY], the gentleman from Florida [Mr. MICA], the gentleman from Mississippi [Mr. DOWDY], the gentleman from Ohio [Mr. WYLIE], the gentleman from Oregon [Mr. DENNY SMITH], and the gentleman from Indiana [Mr. BURTON]. So we are very proud of that record. It was a full attendance when this bill was reported out.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. EDGAR], who is chairman of the Subcommittee on Hospitals and Health Care of the Veterans' Affairs Committee.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I just want to rise in strong support of this legislation. I think the Subcommittee on Compensation, Pension, and Insurance did an excellent job in putting the legislation together. I commend the chairman.

● Mr. APPLEGATE. Mr. Speaker, before commenting on H.R. 5688, I want to express my thanks and appreciation to my good friend and colleague from Ohio [BOB MCEWEN] for his assistance in bringing this bill to the floor. As the ranking member of the Subcommittee on Compensation, Pension, and Insurance, he has worked with diligence and perseverance to shape this legislation. During the various meetings of the subcommittee and the full committee, BOB has been an outstanding supporter of the veterans compensation program. His willingness to meet with me and the various veterans' organizations has been of invaluable assistance in resolving troublesome issues.

I also want to say that I am grateful for the support and cooperation given to me by our chairman, Mr. MONTGOMERY and by the ranking minority member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT]. The Veterans' Affairs Committee can always count on the leadership of these men; and when it comes to veterans' programs, their record speaks for itself. I just want to express my feelings about their magnificent contributions in shaping the legislation to care for those who have fought for and defended our country.

Mr. Speaker, there are more than 2.25 million veterans receiving compensation as a result of having incurred disabilities during their military service. The basic purpose of the disability compensation program, throughout its history, has been one of providing a measure of relief from the impaired earning capacity of veterans disabled as the result of their military service. The amount of compensation payable varies according to the degree of disability, which in turn, is required by law to represent to the extent practicable, the average impairment in earning capacity resulting from such disability or combination of disabilities in civil occupations.

We also have over 300,000 widows and children receiving dependency and indemnity compensation as survivors of veterans who died from service-related causes. The purpose of this benefit is to provide partial compensation to the designated survivors for the loss in financial support sustained as the result of the service-connected death. Income and need are not factors in determining a surviving spouse's or child's entitlement since the Nation assumes, in part, the legal and moral obligation of the veteran to support his wife and children.

The centerpiece of this bill is the cost-of-living increase of 4.3 percent in disability compensation for veterans with service-connected disabilities and in dependency and indemnity compensation for widows and children of veterans who died from service-connected causes. It has an effective date of December 1, 1984, and is in agreement with Public Law 98-223, which contained a sense of the Congress statement that the next COLA should be in December. The Budget Committee agrees with us and funds for this bill are within our target allocation for compensation in the House-passed budget resolution. I also want to point out that this increase for service-connected veterans will have the same effective date as the indexed non-service-connected pension program. This should eliminate some of the concern as to which of the programs, service-connected or non-service-connected, are adjusted on a more timely basis.

Mr. Speaker, I am sure that all Members are aware of the concern of those veterans who were exposed to radiation while in service, either in the occupation forces in Japan or while participating in the atmospheric testing of nuclear devices. Beginning in 1945 and continuing until 1963, the U.S. Government exploded approximately 235 nuclear bombs or devices over the American Southwest and Pacific Ocean. The Department of Defense estimates approximately 220,000 military personnel participated in those tests. Many of them were exposed to low-level ionizing radiation which may or may not have been accurately documented. Additional personnel may have been exposed to low-level radition while in the occupation forces at Hiroshima and Nagasaki, Japan in 1945.

Public concern about the health effects of low-level ionizing radiation has been heightened in recent years by the results of several studies. The U.S. Government has spent close to $2 billion for research on the health effects of exposure to radiation. At least 80,000 scientific papers on the subject have been published worldwide. There is still much uncertainty about the effect of exposure to low-level ionizing radiation and how to predict the effects of exposure to low doses of ionizing radiation.

Because of these uncertainties, the Congress enacted Public Law 97-72 which authorized the provision of basic health care by the Veterans' Administration for a veteran's disability if it is found that during active service, he or she may have been exposed to ionizing radiation. Public Law 98-160, enacted in 1983, contained a provision which requires the Administrator of Veterans' Affairs to consider the feasi-

bility of conducting an epidemiological study of the effects of low-level radiation on veterans exposed in service.

The bill we bring to you today would create an advisory committee to look into the special problems and needs of veterans exposed to radiation. It is considered vitally important that a mechanism be put in place for reviewing the volumes of medical and scientific data that are now available on this subject. This wealth of information is meaningless to veterans or their survivors if there is no mechanism to sort through the data and literature and make objective determinations on whether or not particular disorders are relatable to a veteran's military service. This advisory committee should be of material assistance to the Administrator of Veterans' Affairs and to the Congress in evaluating the needs of this group of veterans and their survivors.

Mr. Speaker, I would be remiss if I did not recognize the efforts of our colleagues from Georgia, the Honorable ROY ROWLAND and the Honorable JOHN PAUL HAMMERSCHMIDT from Arkansas, on behalf of atomic veterans. They have been most vigorous and tireless in their efforts in this area.

One of the significant provisions of our amendments is the vocational training to be made available to younger disabled wartime veterans who are in receipt of pension. This pilot program will, I believe, show that with a minimum investment, we can restore these unfortunate veterans, disabled after their discharge, to a productive place in our society. This optimism as to the potential for success is reflected in the cost estimates by the Congressional Budget Office and by the Veterans' Administration which anticipate a net savings by the end of either the third of fourth year. Initially, it will be available to pensioners going on the rolls after September 30, 1984. If it looks like it will work as we intend it to, we can open it up to all younger disabled veterans already receiving pension. And whether we rehabilitate 10 or 10,000 veterans in this pilot program, it is a far greater achievement to restore veterans to productive life than to continue them on pension.

Mr. Speaker, the increase from $35,000 to $50,000 in Servicemen's Group Life Insurance for our active duty and Ready Reserve personnel is most appropriate. The Defense Department has strongly endorsed the increase and described it as an integral part of the compensation package for military personnel. Since the premiums paid by service personnel will cover the costs of the increased protection, it represents no budget increase. Also, I would point our that through efficient management of this program, the Veterans' Administration has announced a premium reduction of some 31 percent to be effective July 1, 1984. As a result, our military personnel will be able to have $50,000 coverage after enactment of our amendments at a lower cost than they now pay for $35,000 protection.

Another provision would increase the one-time automobile allowance for certain service-connected veterans from $4,400 to $5,000. This allowance is a readjustment benefit for veterans with certain severe service-connected disabilities such as the loss of an arm or leg, and has not been increased since 1981. It is a one-time benefit and the VA estimates 700 such cases will be approved in fiscal year 1985, at a cost of less than $500,000.

This bill would also straighten out another inequity caused by a recent ruling by the General Counsel of the Veterans' Administration. Current law provides that a veteran who meets the requirements for the one-time payment of the automobile allowance is eligible, on a continuing basis, for reimbursement of the costs of special adaptive equipment necessary for the veteran to operate the vehicle in a safe manner. For example, a veteran with a leg amputation may require an automatic transmission or repositioning of the pedals on the floorboard. The law further provides that a veteran is not entitled to adaptive equipment for more than one automobile at any time. The General Counsel ruled recently that reimbursement for adaptive equipment is prohibited if the previously purchased and adapted automobile has been sold or given to a spouse or family member in the same household. In effect, the general counsel said the vehicle remains in his household and is available to him.

This means that if an eligible veteran has an older, worn-out, and unreliable car with adaptive equipment furnished by the VA many years ago and he replaces that old car with a new one, reimbursement cannot be made for the adaptive equipment on the new car if title to the old car is transfered to the spouse or teenaged child. But there is no problem if he sells the old car to a neighbor who in turn resells the car to the spouse or child. Our amendment would simply permit the veteran to be reimbursed for the required adaptive equipment on the new car if he divests himself of title to the old car.

Another amendment in the bill would add systemic lupus erythematosus to the list of chronic diseases in section 301 of title 38. Systemic lupus is a disease that affects connective tissue of the body. Symptoms that appear in the early stages of the disease are sometimes difficult to diagnose, except in retrospect. Many times it appears as arthritic like symptoms, skin rashes, or fever, and the accurate diagnosis of lupus is not made until many months after the first symptoms. This amendment would permit the Veterans' Administration to pay compensation if this disease is manifested within the first year after separation from service.

This amendment would also modify the requirement that a chronic disease be manifested to a compensable degree within the presumptive period, a requirement that is usually honored in the breach when it is shown that the disease actually existed during that period. It is most difficult in many cases to fix the actual level of disability which existed during the first year after discharge, even though it is clearly shown that the condition existed during that period.

Mr. Speaker, this completes my comments on the bill. It is a good one, reasonable in its costs and its approach to meeting the needs of our veterans in a responsible manner. I urge my colleagues to support this measure.●

● Mr. DASCHLE. Mr. Speaker, I rise in support of H.R. 5688, the Veterans' Compensation Amendments Act of 1984. This measure authorizes a 4.3-percent cost-of-living increase for veterans with service-connected disabilities and to survivors of veterans eligible for dependency and indemnity compensation [DIC]. It is important to note that the Veterans' Committee approved this increase effective December 1, 1984, rather than April 1, 1985, as had been requested by the administration. The committee felt it unfair that veterans' cost-of-living increases be delayed for 2 years in a row. Some 2.25 million veterans nationwide and approximately 6,300 in my home State of South Dakota can look forward to this increase later this year.

Another noteworthy aspect of this legislation is authorization of an Advisory Committee for Atomic Veterans. This will give greater focus and attention to the concerns of atomic veterans in the Veterans' Administration. It is my hope that the advisory committee will be active and aggressive in making recommendations to the agency and not become a rubber stamp of existing agency policy in this area.

Active-duty service men and women will benefit as a result of the increase in servicemen's group life insurance coverage from $35,000 to $50,000. As the Veterans' Administration plans a 31-percent reduction in premium costs effective July 1, 1984, it is unlikely that the insuree will have to pay additional premium costs for this extra coverage.

Another positive step in this legislation is authorization for a 5-year pilot program of vocational rehabilitation to pension beneficiaries under age 50. Presently, this category of veterans is ineligible for these benefits. The VA's vocational rehabilitation program has had outstanding success in assimilat-

ing severely wounded veterans back into society. Extending the services and training available under the program will greatly assist this other group of veterans in obtaining employment and further assimilating into normal society. I might point out that by the end of the 5-year authorization of this provision a net inflow to the Treasury is expected.

Finally, I would like to mention the increase in the one-time automobile allowance from $4,400 to $5,000. This increase will enable disabled veterans to keep up with rising costs in purchasing adaptive equipment. A provision is also included permitting veterans to be paid for adaptive equipment on a new car if he transfers title of the older adapted car to another person.

All things considered this is an excellent bill and I am pleased to have worked with the chairmen and ranking minority members at both the subcommittee and full committee levels.●

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 5688, as amended.

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

A motion to reconsider was laid on the table.

FEDERAL ELECTION COMMISSION AUTHORIZATION, 1985

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5606) to authorize appropriations for the Federal Election Commission for fiscal year 1985, as amended.

The Clerk read as follows;

H.R. 5606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and" after "1978," and by inserting after "1981" the following: ", and $12,019,000 for the fiscal year ending September 30, 1985".

SEC. 2. Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by striking out "SEC. 314." and inserting in lieu thereof "SEC. 314. (a)"; and

(2) by adding at the end the following new subsection:

"(b) In addition to the amount authorized to be appropriated by subsection (a) for the fiscal year ending September 30, 1985, there are authorized to be appropriated to the Commission for such fiscal year $815,000 for moving the offices of the Commission to a new facility and for necessary physical improvements to such facility.".

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

The gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

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

Mr. Speaker, H.R. 5606 is the authorization for the Federal Election Commission for fiscal year 1985.

As reported from the House Administration Committee, the bill authorizes a total of $12,834,000 for the upcoming year. This amount is $814,000 less than the Commission request.

This proposed budget for 1985 covers many activities related to the Presidential election this year, in addition to the usual postelection duties of the Commission. The FEC is required to oversee spending that is expected to reach $1 billion in this election cycle, and to audit the millions of dollars that will have been spent by the Presidential candidates.

The authorization total includes several major items. Two of the largest portions of the $12.8 million are $11,289,000 to maintain the current services level at the Commission, and $295,000 for a new computer contract when the current 5-year contract expires in April.

I would like to point out, Mr. Speaker, that it is important to have sufficient up-to-date computer capability at the Commission for several reasons. In the first place, the FEC gathers and stores enormous amounts of information.

They track documents, maintain the details of financial transactions, summarize the activities of political committees—and their data processing equipment is vitally important to enable them to perform those duties.

Second, the Commission is responsible for making much of this information it gathers available to the public in a timely and understandable fashion. This disclosure function is one of the most important duties of the Commission, and the computer both assists the Commission in organizing the data, and ultimately makes it possible to present the data in a form that is much easier for people to read and understand than the form in which it is initially received by the Commission.

Third, by the nature of their function, most of the Commission's budget goes for staff, but their computer capability has helped keep staff costs down. At its 1981 high point, Commission staffing was 282 positions; presently, the Commission is operating with fewer than 245 staff.

That is about a 13-percent decrease in staff, which has been achieved while the Commission's duties have been steadily growing.

The number of political action committees (or PAC's) filing with the Commission has risen by more than 20 percent in that time, and the overall amount of money spent in elections—which the Commission must track—continues to increase dramatically each year.

In addition to these components, there is a rather small item—$95,000—for the Commission's National Clearinghouse on Election Administration. This is to develop voluntary voting systems standards, and is the culmination of several years of study.

Finally, the last major item in this proposed authorization is $1,155,000 to cover the expected costs of the Commission's move to new offices.

It has been apparent for some time that the basic working conditions at the Commission are poor. Their building neither accommodates their needs, especially for adequate public access to their offices, nor meets the General Services Administration's requirements for physical standards, such as fire safety.

Since their lease will expire in February, the Commission has been working with GSA, and with GSA's recommended space-planning contractor, to determine whether to move or to renovate. The conclusion of the contractor is that relocation would be substantially less expensive than renovation.

Furthermore, renovation could never provide adequate space for access by the general public to Commission meetings and to their public records. Accordingly, the Commission plans to move after the first of the year, and the committee supports that plan.

A portion of the total amount that the committee is recommending for these moving costs is to cover the expected increase in rent when the FEC's current lease expires. The remainder, $815,000, is a one-time cost. It is specifically for the costs of the move itself, and of any necessary physical improvements to the new facility. Any of the amount that is not used for either of those purposes will revert to the U.S. Treasury.

Mr. Speaker, after careful examination of the Commission budget request and supporting testimony, the committee believes that each of these items is essential for the smooth functioning of the Commission in the upcoming year.

I urge all my colleagues to support this authorization.

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

Mr. Speaker, H.R. 5606, as amended, is the Federal Election Commission's authorization for fiscal year 1985.

The Federal Election Commission's request was for $13,648,000 and 278 employees for fiscal year 1985 at an increase of 27 percent over last year's level. The Office of Management and Budget recommended $10,230,000 and 236 positions. The House Administration Committee approved $12,834,000. That same amount has been included in this year's appropriation by the House committee.

The components of this request include: $11,289,000 which is the 5-percent increase over last year's appropriation and is the base figure required to maintain fiscal year 1984 level of activity; $1,155,000 for relocation expense of which $815,000 is dedicated solely to cover the cost of the move and cannot be used for any other purpose. Additionally, the authorization contains $295,000 for the projected cost of a new computer contract and $95,000 for completion of the voting system standards study by the Clearinghouse.

The Federal Election Commission also requested additional moneys to increase entry into the computer to include individual contributions between $200-$500, enhance the contractual capability of the National Clearinghouse on Election Administration, and to hire 15 additional staff persons. The committee did not believe these additional requests were warranted at this time.

At this authorization level, Mr. Speaker, the amount—excluding the move costs—represents an 11.9 percent increase over last year's appropriation.

The minority is not opposed to this authorization which was worked out by the chairman of the committee's Task Force on Elections [Mr. SWIFT] and its distinguished ranking member [Mr. THOMAS].

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

Mr. SWIFT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 5606, as amended.

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

A motion to reconsider was laid on the table.

□ 1230

GENERAL LEAVE

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

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

There was no objection.

RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF THE ARTS TO A COMPLETE EDUCATION

Mr. KOGOVSEK. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 452) recognizing the important contributions of the arts to a complete education.

The Clerk read as follows:

H.J. RES. 452

Whereas historically the arts have provided societies with a truly human means of expression that goes well beyond ordinary language;

Whereas the arts serve as a powerful expression of thoughts and feelings, as a means to challenge and extend the human experience, and as a distinctive way of understanding human beings and nature;

Whereas few areas of life are as important to a free, democratic society as education;

Whereas a country in which pluralism and individual expression are an essential part of its character must rely on a high level of shared education to foster a common culture;

Whereas public discussion following recent studies of education in America indicates an increasing desire to strengthen our Nation's schools;

Whereas the arts provide an important aspect of a complete education and have been included as one of the six basic academic subjects by the college board;

Whereas practice and preparation in the arts can develop discipline, concentration, and self-confidence;

Whereas participation in the arts helps to develop the higher levels of skill, literacy, and training essential to enable individuals to participate fully in our national life;

Whereas exposure to the arts is an integral part of the understanding and appreciation of the diverse cultures of the world;

Whereas the arts serve to preserve our uniquely American culture and provide a particularly effective means to present it to other nations; and

Whereas the arts enrich our lives by offering fulfillment through self-expression and aesthetic appreciation: Now, therefore be it,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That we recognize the important contribution of the arts to a complete education and urge all citizens to support efforts which strengthen artistic training and appreciation within our Nation's schools.

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

The gentleman from Colorado [Mr. KOGOVSEK] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. KOGOVSEK].

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

Mr. Speaker, the resolution before us this morning, House Joint Resolution 542, deserves the support of every Member. This resolution has enjoyed bipartisan support at every step, from introduction through unanimous approval by the Committee on Education and Labor. It is backed by the Congressional Arts Caucus. This legislation has no cost, but it is very important.

House Joint Resolution 452 acknowledges the valuable contributions of the arts to a complete education. The resolution calls attention to the role of the arts in human experience, the role of education in fostering democracy and culture, and the benefits of exposure to and participation in the arts. The resolution also urges all citizens to support efforts to strengthen artistic training and appreciation within our Nation's schools.

At a time when the issue of education is high on the public agenda, we must not forget the contributions of the arts to a well-rounded education. Many recent reports on educational quality have emphasized the arts as a basic academic subject. For example, the National Commission on Excellence in Education report stated that in high school, a high level of shared education in five basic subjects, "together with work in the fine and performing arts and foreign languages, constitutes the mind and spirit of our culture." Studies published by the College Board and the Carnegie Foundation for the Advancement of Teaching also cite the importance of arts in education.

Through this resolution, we also hope to stimulate discussion about the need to expose students to the arts and to increase support for arts education programs. Testimony before our subcommittee revealed that many students have not had adequate exposure to arts education. For example, elementary schools are, on the average, committing only 4 percent of the school week to arts instruction, with only a quarter of that provided by trained art teachers.

In addition, funding cutbacks at all levels of government have resulted in reductions in art courses in the school curriculum. Fiscal year 1982 was the last year that the Federal Government provided grants to the local level specifically for arts in education. This diminishing support is beginning to take its toll. The president of the Maryland Institute's College of Art has noted that in his State, there has been a 50-percent drop in the last 5 years in the number of high school students expressing an interest in pursuing arts as an area of study in college.

Through passage of House Joint Resolution 452, we wish to demonstrate that arts education is a Federal priority and to generate increased support through Federal leadership. I urge my colleagues to join with the

Committee on Education and Labor in supporting this resolution.

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

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

Mr. Speaker, House Joint Resolution 452 was introduced by our colleagues from New York [Mr. DOWNEY] and from Vermont [Mr. JEFFORDS], the chairman and vice chairman, respectively, of the Congressional Arts Caucus. I commend them both for their leadership in focusing attention on the arts in education. Their resolution now has more than 180 cosponsors.

The resolution sets forth the numerous ways in which study of the arts enriches our lives and would have the Congress recognize this important contribution of the arts of a complete education. In addition, the resolution would have the Congress urge all citizens to support efforts which strengthen artistic training and appreciation within our Nation's schools.

In other words, Mr. Speaker, by adopting this resolution here today, we affirm the importance of the arts to a basic, well-rounded education. There has been a tendency in some areas to neglect the arts and many Americans have had no training at all in the subject. We just want to ensure that schools do not overlook the arts.

My colleagues may have noted that many of the recent reports on the condition of education in our country have recommended including the arts as a basic component of a well-rounded curriculum. The Carnegie Commission's report, for example, included the arts in it core curriculum.

Through this resolution the House can show its Members also believe more attention should be given to the arts in education. I urge my colleagues to support House Joint Resolution 452.

● Mr. JEFFORDS. Mr. Speaker, I am very pleased that we have the opportunity today to consider House Joint Resolution 452 and I want to thank Chairman PERKINS of the Education and Labor Committee for his leadership on this issue. I also would like to recognize my colleague on the Arts Caucus, Mr. TOM DOWNEY, who introduced this resolution with me. His commitment to the arts and to the recognition of the importance of exposure to the arts to a complete education in this country is exemplary.

At a hearing before the Education and Labor Committee's Subcommittee on Elementary, Secondary, and Vocational Education held earlier this year, we heard from a panel that included art educators, an artist and the Chairman of the National Endowment for the Arts on the critical need to expose today's students to the arts and provide opportunities for artistic development expression in our schools. In recent evaluations of our Nation's educational system, a common observation has been that in our desire for fiscal restraint we cannot forget the contribution of the arts to a basic, well-rounded education. The National Commission on Excellence in Education's report. "A Nation at Risk," clearly states that the arts are one of six basic essentials to a complete education. Likewise, studies published by the college board and the Carnegie Foundation for the Advancement of Teaching also cite the importance of arts in education.

It is time we legislators recognized these facts. Fiscal year 1982 was the last year that the Federal Government provided grants specifically for arts in education. Similarly, we have essentially level funded the only other two programs of this nature, the Kennedy Education Program and the National Committee on the Arts for the Handicapped.

These actions are beginning to take their toll. At a recent conference held by the American Council on the Arts in preparation for their upcoming national conference on the arts in America, the president of the Maryland Institute's College of Art testified that in his State there has been a 50 percent drop in the last 5 years in the number of high school students expressing an interest in pursuing art as an area of study in college. This is an unbelievable statistic. It underlines a growing problem across the country. He cited a reduction in formal art programs, specifically at the secondary level, as a major factor. These programs are essential to providing an atmosphere to stimulate and encourage the creativity of students interested in the arts.

In my own State of Vermont, schoool officials and administrators have recognized the importance of providing this atmosphere. In a spirit of cooperation, the State education department, the Vermont Council on the Arts utilizing State and Federal grant moneys and private contributors last year experimented with a summer program of intense training for selected art students in the State; the Governor's Institute on the Arts. It was a tremendous success, providing a vehicle for individual to express themselves in a supportive environment that they would not normally find at their respective schools.

This program demonstrates the value of public and private cooperative ventures. We should take note of this experiment as a prime example of the need for continued Federal involvement in such projects. In addition, it highlights the need to offer these type of programs throughout the school year.

Mr. Speaker, I cannot say enough how glad I am to see this resolution before us today. Our endorsement of this resolution will reaffirm the commitment of this Congress to the goal of securing a complete education for our Nation's youth and to the importance of the arts to a broad, well-rounded curriculum. I urge my fellow Members to support House Joint Resolution 452. Thank you.●

GENERAL LEAVE

Mr. GUNDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER pro tempore [Mr. KAZEN]. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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

Mr. KOGOVSEK. Mr. Speaker, before I yield back the balance of my time, I would like to commend Congressman DOWNEY and Congressman JEFFORDS from the Congressional Arts Caucus for their tremendous amount of work on this piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. KOGOVSEK] that the House suspend the rules and pass the joint resolution, House Joint Resolution 452.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

WHEELING CREEK WATERSHED PROTECTION AND FLOOD PREVENTION DISTRICT COMPACT

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5177) granting the consent of Congress to an amendment to the Wheeling Creek watershed protection and flood prevention district compact entered into by the States of West Virginia and Pennsylvania.

The Clerk read as follows:

H.R. 5177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania and consented to by Congress by the Act of December 8, 1967 (81 Stat. 553), which amendment adds at the end of article VI of such compact the following:

"(i) The commission, subject to the conditions herein, may sell, exchange or lease property, real or personal, or any interest therein.

"When the property, or any interest or right therein, is being held for future use, it may be leased. When the real property, or any part thereof, or any interest or right therein, is deemed by the commission not necessary, or desirable for present or presently foreseeable future use, it may be exchanged for other property, or any interest or right therein, deemed by the commission to be necessary or desirable for present or presently foreseeable future use, or may be sold. In addition the commission may exchange real property, or any part thereof, or any interest or right therein, even though it may be desirable or necessary for present or presently foreseeable future use, if the exchange is made for other real property, or any interest or right therein, in close proximity thereto which the commission deems of equal or superior value for presently foreseeable future use. In making exchanges the commission may make allowances for differences in values of the properties being exchanged and may move or pay the cost of moving buildings, structures, or appurtenances in connection with the exchange.

"Every such sale of real property, or any interest or right therein or structure thereon, shall be at public auction in the county in which the real property, or the greater part thereof in value, is located, and the commission shall advertise, by publication or otherwise, the time, place and terms of such sale at least twenty days prior thereto. The property shall be sold in the manner which will bring the highest and best price therefor. The commission may reject any and all bids received at the sale. The commission shall keep a record, open to public inspection, indicating the manner in which such real property or any interest or right therein or structure thereon, was publicly advertised for sale, the highest bid received therefor and from whom the person to whom sold, and payment received therefor. Such record shall be kept for a period of five years and may thereafter be destroyed.

"The commission may insert in a deed or conveyance, whether it involves an exchange, lease or sale, such conditions as are in the public interest.

"All moneys received from the exchange, sale or lease of real or personal property, or any right or interest therein, shall be paid into the commission's treasury and used for the purpose for which the commission was created.

"If the commission has heretofore sold and conveyed away or leased any such property, such transaction and the documents of lease or transfer are hereby approved and confirmed and shall be as effective as if the authority to lease or convey the said property had been given in this statute as originally enacted.".

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

The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

The bill H.R. 5177 grants congressional approval of an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District compact, entered into by the States of West Virginia and Pennsylvania.

The Wheeling Creek Watershed Protection and Flood Prevention District compact was entered into by the States of West Virginia and Pennsylvania in 1967 to establish a governing body to carry out the purposes of the Wheeling Creek Watershed projects. Congressional consent was given that compact that year with the enactment of Public law 90-181.

The Wheeling Creek Watershed Commission was created by the original compact and acts as the governing body to carry out the Wheeling Creek Watershed project. In 1978, it was discovered that the commission did not have the power to sell or dispose of property it acquired. Pennsylvania's State Legislature rectified the problem on October 5, 1978, when it approved an amendment to the Wheeling Creek Watershed compact permitting the commission to sell, exchange, or lease real or personal property. The State of West Virginia also amended its Wheeling Creek Watershed compact, chapter 29, article 1F, of the official Code of West Virginia, 1931. Both State amendments are identical to the language of H.R. 5177.

The bill H.R. 5177 gives the required congressional ratification to the amendment. The need for congressional action was recognized earlier this year when the commission was exploring the possibility of conveying land in the flood pool of dam PA-648, the final structure of the Wheeling Creek watershed project, to a conservation agency for management of the unique, natural land. Attorneys exploring this transaction informed the executive director of the Wheeling Creek Watershed Commission, that even though the legislatures of both West Virginia and Pennsylvania had amended the original compact to allow for the disposal of property, Congress had not yet ratified the States' action.

The Subcommittee on Administrative Law and Governmental Relations conducted a hearing on the bill, H.R. 5177, on April 11, 1984, and there was no opposition expressed during the hearing nor during the full committee's considration.

The committee is of the opinion that this bill does not impact on interest or jurisdiction of the United States. The granting of congressional consent to this amendment is consistent with the interest and purpose of the Wheeling Creek watershed project. It is recommended that the bill be considered favorably.

□ 1240

Mr. Speaker, I might state that the gentleman from West Virginia [Mr. MOLLOHAN], has been very active in this matter. He is a prime sponsor of this bill, H.R. 5177.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, before I discuss the merits of H.R. 5177, I would first like to commend the gentleman from New Jersey [Mr. RODINO], the distinguished chairman of the Judiciary Committee, as well as the gentleman from Texas [Mr. HALL], who so ably chairs the Judiciary Subcommittee on Administrative Law and Governmental Relations, for their utmost cooperation in bringing this bill to the floor expeditiously.

H.R. 5177 would grant the consent of the Congress to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention compact. This bill is of extreme importance to those who live and work along the Wheeling Creek in northern West Virginia. The enactment of H.R. 5177 is instrumental to the timely and efficient completion of the Wheeling Creek Watershed project's sixth and final dam, which will reduce average annual flood damages along Wheeling Creek by an additional 27 percent.

The interstate compact between the States of West Virginia and Pennsylvania, which was first ratified by the Congress in 1967, needs to be amended to allow the Wheeling Creek Watershed Commission, the governing body of this project, to sell property so that the commission may sell land in the flood pool of the final dam to a conservation agency for proper management. Proceeds of the sale would be placed by the commission into a trust fund for maintenance of the dam site. The sale of land in the flood pool of the project's final dam to a conservation agency would also satisfy requirements of the environmental impact statement.

The legislatures of both West Virginia and Pennsylvania have passed laws approving this amendment, and now only congressional ratification is needed.

The Wheeling Creek Watershed project has been a longtime priority in my congressional district, and I hope my colleagues will act today to adopt H.R. 5177 so this essential project can be completed as soon as possible.

I would, at this time, like to provide you with some background as to why this bill is necessary.

Wheeling Creek in Ohio and Marshall Counties of West Virginia is subject to severe flooding. After considerable study in the 1960's, it was decided that a watershed project to be developed by the U.S. Soil Conservation Service [SCS] would be the best way to provide flood protection and prevention as well as water-based recreation opportunities in northern West

Virginia and southwestern Pennsylvania.

Congressional authority for the project was accomplished through the adoption of resolutions by the Committees on Public Works of the U.S. Senate and U.S. House of Representatives on October 17 and 18, 1966, respectively.

In 1967, the legislatures of West Virginia and Pennsylvania, by passing legislative measures, entered into an interstate compact, establishing a governing body to carry out the Wheeling Creek Watershed project. On December 8, 1967, Public Law 98-181 was enacted, providing congressional ratification of the compact.

The development of the watershed project began and the compact suited its purpose until 1978, when it was discovered that the governing body—the Wheeling Creek Watershed Commission—did not have the power to sell or dispose of property it acquired.

The Legislatures of West Virginia and Pennsylvania responded that year by amending the interstate compact, authorizing the commission to sell, exchange, and lease real and personal property. The judiciary committee has verified the legislative actions through the West Virginia and Pennsylvania secretaries of state.

Due to an administrative oversight during personnel changes, the Watershed Commission neglected to bring this matter before the Congress for ratification. Therefore, I was requested by Ms. Anne Bower, who has been the executive director of the Wheeling Creek Watershed Commission since 1979, to resolve this oversight.

This matter came to the forefront earlier this year when, according to Ms. Bower, the commission was exploring the possibility of selling land in the flood pool of dam PA-648, the sixth and final structure of the Wheeling Creek Watershed project, to a conservation agency for management of the unique, natural land. Attorneys exploring the sale informed Ms. Bower that even though the legislatures of West Virginia and Pennsylvania had amended the original compact to allow for the disposal of property, Congress had not yet ratified the States' action. Ms. Bower immediately began researching the situation and, finding no record of congressional ratification, concluded that congressional action would be needed.

This led to my introduction of H.R. 5177, which would rectify the oversight and allow the Wheeling Creek Watershed Commission to continue its negotiations with a conservation agency for management of the land in the flood pool of dam PA-648.

There is considerable support for the timely completion of the Wheeling Creek Watershed project and H.R. 5177. My predecessor and I have worked closely for years with West Virginia Senators JENNINGS RANDOLPH and ROBERT C. BYRD on this project. As a matter of fact, Senator RANDOLPH has introduced identical legislation, S. 2475, in the U.S. Senate. I have also cooperated with my colleague, AUSTIN J. MURPHY of Pennsylvania, whose district is affected by the development of two dams of the Wheeling Creek Watershed project.

In addition, the U.S. Soil Conservation Service has stated in writing that it is "pleased to see this bill introduced."

It gives me great pleasure to bring this matter before the House for its consideration today, and I would appreciate the support of the House for H.R. 5177.

Mr. Speaker, in closing I would like to again thank the distinguished chairman of this subcommittee, the gentleman from Texas [Mr. SAM B. HALL, JR.], for his cooperation and help to this Member of Congress on this legislation.

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

Mr. Speaker, I believe the case has been very well stated by my colleague, the gentleman from Texas, the chairman of the Subcommittee on Administrative Law and Governmental Relations.

I would only add that in the consideration of interstate compacts, I believe it is the function and duty of the subcommittee and the committee, and of this House, to consider primarily whether the States have regularly acted in entering into the interstate compact or agreement, and that basically the subject matter of the compact or agreement is not really what is involved here. However, I would say to my colleagues that I undertook on yesterday afternoon to do a personal, onsite inspection and can assure my colleagues that that part of the world which is encompassed within the Wheeling Creek Watershed and Flood Prevention District is indeed intact and in place except for such erosion as is likely to occur with that kind of terrain.

Therefore, the subject matter of the compact can certainly be carried out and I would urge my colleagues to expeditiously approve the bill.

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

Mr. SAM B. HALL, JR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore [Mr. KAZEN]. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, JR.] that the House suspend the rules and pass the bill, H.R. 5177.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

SELECTION OF COURT OF APPEALS IN MULTIPLE APPEALS OF AGENCY ORDERS

Mr. SAM. B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5365) to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order, as amended.

The Clerk read, as follows:

H.R. 5365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2112(a) of title 28, United States Code, is amended by strking out the last three sentences and inserting in lieu thereof the following: "If proceedings are instituted in two or more courts of appeals with respect to the same order, the following shall apply:

"(1) If within ten days after issuance of the order the agency, board, commission, or officer concerned receives, from the persons instituting the proceedings, the petition for review with respect to proceedings in at least two courts of appeals, the agency, board, commission, or officer shall proceed in accordance with paragraph (3) of this subsection. If within ten days after the issuance of the order the agency, board, commission, or officer concerned receives, from the persons instituting the proceedings, the petition for review with respect to proceedings in only one court of appeals, the agency, board, commission, or officer shall file the record in that court notwithstanding the institution in any other court of appeals of proceedings for review of that order. In all other cases in which proceedings have been instituted in two or more courts of appeals with respect to the same order, the agency, board, commission, or officer concerned shall file the record in the court in which proceedings with respect to the order were first instituted.

"(2) (For purposes of paragraph (1) of this subsection, a copy of the petition or other pleading which institutes proceedings in a court of appeals and which is stamped by the court with the date of filing shall constitute the petition for review. Each agency, board, commission, or officer, as the case may be, shall designate by rule the office and the officer who must receive petitions for review under paragraph (1).

"(3) If an agency, board, commission, or officer receives two or more petitions for review of an order in accordance with the first sentence of paragraph (1) of this subsection, the agency, board, commission, or

officer shall, promptly after the expiration of the ten-day period specified in that sentence, so notify the judicial panel on multidistrict litigation authorized by section 1407 of this title, in such form as that panel shall prescribe. The judicial panel on multidistrict litigation shall, by means of random selection, designate one court of appeals, from among the courts of appeals in which petitions for review have been filed and received within the ten-day period specified in the first sentence of paragraph (1), in which the record is to be filed, and shall issue an order consolidating the petitions for review in that court of appeals. The judicial panel on multidistrict litigation shall, after providing notice to the public and an opportunity for the submission of comments, prescribe rules with respect to the consolidation of proceedings under this paragraph. The agency, board, commission, or officer concerned shall file the record in the court of appeals designated pursuant to this paragraph.

"(4) Any court of appeals in which proceedings with respect to an order of an agency, board, commission, or officer have been instituted may, to the extent authorized by law, stay the effective date of the order. Any such stay may thereafter be modified, revoked, or extended by a court of appeals designated pursuant to paragraph (3) with respect to that order or by any other court of appeals to which the proceedings are transferred.

"(5) All courts in which proceedings are instituted with respect to the same order, other than the court in which the record is filed pursuant to this subsection, shall transfer those proceedings to the court in which the record is so filed. For the convenience of the parties in the interest of justice, the court in which the record is filed may thereafter transfer all the proceedings with respect to that order to any other court of appeals.".

SEC. 2. The amendment made by the first section of this Act shall take effect one hundred and eighty days after the date of the enactment of this Act, except that the judicial panel on multidistrict litigation may issue rules pursuant to subsection (a)(3) of section 2112 of title 28, United States Code, as added by the first section of this Act, on or after such date of enactment.

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

The gentleman from Texas [Mr. SAM B. HALL, JR.] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SAM B. HALL, JR.].

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 5365 is to simplify the selection of the proper court to handle the judicial appeal of an agency order in those cases where petitions for review are filed in more than one court of appeals.

Often more than one party files a judicial challenge to the validity of an agency order. Many statutes do not specify a particular circuit as the court to handle these challenges, therefore venue is proper in any of the circuits. If appeals are filed in more than one circuit, a single circuit must be selected to handle the appeal.

Until recent amendments to title 28, an agency had the option of selecting which circuit would have venue in the review of an agency order if multiple appeals were filed. This appeared to result in an unfair advantage to the agency, so in 1958, title 28 was amended to provide that the court of venue would be the court where the appeal was first filed. This first-to-file rule was intended to introduce balance and fairness into the selection of a court of venue by simply allowing the circuit of the first appeal to be the court of jurisdiction.

However, the 1958 amendment had an unintended result. Many lawyers believe that particular circuits will be more sympathetic to their client's arguments. Thus, races to the courthouse occur, with each lawyer trying to file first in the circuit he or she feels will be sympathetic. Because of this belief, courts have increasingly been faced with nearly simultaneous filings of appeals to the same agency order.

These races to the courthouse have resulted in some unfortunate consequences for the system of justice. Since the races are based on the theory that one court will interpret the law differently from another court, they detract from the public's perception of the Federal courts as impartial, consistent dispensers of justice. Moreover, these races produce no economic benefit, yet often cost private participants tens of thousands of dollars. In addition, once that race is complete, the parties—as well as the Federal courts and agencies—must then expend more resources on wasteful litigation to determine who won the race and which is the appropriate circuit for review.

H.R. 5365 remedies the existing situation by removing the incentive to race to the courthouse. It does this by modifying the first to file rule for those cases where more than one appeal of an agency order is filed in the first 10 days after the order is issued. In these cases, all petitions will stand on the same footing in the determination of which circuit will handle the appeal.

H.R. 5365 establishes a simple procedure to determine venue in these situations. It provides that the existing Judicial Panel on Multidistrict Litigation will choose a court of venue from among those circuits in which petitions to review an agency order have been filed. This choice will be made by a system of random selection. A party wishing to qualify for the random selection procedure will have to meet two conditions. First, the party will have to file an appeal of the agency order within 10 days after issuance of the order. Second, the party will also have to file a copy of the petition for review with the agency within the same 10-day period.

The random selection will include one entry for each circuit in which proceedings are pending, rather than one entry for each petitioner. After the selection, the judicial panel will issue an order consolidating the petitions for review in the selected circuit. The judicial panel is required to establish rules to govern these selection procedures after providing the public with notice and an opportunity to comment on such rules.

The circuit in which the proceedings are consolidated will take jurisdiction over all review proceedings dealing with the same order. This court will retain its existing power to transfer proceedings for the convenience of the parties in the interest of justice. H.R. 5365 does not change current standards for transfer. It also does not cover cases where venue is specified by statute to lie in one particular circuit; nor does it cover cases which are filed in the district courts.

During the period before the random selection, any court of appeals in which a proceeding has been filed may stay the effective date of the agency order. Any such stays may thereafter be modified, revoked, or extended by the selected court in which the proceedings are consolidated. H.R. 5365 does not alter the current standards by which courts determine whether to grant a stay.

No random selection will be required if a second proceeding is commenced more than 10 days after issuance of the agency order or if all proceedings are filed later than 10 days after the issuance of the order. In these cases, the first-to-file rule will continue in effect since no real race to the courthouse is involved.

CONCLUSION

In the 96th and 97th Congresses, the Committee on the Judiciary favorably reported a provision smiliar to that contained in H.R. 5365 as part of the omnibus regulatory reform bill. A similar measure was also adopted by the Senate in the 97th Congress as part of the Senate regulatory reform bill. The basic approach of the bill has had strong bipartisan support.

H.R. 5365 contains a significant improvement in the way venue is determined in cases of multiple filings. It is supported by the Department of Justice, the Judicial Conference of the United States, the Administrative Conference of the United States, and the American Bar Association.

The Judiciary Committee recommends its enactment.

Mr. Speaker, I urge the adoption of H.R. 5365.

□ 1250

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

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks with respect to the pending bill, H.R. 5365.

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

There was no objection.

Mr. KINDNESS. Mr. Speaker, I rise in support of H.R. 5365, which I hope and trust will be approved by this House without any substantial question at all. H.R. 5365 has been explained in an exemplary and detailed manner by our esteemed colleague, the chairman of the Subcommittee on Administrative Law, the gentleman from Texas [Mr. SAM B. HALL, JR.].

I remember, Mr. Speaker, when the practice of law was a whole lot more fun than it sometimes is today, and we are doing today, by passing H.R. 5365, one more thing to take a little bit of the fun out of practicing law for lawyers. But it will cost clients a whole lot less for the lawyers to have fun.

The "race to the courthouse" described by the gentleman from Texas [Mr. SAM B. HALL, JR.] which would be eliminated by the enactment of H.R. 5365 is indeed something that could be fun, with today's modern technology and the use of walkie-talkies and all sorts of communications to try to coordinate things so your client gets into court first to select the forum in which to contest the validity of a new administrative law or regulation. But how seemly is it?

I would conclude, as others have, that it is quite unseemly, and while it might be fun for the lawyers and the people who get involved in the communications, the cost is unseemly, too. So I would add my voice to those of our chairman of the Subcommittee on Administrative Law urging that H.R. 5365 be promptly approved by this House.

Mr. Speaker, having no requests for time. I yield back the balance of my time.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to state that the gentleman from Ohio [Mr. KINDNESS], the ranking minority member of the subcommittee, has been of great help in working toward the passage of this bill, and I appreciate his efforts and I appreciate him for being an outstanding member of the Committee on the Judiciary. Also I would like to state the administration supports the enactment of H.R. 5365, in addition to those that I mentioned previously.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SAM B. HALL, JR.] that the House suspend the rules and pass the bill, H.R. 5365, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING AMENDMENTS TO CERTAIN REPAYMENT AND WATER SERVICE CONTRACTS FOR THE FRENCHMAN UNIT OF THE PICK-SLOAN MISSOURI RIVER BASIN PROGRAM

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3130) to authorize amendments to certain repayment and water service contracts for the Frenchman unit of the Pick-Sloan Missouri River Basin Program, as amended.

The Clerk read as follows:

H.R. 3130

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to execute an amendatory contract with H&RW Irrigation District (hereinafter in this Act referred to as the "district"), Nebraska, to amend the provisions of the district's existing contract (numbered 7-07-70-W0045) with the United States for water service and construction of a distribution system in the following manner:

(1) Rescind the construction charge obligations remaining unpaid as of September 30, 1980, and any interest or penalty thereon, under part B of such existing contract.

(2) Amend part A of such existing contract to provide that, beginning January 1, 1982, the district's annual obligation for payment of costs to the United States for water service (including the cost to the United States to operate and maintain the reserved water supply works on the Frenchman unit of the Pick-Sloan Missouri River Basin Program) and for the construction of a distribution system shall be limited to the annual water service charges for the amount of water delivered to the district. Such charges shall be based on the repayment ability of the district associated with the amount of water delivered by the district for irrigation purposes as may be determine by the Secretary taking into account an appropriate share of the district's costs for the care, operation, and maintenance of these works of the Frechman unit transferred to the district for such purposes.

(3) Those costs allocated to the irrigation purpose of the Frenchman unit and properly assignable to the district for payment which are in excess of the district's repayment ability as determined by the Secretary, pursuant to paragraph (2), and all obligations (including any interest or penalty thereon) described in paragraph (1) shall be repaid from municipal and industrial and/or power revenues in accordance with procedures established for the Pick-Sloan Missouri River Program, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 887-901, as amended).

The SPEAKER pro tempore [Mr. LOWRY of Washington]. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. KAZEN] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. KAZEN].

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

Mr. Speaker, H.R. 3130 would authorize the Secretary of the Interior to execute an amendatory contract with the Hitchcock and Red Willow Irrigation District in Nebraska.

This irrigation district receives its water from the Frenchman unit of the Pick-Sloan Missouri Basin Program, a Federal reclamation project. In 1956, the H&RW irrigation district signed a contract with the Federal Government which requires them to pay annually a water service charge for the delivery of 17,500 acre-feet of water and an installment for the repayment of the construction costs of the distribution and drainage works built by the Bureau of Reclamation. The contract established a ceiling of $1.5 million to be repaid by the irrigation district. As of September 30, 1982, neary $300,000 had been repaid.

In the past few years, extensive ground water development, combined with increased surface water use upstream of Enders Reservoir, the main feature of the Frenchman unit, has depleted reservoir inflow by nearly 60 percent. Due to this depletion of the water supply for the Frenchman unit, the H&RW Irrigation District is no longer able to meet its repayment obligation under its contract with the Federal Government. Since no viable plan for augmenting the district's water supply has been identified, the district is seeking a revision of terms of its contract to reflect the quantity of water delivered by the Bureau of Reclamation and the district's ability to repay its obligation.

H.R. 3130 authorizes the Secretary of the Interior to amend the contract with the H&RW Irrigation District by rescinding the construction charge remaining unpaid as of September 30, 1980, as well as any interest or penalty charge thereon. The amendatory contract would establish a water service charge commensurate with the district's repayment ability for the water delivered. The approximately $1.21 million in construction charges, interest and penalty charges that are

beyond the district's ability to repay will be repaid using revenues from municipal and industrial, and/or power receipts from the Pick-Sloan Missouri Basin Program.

Mr. Speaker, the administration supports enactment of H.R. 3130. The Department of the Interior advised the committee that the Frenchman unit case is an unique one. The administration believes, and the committee agreed, that the situation justifies the execution of a new contract. We do, however, want to make it clear that enactment of this legislation is not to be considered as establishing a precedent of any kind.

Mr. Speaker, I urge my colleagues to support this necessary legislation.

□ 1300

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

Mr. Speaker, I rise in support of H.R. 3130. This is a simple bill, supported by the administration, reported by the Interior Committee by voice vote, and unopposed so far as I am aware.

Basically, Mr. Speaker, what H.R. 3130 does is to authorize the amendment of a contract between a Nebraska irrigation district and the United States. The contract now in existence provides for the supply of water by the United States to the district, in return for payment of certain charges by the district to the United States. Unfortunately, the water supply for this project is failing, through no fault of the irrigation district involved. For this reason, it is basically inequitable to require the irrigation district to continue to pay for water it does not receive in a situation where it has been deprived of its water supply and has no legal recourse through which that supply can be recovered. The legislation authorizes an amended contract between the United States and the district. In this amended contract the district will pay as much as it can afford to pay for water it actually receives. Existing charges from which the district is relieved will be repaid to the United States from Pick-Sloan Power revenues. The use of such revenues to support irrigation development seems appropriate in this unusual and exceptional circumstance. As far as I am aware, there is no opposition to this arrangement.

For these reasons, Mr. Speaker, I support H.R. 3130 as a fair resolution of an unfortunate problem. I hope that the Bureau of Reclamation will learn from this experience and take steps to guarantee that this type of difficulty does not recur with respect to its other projects. I also take this opportunity to commend the gentlewoman from Nebraska [Mrs. SMITH] on the quality of her representation of her constituents who are members of the H&RW Irrigation District. She deserves considerable credit for getting this matter resolved.

Mr. KAZEN. Mr. Speaker, in closing, I also want to pay my respects to the gentlewoman from Nebraska [Mrs. SMITH] who did a tremendous job in getting an understanding among all parties involved and guiding this bill to the point where it was considered by the committee and brought to the floor today. She does a wonderful job in representing her constituency and I commend her for a job well done on this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. KAZEN] that the House suspend the rules and pass the bill, H.R. 3130, as amended.

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

The title was amended so as to read: "A bill to authorize amendments to a certain repayment and water service contract for the Frenchman Unit of the Pick-Sloan Missouri River Basin Program."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just considered.

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

There was no objection.

COLORADO WILDERNESS ADDITIONS ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5426) to designate certain National Forest System lands in the State of Colorado for inclusion in the National Wilderness Preservation System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be entitled as the "Colorado Wilderness Additions Act of 1984".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the San Isabel National Forest, which comprise approximately forty-six thousand acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposed", dated June 1984, and which shall be known as the Buffalo Peaks Wilderness;

(2) certain lands in the Uncompaghre National Forest, which comprise approximately twenty-one thousand acres, as generally depicted on a map entitled "Cannibal Plateau Wilderness—Proposed", dated May 1984, and which shall be known as the Cannibal Plateau Wilderness;

(3) certain lands in the San Isabel National Forest, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Huajatolla Wilderness—Proposed", dated May 1984, and which shall be known as the Huajatolla Wilderness;

(4) certain lands in the San Isabel National Forest, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposed", dated May 1984, and which shall be known as the Greenhorn Mountain Wilderness;

(5) certain lands in the White River National Forest, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Hunter-Fryingpan Wilderness—Proposed", dated April 10, 1984, and which are hereby incorporated in and shall be deemed a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-237;

(6) certain lands in the Pike National Forest, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness Additions—Proposed", dated June 1984, and which are hereby incorporated in and shall be deemed a part of the Lost Creek Wilderness as designated by Public Law 96-560;

(7) certain lands in the Routt National Forest, which comprise approximately eighteen thousand acres, as generally depicted on a map entitled "Mt. Zirkel Wilderness Additions—Proposed", dated May 1984 and which are hereby incorporated in and shall be deemed a part of the Mount Zirkel Wilderness as designated by Public Laws 88-577 and 96-560;

(8) certain lands in the San Juan National Forest, which comprise approximately thirty-seven thousand acres, as generally depicted on map entitled "Piedra Wilderness—Proposed", dated May 1984 and which shall be known as the Piedra Wilderness;

(9) certain lands in the Gunnison National Forest, which comprise approximately five thousand five hundred acres as generally depicted on a map entitled "Raggeds Wilderness Additions—Proposed", dated April 10, 1984, and which are hereby incorporated in and shall be deemed a part of the Raggeds Wilderness as designated by Public Law 96-560;

(10) certain lands in the Arapaho National Forest, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "St. Louis—Vasquez Peaks Wilderness—Proposed", dated June 1984, and which shall be known as the St. Louis—Vasquez Peaks Wilderness;

(11) certain lands in and adjacent to the Rio Grande and San Isabel National Forests, which comprise approximately two hundred and thirty-five thousand acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposed", dated May 1984, and which shall be known as the Sangre de Cristo Wilderness;

(12) certain lands in the Routt National Forest, which comprise approximately forty-eight thousand five hundred acres, as generally depicted on a map entitled "Service Creek Wilderness—Proposed", dated

May 1984, and which shall be known as the Service Creek Wilderness;

(13) certain lands in the San Juan National Forest, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", dated May 1984, and which are hereby incorporated in and shall be deemed a part of the Weminuche Wilderness as designated by Public Laws 93-632 and 96-560;

(14) certain lands in the San Juan National Forest, which comprise approximately twenty-three thousand acres, as generally depicted on a map entitled "West Needles Wilderness—Proposed", dated May 1984, and which shall be known as the West Needles Wilderness; and

(15) certain lands in the Arapaho National Forest, which comprise approximately forty thousand five hundred acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposed", dated June 1984, and which shall be known as the Williams Fork Wilderness: *Provided, however,* That subject to valid existing rights the Williams Fork Further Planning Area as generally depicted on said map shall be managed, until Congress determines otherwise, to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided further,* That no right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the Williams Fork Further Planning Area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(b) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in subsection (a) and legal descriptions of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as Wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Subparagraphs (1), (3), (5), (6), (7), (8), and (9) of section 105(a), subsection 105(b), section 106 and section 107 of the Act of December 22, 1980 (Public Law 96-560) are hereby repealed.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Colorado;

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Colorado reviewed in such final environmenal statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act, except for the Williams Fork Further Planning Area, shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purposes of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Colorado which are less than five thousand acres in size.

SEC. 6. (a) In order to protect the area's paramount geologic, natural and scenic values certain lands in the Rio Grande National Forest, Colorado, which comprises approximately eighteen thousand acres, as generally depicted on a map entitled "Wheeler-Wason National Monument—Proposed", dated May 1984, are hereby designated as the Wheeler-Wason National Monument.

(b) The Secretary of Agriculture acting through the Forest Service shall administer the Wheeler-Wason National Monument as a separate unit within the boundary of the Rio Grande National Forest in accordance with the laws generally applicable to the National Forest System, and subject to the following provisions:

(1) the Secretary shall manage the monument to protect the wildlife, biologic, geologic, ecologic, and cultural resources, in accordance with the provisions of this Act allowing geologic forces and ecological succession to continue substantially unimpeded, with special emphasis on protection of the geologic and wildlife resources;

(2) the Secretary may take action to control fire, insects, diseases, and other agents that might (A) endanger irreplaceable features within the monument or (B) cause substantial damage to significant resources adjacent to the monument;

(3) timber harvesting shall not be permitted within the monument except as may be necessary for the control of fire, insects, or disease as set forth in subparagraph (b)(2) above;

(4) the use of motorized vehicles (including snowmobiles) or aircraft may be permitted within the monument; and

(5) roads or other developments needed for recreational or interpretive purposes may be permitted but should be generally limited to those areas where they existed prior to enactment of this Act.

(c) Subject to valid existing rights all lands within the monument are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, including all laws pertaining to geothermal leasing, and all amendments thereto.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 5426. This legislation is necessary because when Congress passed the Colorado wilderness bill in 1980 there were approximately 700,000 acres of roadless land on which we did not make a wilderness/nonwilderness decision. Instead, we left the acreage in wilderness study or further planning status in order to allow more time for the land to undergo additional wilderness evaluation.

As amended by the committee, H.R. 5426 would designate approximately 565,500 acres of wilderness and an additional 18,000 acres for administration as the Wheeler-Wason National Monument. Two areas would be left in wilderness study. In formulating the wilderness and other proposals of the bill, the committee worked closely with the Members of the Colorado congressional delegation in the House, and particularly with Congressmen WIRTH, KOGOVSEK, KRAMER, and BROWN. The result is a bill which I believe is supported by the entire House delegation and which represents a true consensus among the various interests. In this regard I would particularly like to commend Messrs. WIRTH, KOGOVSEK, KRAMER, and BROWN, two of whom are on our committee, for their good faith and diligence in negotiating a reasonable compromise. And I should note that the bill is a compromise because the committee was considering proposals ranging from the conservationists' recommendation of 1,204,870 acres of additional wilderness, to industry endorsed positions of 400,000 acres or less.

Briefly, Mr. Speaker, this bill contains several wilderness proposals which are remarkable in their scenic, natural and wild values. Many of these acres have been either fully or partially recommended for wilderness designation by the Forest Service. The Wilderness proposals of H.R. 5426 include:

Buffalo Peaks: Perhaps the finest bighorn sheep area in the State;

Piedra: Exceptional lower elevation wildlife habitat that is covered almost entirely with forests and is thus a rarity in the Wilderness system in the West;

Sangre de Cristo: A mountain range known throughout the Nation for its dramatic peaks, which tower 6,000-7,000 feet above the Colorado plains;

Davis Peak: Headwaters of the Encampment River (a proposed addition to the wild and scenic rivers system) and critical elk habitat;

Cannibal Plateau: An area containing the largest expanse of alpine tundra south of Alaska;

Huajatolla (pronounced Wayatollah): The dramatic so-called Spanish Peaks which rise 6,000 feet above the surrounding countryside and contain unusual dikes and other geologic structures; and

The gorgeous Oh-Be-Joyful drainage which is the secondary watershed for Crested Butte, CO, and which the House proposed for wilderness in 1979.

In addition to the above, the bill would designate several new wildernesses within an hour's drive of the rapidly growing Denver metropolitan area, and in so doing help insure that Denver residents will have ample primitive recreation opportunities in the future. As Members may be aware, the existing wildernesses near Denver experience some of the highest primitive recreation use in the Nation and are in danger of becoming overused and overcrowded. Thus, wilderness additions near Denver are another critical component of this legislation.

In summary, Mr. Speaker, I believe H.R. 5426 is meritorious legislation which deserves our full support and I urge my colleagues approval of the measure.

□ 1310

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have great respect for the gentlemen from Colorado [Mr. KOGOVSEK, Mr. BROWN, and Mr. KRAMER] who have worked diligently to develop a compromise bill.

I am confident that the negotiations were conducted in good faith but I am concerned that the final product is still flawed and of highly questionable merit.

First, I believe this bill is a bad precedent and a bad omen of things to come in other States. Colorado was the first State where we passed a major RARE II wilderness bill and we are now coming back only 4 years later for a second look.

It is true that we left the door open in 1980 by leaving a number of areas in study status or as further planning areas but it was never contemplated that we would put all or most of these areas in wilderness or that we would branch out beyond the study boundaries into nonwilderness lands released in 1980. This bill does both.

The 1980 bill created 1.4 million acres of wilderness bringing the total in the State to 2.6 million. The 1980 act left approximately 491,872 acres in wilderness study and 169,638 acres in the further planning category which adds up to 661,510 acres. The bill reported from committee puts 564,500 acres into wilderness, leaves another 87,500 in wilderness study and puts 18,000 acres in a national monument for a total of 670,000 acres more than what we left unresolved in 1980.

This bill clearly demonstrates that leaving areas in wilderness study is a political compromise which eventually leads to wilderness designation and more importantly, this bill clearly demonstrates the weaknesses in the release formula concept. Less than 4 years after the first bill, the conservationists are back wanting what they supposedly compromised on in 1980.

I challenge the chairman of the subcommittee to deny this or to deny that similar efforts will not be made in other States where the so-called release formula has been passed.

The second point that needs to be made today is the cost of what we are doing. The Forest Service has spent hundreds of thousands of dollars on the studies mandated by the 1980 act. On May 10, the Forest Service testified that of the 12 wilderness studies required by the 1980 act, all or parts of 6 areas have been found to be at least tentatively suitable for wilderness totaling only 293,370 acres. Of the further planning areas 61,560 acres have been tentatively found suitable for wilderness designation. Combined we have about 354,930 acres as suitable based on the preliminary findings of the professional studies we asked for. The bill reported out of the subcommittee would designate 564,500 just as wilderness. What then was the purpose of the studies if we are going to throw their conclusions out the window and act before the studies are even complete.

Lastly, I am disturbed by the quality of several of the areas. I believe there is truly some question as to whether or not certain areas meet minimum requirements for wilderness designation. In eastern areas we sometimes excuse man's works and obvious evidence of the land being trammeled by man. But, in the West and in Colorado (which already has 2.6 million acres of wilderness) I believe we must stick to a more stringent criteria. We are not doing so in this bill.

A number of the areas also have major resource conflicts. Three areas, St. Louis Peak, Vasquez Peak and Williams Fork, are in close proximity to an operating mine and have very high potential for mineral development. A simple boundary adjustment has been made to resolve some immediate problems but we are still locking up areas with high mineral values. Another very large area called Sangre de Cristo is blanketed with oil and gas leases and lease applications. Fifty thousand acres have been added to the administration's recommendation seriously impacting the lease applications. The companies affected have been attempting to work out some accommodations but I simply question the need for compromise here. The compromises were made in 1980. Areas with problems now should be dropped out of the bill.

If this bill passes today, I am hopeful that Members of the other body

will take a very careful look at it before any further action is taken.

I intend to oppose the bill and urge my colleagues to do so.

Mr. SEIBERLING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I simply wish to respond to the gentleman from Alaska. First of all I would point out that while the bill incorporates in wilderness about 41,000 acres of land that had previously been released, it releases from further planning or wilderness study 44,500 acres, so there is a net amount of land release of 3,500 acres beyond that which was released by the 1980 bill.

Second, I would point out that the 41,000 acres that were added to wilderness by this bill from lands previously released are all lands around the fringes of areas that are put in wilderness by this bill, lands that were in further planning or study and were added because we made some adjustments in the boundaries to take into account natural features and come up with more easily administered and more logical boundaries.

This was not an effort to take an entirely new area and put it in wilderness, but merely to come up with a more suitable and logical set of boundaries for the nonreleased areas that we are designating.

Anyway, the bottom line is that a net 3,500 additional acres are released beyond the amount released by the 1980 act.

I would also point out that all of the leased oil and gas rights that were in the Sangre de Cristo Range have been dropped or excluded from the boundaries of the wilderness area in this bill. So there is no conflict with leases.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I am happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. In response I would say we just passed a bill in 1980. You say now you have released lands so that there is a net gain of released lands. But I have to remind the gentleman that through efforts of this committee, which I serve on as the ranking member, we are taking up lands previously released.

I am confident that we will be back in the committee asking for the lands we are releasing under this bill, to put them back under wilderness classification.

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

Mr. Speaker, we are here today opposing the bill that adds additional released lands that were released in 1980. I am suggesting respectfully that we will have to come back in a few years and put the released lands that you say we have gained again in wilderness classification.

I again have expressed that we have these conflicts that are existing in the bill.

It is unfortunate, if I may remind the gentleman again, you say there is no conflict in the remaining oil and gas leases, but can the gentleman assure me that the applications now that are before the Secretary of the Interior will be recognized as valid?

Mr. SEIBERLING. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. No; I cannot assure him that the applications will be granted. We release lands from wilderness that are already leased. We did not release lands as to which there are applications.

Mr. YOUNG of Alaska. But the lease applications are in wilderness now, are they not, and if we put the lands into wilderness classification with the applications that are now on file, in fact, are we not making those leases no longer valid?

Mr. SEIBERLING. It is up to the Secretary to decide what to do about those applications.

Mr. YOUNG of Alaska. But if he cannot grant those applications now, if we put it into a wilderness area——

Mr. SEIBERLING. The answer is, he could grant them but they could not be carried out.

Mr. YOUNG of Alaska. Then we are taking the lease applications away from the applicant right now.

Mr. SEIBERLING. There is a question as to whether the lease applications have any validity and whether they were entered into or submitted with full knowledge that the area was being considered for wilderness. So they took their chances and that was the way it worked out.

Mr. YOUNG of Alaska. What about the premise that we have spent thousands and thousands of dollars on studies, yet we have not listened to the recommendations of the Department? Does that hold any merit?

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Mr. SEIBERLING. No; that is not true. We are following, by and large, the boundaries of the wilderness study areas. In making adjustments to the boundaries, we have added 41,000 acres of land that was released previously, but we are releasing 44,500 acres of land.

Mr. YOUNG of Alaska. We are doubling the recommendation of the administration; are you not?

Mr. SEIBERLING. We are making our own judgment as to the best way to draw these boundaries and we do not necessarily feel ourselves bound by whatever the administration decides.

Mr. YOUNG of Alaska. But the administration was bound by the act of 1980 to make recommendations to the Congress. We have totally ignored those recommendations. We have doubled the total amount.

We have taken what they offered and added 300,000 acres more.

Mr. SEIBERLING. In many cases we have followed their recommendations exactly. We have deviated from their recommendations with respect to 41,000 acres but we have released 44,500 acres of land that was previously in wilderness study.

So I do not really understand what the gentleman is so concerned about.

Mr. YOUNG of Alaska. My understanding is the administration recommended 293,370 acres; that is their recommendation of the studies that were charged to the administration under the act of 1980. Now the bill passed this committee with 564,500 acres; that is just about double the amount they are recommending.

We may take the recommendation and say we have worked with the administration and used their expertise, but through some unknown factor we are putting land in there has been no study made at all.

Mr. SEIBERLING. The administration has made no final recommendations; the recommendations they have made are tentative recommendations and the Congress has repeatedly reserved the right to make their own decision.

Mr. YOUNG of Alaska. Why make recommendations at all if we do not pay any attention to the experts?

Mr. SEIBERLING. We have paid attention.

Mr. YOUNG of Alaska. We have taken what they said and added something out of the sky, additional lands, with no understanding of what effect it has on the areas we are discussing today.

Mr. SEIBERLING. We have paid attention, we just have not followed their recommendations in every case.

Mr. YOUNG of Alaska. That is the problem, we do not follow up on the money we have spent, the taxpayers' dollars, we do not follow those recommendations at all.

I reserve the balance of my time.

The SPEAKER pro tempore [Mr. KAZEN]. The gentleman has consumed 3 additional minutes.

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. KOGOVSEK] whose role in putting together this package deserves great commendation by all of us.

Mr. KOGOVSEK. Mr. Speaker, I thank my chairman, the subcommittee chairman from Ohio, for his tremendous amount of work on this very important piece of legislation.

I commend the ranking member on the subcommittee for his interest in wilderness, whether it is in Colorado, Washington, Oregon, Nevada, Idaho, wherever; and I mean that very seri-

ously, because the gentleman has done a good job in representing a point of view on the committee that has to be represented.

I would tell the gentleman from Alaska that to the best of my knowledge in the 1984 Colorado Wilderness bill that there are only 6,000 acres that are put into the bill that were not studied or were not recommended by the Forest Service.

And that 6,000 acres happens to be put in pretty much at my insistence because it happens to be close to my hometown of Pueblo, CO, Pueblo County, that I think deserves the kind of wilderness designation that my recommendation has given it.

The gentleman knows and we all know that any time you are putting together a wilderness bill and we get it as far as final passage, that not everyone is going to be happy. We started this process, at least as far as I am concerned, when I got here back in 1980, when Representative JOHNSON and I teamed up together to put together the 1980 wilderness bill that set aside some 1,200,000 acres of wilderness.

In that piece of legislation, we knew at that time that we were not ready to complete our study; we knew there were things we would have to address further, the Sangre de Christos and many, many other areas that we insisted in that legislation be either designated as further study or further planning areas.

It seems to me that after talking with both conservationists for the past couple of years and people who make a living in Colorado, whether they are cattlemen, people in the timber industry, people in the mining industry that we are now closer to agreement as to a total package than we have ever been before.

There is no doubt in my mind there are environmentalists in Colorado who are saying right now we have not put enough wilderness together for the State of Colorado even today, and I think we have.

There happens to be people on the other side, cattlemen, timber people, people in the mining industry who are saying that we have put too much of Colorado into wilderness.

Mr. Speaker, I think we have come close to a good compromise. We have the total support of all six members of the delegation; three Republicans and three Democrats in the Colorado delegation for this piece of legislation.

I want to commend Representative WIRTH, Representative KRAMER, and Representative BROWN for their work and their input into this piece of legislation.

I have said this many, many times to my chairman and to the gentleman from Alaska that many years ago somebody had the uniquely good idea to build a State right on the Continental Divide and even as the gentleman is present, I say that we have the most beautiful State in the whole 50 in Colorado.

Those Rocky Mountains, that Continental Divide has given us all kinds of problems as far as trying to make sure that we set aside many, many acres and many, many unique vistas for future generations to enjoy because where those beautiful vistas are, we also have timber, we also have mining, we also have a cattle industry that has to be taken care of.

I think this piece of legislation, with the help of the chairman, with the cooperation of the minority side, reaches the kind of compromise that we desire in Colorado as a Colorado delegation.

Mr. Speaker, I thank my chairman for working with me not only on the 1980 bill but on this 1984 piece of legislation that I think is going to serve the future of Colorado very well.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 5426, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

WASHINGTON STATE WILDERNESS ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill, S. 837 to designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes.

The Clerk read as follows:

S. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Washington State Wilderness Act of 1984".

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped National Forest System lands in the State of Washington possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of National Forest System lands in the State of Washington and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fullfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of National Forest System lands in the State of Washington and the related congressional review of such lands have also indentified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Washington as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other National Forest System lands in the State of Washington be available for nonwilderness multiple uses.

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) the following lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately forty-nine thousand acres, as generally depicted on a map entitled "Boulder River Wilderness—Proposed", dated March 1984, and which shall be known as the Boulder River Wilderness;

(2) certain lands in the Olympic National Forest, Washington, which comprise approximately forty-five thousand eight hundred and seventeen acres, as generally depicted on a map entitled "Buckhorn Wilderness—Proposed", dated March 1984, and which shall be known as the Buckhorn Wilderness;

(3) certain lands in the Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately fourteen thousand three hunderd acres, as generally depicted on a map entitled "Clearwater Wilderness—Proposed", dated March 1984, and which shall be known as the Clearwater Wilderness;

(4) certains lands in the Olympic National Forest, Washington, which comprise approximately twelve thousand one hundred

and twenty acres, as generally depicted on a map entitled "Colonel Bob Wilderness—Proposed", dated March 1984, and which shall be known as Colonel Bob Wilderness;

(5) certains lands in the Mount Baker-Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately one hundred twelve thousand six hundred and seven acres, as generally depicted on a map entitled "Glacier Peak Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed to be a part of the Glacier Peak Wilderness as designated by Public Law 88-577 and Public Law 90-544;

(6) certain lands in the Gifford Pinchot National Forest, Washington, which comprise approximately three thousand and fifty acres as generally depicted on a map entitled "Glacier View Wilderness—Proposed", dated March 1984, and which shall be known as the Glacier View Wilderness;

(7) the boundary of the existing Goat Rocks Wilderness, as designated by Public Law 88-577, located in the Wenatchee and Gifford Pinchot National Forests, Washington, is hereby revised to include those lands generally depicted on a map entitled "Goat Rocks Wilderness—Revised", dated March 1984;

(8) certain lands in the Wenatchee and Mount Baker-Snoqualmie National Forests, Washington, which comprise approximately one hundred three thousand five hundred and ninety-one acres as generally depicted on a map entitled "Henry M. Jackson Wilderness—Proposed", dated March 1984, and which shall be known as the Henry M. Jackson Wilderness. The Henry M. Jackson Wilderness is designated in remembrance of Senator Jackson's deep, personal feelings for this area, especially that portion known as "Monte Cristo," which he visited often as a boy. Through such designation, the Congress recognizes his unparalleled contributions to the natural resource policies of the Nation in general and Washington State in particular;

(9) certain lands in the Gifford Pinchot National Forest, Washington, which comprise approximately twenty thousand six hundred and fifty acres, as generally depicted on a map entitled "Indian Heaven Wilderness—Proposed", dated March 1984, and which shall be known as the Indian Heaven Wilderness;

(10) certain lands in the Okanogan and Wenatchee National Forests, Washington, which comprise approximately one hundred fifty thousand eight hundred and thirty-three acres as generally depicted on a map entitled "Lake Chelan-Sawtooth Wilderness—Proposed", dated March 1984, and which shall be known as the Lake Chelan-Sawtooth Wilderness;

(11) certain lands in the Gifford-Pinchot National Forest, Washington, which comprise approximately fourteen thousand four hundred and twenty acres, as generally depicted on a map entitled "Mount Adams Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed to be a part of the Mount Adams Wilderness as designated by Public Law 88-577;

(12) certain lands in the Mount Baker-Snoqualmie National Forest, Washington, which comprise approximately one hundred seventeen thousand nine hundred acres as generally depicted on a map entitled "Mount Baker Wilderness—Proposed", dated March 1984, and which shall be known as the Mount Baker Wilderness;

(13) certain lands in the Olympic National Forest, Washington, which comprise approximately fifteen thousand six hundred and eighty-six acres, as generally depicted on a map entitled "Mount Skokomish Wilderness—Proposed", dated March 1984, and which shall be known as the Mount Skokomish Wilderness;

(14) certain lands in the Mount Baker-Snoqualmie National Forest, which comprise approximately fourteen thousand three hundred acres, as generally depicted on a map entitled "Noisy-Diobsud Wilderness—Proposed", dated May 1984, and which shall be known as the Noisy-Diosbud Wilderness;

(15) certain lands in the Mount Baker-Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately fifty thousand nine hundred and twenty-three acres as generally depicted on a map entitled "Norse Peak Wilderness—Proposed", dated March 1984, and which shall be known as the Norse Peak Wilderness;

(16) certain lands in the Okanogan National Forest, Washington, which comprise twenty-four thousand three hundred and twenty-six acres, as generally depicted on a map entitled "Pasayten Wilderness Additions—Proposed", dated March 1984, and which are hereby incorporated in and shall be deemed to be part of the Pasayten Wilderness as designated by Public Law 88-577;

(17) certain lands in the Kaniksu and Colville National Forests, Washington, which comprise approximately forty-one thousand three hundred and thirty-five acres, as generally depicted on a map entitled "Salmo-Priest Wilderness—Proposed", dated March 1984, and which shall be known as the Salmo-Priest Wilderness;

(18) certain lands in the Gifford Pinchot National Forest, Washington, which comprise approximately fifteen thousand seven hundred and twenty acres, as generally depicted on a map entitled "Tatoosh Wilderness—Proposed", dated March 1984, and which shall be known as the Tatoosh Wilderness;

(19) certain lands in the Olympic National Forest, Washington, which comprise approximately seventeen thousand two hundred and thirty-nine acres, as generally depicted on a map entitled "The Brothers Wilderness—Proposed", dated March 1984, and which shall be known as The Brothers Wilderness;

(20) certain lands in the Gifford Pinchot National Forest, which comprise approximately six thousand and fifty acres, as generally depicted on a map entitled "Trapper Creek, Wilderness—Proposed", dated March 1984, and which shall be known as the Trapper Creek Wilderness;

(21) certain lands in the Wenatchee and Gifford Pinchot National Forests, Washington, which comprise approximately one hundred and sixty-six thousand six hundred and three acres, as generally depicted on a map entitled "William O. Douglas Wilderness—Proposed", dated March 1984, and which shall be know as the William O. Douglas Wilderness. The William O. Douglas Wilderness is designated in remembrance of Justice Douglas' lifelong efforts to preserve the Cougar Lakes area for the recreational benefits of future generations. Through such designation, the Congress recognizes his persistent concern for the Cougar Lakes area, and his contribution to conservation efforts throughout the Nation; and

(22) certain lands in the Olympic National Forest, Washington, which comprise approximately two thousand three hundred and twenty acres, as generally depicted on a map entitled "Wonder Mountain Wilderness—Proposed", dated March 1984, and which shall be known as the Wonder Mountain Wilderness.

SEC. 4. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in section 3 of this Act and legal descriptions of each wilderness area designed by section 3 of this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area dessignated by section 3 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that with respect to any area designated in section 3 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Washington and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than Washington, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Washington;

(2) with respect to the National Forest System lands in the State of Washington which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Washington reviewed in such final environmental statement or referenced in subsection (d) and not

designated as wilderness upon enactment of this Act or identified for special management in section 7 or 8 of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Planning Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Washington are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Washington for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) those National Forest System roadless lands in the State of Washington in the Gifford Pinchot, Olympic and Umatilla National Forests which were evaluated in the Upper Cispus; Lone Tree; Clear Creek; Upper Lewis; Trapper-Siouxon; Soleduck; Quinault; Oregon Butte, and Shelton Cooperative Sustained Yield Unit plans; and

(2) National Forest System roadless lands in the State of Washington which are less than five thousand acres in size.

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act of 1964, certain public lands in Franklin County, Washington, which comprise approximately seven thousand one hundred and forty acres, as generally depicted on a map entitled "Juniper Dunes Wilderness—Proposed" and dated March 1984, are hereby designated as the Juniper Dunes Wilderness and, therefore, as a component of the National Wilderness Preservation System.

(b) Subject to valid existing rights, the Juniper Dunes Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness. For purposes of this section, any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this section, any reference to the Secretary of Agriculture with regard to the administration of such areas shall be deemed to be a reference to the Secretary of the Interior, and any reference to wilderness areas designated by the Wilderness Act or designated national forest wilderness areas shall be deemed to be a reference to the Juniper Dunes Wilderness designated by this section. For purposes of this section, the reference to national forest rules and regulations in the second sentence of section 4(d)(3) of the Wilderness Act shall be deemed to be a reference to rules and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1702).

(c) As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and legal description of the Juniper Dunes Wilderness with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in the legal description and map may be made. The map and legal description shall be on file and available for public inspection in the offices of the Bureau of Land Management, Department of the Interior.

SEC. 7. (a) In order to assure the conservation and protection of certain natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enchancement of the recreational values associated therewith, the Mount Baker National Recreation Area located in the Mount Baker-Snoqualmie National Forest, Washington, is hereby established.

(b) The Mount Baker National Recreation Area (hereafter referred to as the "recreation area") shall comprise approximately eight thousand six hundred acres as generally depicted on the map entitled "Mount Baker National Recreation Area—Proposed", dated March 1984, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(c) The Secretary of Agriculture shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the recreation area with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such legal description and map be made. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide for (1) public outdoor recreation (including but not limited to snowmobile use); (2) conservation of scenic, natural, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources on federally owned lands within the recreation area which are compatible with and which do not significantly impair the purposes for which the recreation area is established.

SEC. 8. (a) The Congress finds that certain lands within the Mount Baker-Snoqualmie and Okanogan National Forests along the North Cascades Highway have remarkable scenic values, representing a unique aesthetic travelway through the Cascade Mountains in the northern portion of the State of Washington. The value of preserving this scenic area and assuring that it is managed in such manner that its scenic beauty and recreation qualities are maintained for future generations is recognized by the Congress.

(b) In order to preserve and protect these values, certain National Forest System lands comprising approximately eighty-seven thousand seven hundred and fifty-seven acres, as generally depicted on a map entitled "North Cascades Scenic Highway—Proposed" and dated March 1984, shall be administered by the Secretary of Agriculture to preserve the scenic value of this highway corridor. Management activities, including resource use and development, within the area may be permitted by the Secretary of Agriculture if the existing scenic values of the area are maintained.

(c) Management direction for the area that recognizes these scenic values shall be included in the forest plans developed for the Okanogan and Mount Baker-Snoqualmie National Forests in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

SEC. 9. Congress does not intend that designation of wilderness areas in the State of Washington lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 10. The Secretary of Agriculture shall exchange lands and interests in lands with Weyerhaeuser Company in accordance with the following provisions:

(a) If the Weyerhaeuser Company offers to the United States the following described lands and interests in lands the Secretary shall accept such lands and interests therein:

KING AND PIERCE COUNTIES, WASHINGTON

	Acres
Township 19 north, range 10 east (W.M.):	
Section 25: All fractional	643.43
Township 19 north, range 11 east (W.M.):	
Section 31: All fractional	647.61

(b) Upon acceptance of title by the United States to such lands and interests therein, the Secretary shall convey to Weyerhaeuser Company all right, title, and interest of the United States to the following described National Forest System lands and interests therein:

KING COUNTY, WASHINGTON

	Acres
Township 21 north, range 10 east (W.M.):	
Section 20: Lots 2, 4, 6, 7, 10, 11, 12, and 14, south half northwest quarter, southwest quarter	355.58
Section 28: North half southwest quarter and southeast quarter	240.00
Section 30: All	640.00

(c) The instruments of conveyance respecting the lands and interests exchanged under this section may contain such reservations as may be agreed upon by the Secretary and Weyerhaeuser Company.

(d) It is the sense of Congress that the exchange authorized pursuant to this section should be completed within ninety days after the date of the enactment of this Act. The Secretary shall use other existing ac-

quisition authorities if the exchange authorized by this section is not completed within a reasonable time after the expiration of such ninety day period.

(e) The Secretary shall certify in writing that to his satisfaction, at the time of conveyance, there has been no reduction in the values of the lands or interests therein which formed the basis for the exchange provided for in this section. If the Secretary finds that a reduction in the value of the lands or interests therein had occurred, the Secretary shall not carry out the exchange for those lands or interests so affected and acquisition of those lands and interests shall be undertaken by the Secretary in accordance with other provisions of law.

SEC. 11. Subject to valid existing rights, the Federal lands in Walla Walla and Columbia Counties, Washington, located within the Mill Creek Watershed roadless area as identified in the Oregon Butte Unit Plan are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

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

The gentleman from Ohio [Mr. SEIBERLING] is recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] is recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

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

Mr. Speaker, I rise in support of S. 837, the Washington Wilderness Act of 1984. This bill, which designates some 1 million acres of land in Washington State as wilderness, is supported by the entire Washington delegation on both sides of Congress, by the local and national conservation groups, and by numerous other organizations and individuals. Because many members of the Washington delegation can explain this measure better than I, I will not take time to outline the bill in detail. However, I strongly support the bill in its Senate-passed form, although there are several points I would like to briefly address:

This legislation does not designate any wilderness in the Kettle Range in eastern Washington. I was fortunate to be able to visit the Kettle Range in 1979, and I beleive it possesses outstanding scenic and natural values. The Senate committee report emphasizes these values and directs the Forest Service to be very sensitive in its management of the area. I would like to strongly endorse the language of the Senate report, particularly with respect to its direction to protect 30,000 acres for their primitive recreation and wild values and to protect the religious values and watershed of the Coleville Confederated Tribes. If this direction is not carefully followed, the committee may decide to revisit the Kettle Range wilderness issue in the near future.

The boundary of the Tatoosh Wilderness in the vicinity of Butter Creek has been drawn along topographic features and excludes a trailhead and several hundred yards of a trail leading into the wilderness. I am informed that the delegation drew this boundary with the understanding that the Forest Service would not engage in any timber harvest or other development which would adversely impact the scenic values of this area and the small portion of the trail which lies outside the wilderness.

The Senate committee report notes that the boundaries of the Glacier Peak Wilderness Additions and the Brothers Wilderness have been drawn so as not to preclude possible future construction of two small hydroelectric projects on Railroad Creek and on the Dosewallips River. However, the report indicates that the exclusion of these areas from wilderness is by no means intended to indicate a congressional preference for these projects, and it is my understanding that there are members of the Washington delegation who feel the projects are without merit. I would thus stress the committee's endorsement of the Senate report language that S. 837 does not take any position on the merits of the two projects.

The boundary of the Goat Rocks Wilderness additions permits continued motorboat use of the portion of Walupt Lake that lies within the wilderness. This use has been permitted to continue since the area was designated wilderness by the Wilderness Act in 1964, and is authorize by section 4(d)(1) of the Wilderness Act. However, I note that such continuing use is discretionary with the Forest Service and is subject to such regulation as they deem appropriate. As with other wilderness areas where continued motorboat or aircraft use continues, Congress envisions that such use will be allowed at the approximate levels and types which were occurring at the time the area was designated wilderness.

In conclusion, Mr. Speaker, I believe the bipartisan support for S. 837 indicates that it is a consensus bill which merits our strong support.

□ 1330

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 837, the Senate-passed Washington Wilderness bill.

Mr. Speaker, I would compliment the Washington delegation on both sides of the aisle. The process to which we have been exposed in the committee, the unanimity between the Members of the House and the Senate, has been well followed. Hopefully, we can do the same thing with the remaining wilderness bills, such as Wyoming, Utah and Idaho, where the Governor, the State legislature, the Senate and the House Members themselves, all agree on the position similar to that which we have before us today. We will be able to bring forth to this floor a bill which is agreed to by all Members involved.

I would urge though at this time a point of caution. Even the chairman admits we will go back to and visit these areas at a future date. As I mentioned in the previous bill on the Colorado Wilderness, I can suggest respectfully that within the next 2 or 3 years, we will be back putting more land, additional land, into the State of Washington for wilderness concept.

Mr. Speaker, I would like to remind this body that there is nothing wrong with wilderness if you do not want to use the lands at all. But those listening to this program on the great televised network we have, representing this House at this time, should recognize that wilderness is not everything everybody wishes it to be. Wilderness cannot be used by the average recreational user. Wilderness cannot have a mechanized vehicle, for instance, such as a snow machine or an offroad vehicle or a camper or any other mechanized equipment which is used by many of the recreation users today to get into these areas.

So every acre we put into wilderness, although it is agreed upon by the Members of this delegation, every acre we put into wilderness makes the areas that are open for public use for recreational purposes more crowded. I do not believe the people in America today recognize that each day we stand on this floor in the guise of putting land into wilderness, thinking it protects them from just the ordinary profit motive are taking it away from those people who wish to use it.

I think it is time that we recognize that we can have what many people are seeking: land, solitude, et cetera, but not so much in solitude status that you cannot use them in any way but by the very few—usually by the strong, the young, and those who have the time or the wealth to take the time to hike in to the area—however, the average working person will never be able to use the wilderness lands that we pass on the floor of this House. It will be deprived from them. The fishing, the hunting, and those activities can only be done by the very few.

I am suggesting respectfully, although this bill has been agreed to by the members of the Washington delegation, as we address these issues why can we not make these lands recreational lands and areas so that there is a broader use of the land in such a more concentrated single use as comes forth in this bill.

Mr. Speaker, I reluctantly support this because of the unanimity of the congressional delegation on the House side and the fine work they have done. But again I remind them and remind this body we should be placing these lands in a more diversified usage classification than we are doing today.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. PRITCHARD].

Mr. PRITCHARD. Mr. Speaker, we have worked at least 6 years on this piece of legislation. People all over our State have been involved in the effort. All of the delegation worked together, the Senator and the House Members all worked together. It has been a remarkable process.

We believe this is a good bill. We believe it is balanced. We have national forests, we have our national parks, we have our wilderness, and we have our forestry lands, with multiple use. We believe that this million acres in wilderness will give us a balanced recreational program for the citizens of our State.

I am proud of the delegation, the fact that we worked out our differences and that we come to this floor with a bill which all can support. We believe it is good for the State of Washington, not only today, but will be good for the State 20 and 50 years from now.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. LOWRY].

Mr. LOWRY of Washington. Mr. Speaker, the Washington State Wilderness Art is an excellent example of how good environmental policy and good economic policy go hand in hand. While protecting vital wilderness areas in our State it protects the same natural resources that are crucial to our Northwest economy in particular: fishing, hunting, and tourism. This farsighted act preserves the Northwest's greatest economic asset, namely, that it is a wonderful place to live, raise your family, and locate your business. The Washington State Wilderness Act is, in the best sense of the term, a jobs bill.

Mr. Speaker, the entire Washington delegation supports this legislation. The Washington Wilderness Act represents a balanced agreement among all eight House Members and both Senators. After two marathon meetings, the delegation reached a compromise that produced a 1.03-million-acre wilderness bill. With the assistance of the chairmen of the Interior Committee and the Public Lands Subcommittee, the House and the Senate were also able to reach a new agreement on the release question. That issue deals with the management of national forest roadless land that is not designated as wilderness.

The Senate has ratified that agreement. We, of the Washington delegation, ask now for the support of our House colleagues of both parties in passing this delicately balanced result.

This bill offers important benefits not only for hikers and climbers, but also for hunters and particularly sport, commercial, and tribal fishermen. It does this by protection of the upper portions of critical watersheds. Among the major rivers that will have some protection are the Skagit, the Stilliguamish, the Nooksack, the Twisp, the Dosewallips, the Gray Wolf, the Chewack, and the Rapid Rivers. Trapper Creek, Rattlesnake Creek, and Crow Creek are also well known for fishing enthusiasts. These and other rivers and creeks in the bill support salmon and steelhead as well as excellent resident fish. The Forest Service will manage these areas for high quality fishing, particularly on wild fish. Even fishermen from California, Oregon, and Alaska will benefit from the anadromous fish produced by these streams.

Mr. Speaker, the Senate report notes that the Senate has left space along one bank of the Dosewallips River for the needs of a proposed hydroelectric project. At the same time, the report further directs that if the project is not approved, this omitted land should be managed by the Forest Service to preserve its wilderness character. I strongly concur with this directive. In view of the truly outstanding value of the Dosewallips River to our anadromous fisheries, this river deserves the highest protection, and the project itself deserves intense scrutiny.

Section 10 of the bill directs the Secretary of Agriculture to acquire lands just outside of and adjacent to the proposed Norse Peak Wilderness. Acquisition of these lands along the Greenwater River is desirable to insure public access to this new wilderness area, to support recreational values, and to decrease the risk of flooding in downstream communities.

Finally, Mr. Speaker, I would like to thank my colleagues in the delegation for their cooperation, good humor, tolerance of my pushiness, and spirit of compromise in our long and difficult deliberations. I would also like to recognize the tremendous efforts put in by their staffs. The essence of a wilderness debate is its details, which makes competent staffwork doubly important. They did an excellent job, and deserve our thanks. I particularly want to thank Dr. Lynn Corn of my staff for her excellent work on this act. Private groups, from environmentalists and fishing organizations to timber trade associations all provided useful information and assistance. The result of all of this effort from so many people is a wilderness bill that will be a source of pride to the citizens of Washington State for many years to come.

This bill is an important compromise that enjoys broad support from the people of the State. I urge my colleagues in the House to join the Washington delegation in supporting it.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I was pleased to notice in the news today that Seattle had been selected by the mayors of the cities of the United States as being the most livable city in the United States. Perhaps the same spirit goes into this bill before us today. We think that Washington has been blessed with many wilderness opportunities, and I am proud, as others have stated, to be part of the delegation that now makes some decisions, I believe long overdue, on setting aside this very beautiful natural resource.

I view this bill in front of us today with a sense of commitment and a feeling of pleasure, a commitment because it is past time, a commitment because I felt all along that we could get together and reach the decisions that are embodied in the measure before us today. A feeling of pleasure because the State delegation did work together.

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Our negotiating sessions were one of those experiences that you really have only once in a lifetime. And a feeling of pleasure because the committees and the staff all worked together to make this be in front of us at this moment.

The compromise was a compromise between the environmental interests, recreation, and the timber industry. I would say, on behalf of citizens of the great State of Washington, with this legislation in front of us now—and I urge your support—everyone lost a little, but gained a lot. And that was our goal.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. BONKER].

Mr. BONKER. Mr. Speaker, obviously, this is a consensus bill, and that is the way we in the Washington delegation prefer to deal with some of these issues. But it is certainly a landmark measure when one considers the scope of this legislation and the fact that we were able to come together and reconcile many of the inherent differences that exist when you are trying to balance wilderness values and the economic needs of our great area.

Mention has been made about the process. It truly was an extraordinary effort, when you consider that 8 House Members and 2 Senators met for nearly 10 hours of uninterrupted time, poring over maps, trying to understand the timber values and the wilderness values involved. It was truly

a good process, but it could not have happened without not only the cooperation of the delegation but the cooperation of the distinguished chairman of the subcommittee, the gentleman from Ohio, and the ranking minority member, the gentleman from Alaska.

We all know that we cannot move legislation through this Chamber unless almost everybody is in support, and certainly when the issue comes before the Chamber under suspension. I am particularly pleased with the outcome in my area, recognizing that southwest Washington does depend on a timber base for its economic survival.

I am hopeful that the decisions we have made will protect that timber industry, and at the same time have recognized the important environmental benefits that will come with this designation.

So to the chairman of the subcommittee, to my colleagues, I want to express my gratitude and hope that this House will act expeditiously on this measure and that we will have it on the President's desk where I am certain he will sign it into law.

All interests in this seemingly endless battle over wilderness designation stood to lose much by putting off this important legislation any longer. The timber industry faced the prospect of drastically reduced harvests due to ongoing litigation over the adequacy of the Forest Service review of roadless areas suitable for wilderness designation. On the other hand, delay of the legislation may have precluded consideration of some areas that would, due to development, no longer be suitable.

We are blessed by living in what I believe to be the most beautiful State in the Nation. Nearly every acre of unroaded area left in Washington is of immeasurable value. Our job in Congress is to strike a compromise that protects and preserves unique areas, while taking into account other critical needs in national forests.

The timber industry is a major employer in Washington, particularly in the Southwestern area of the State. Certainly, allocation of wilderness in itself will not sound the death knell for this industry on which our region and Nation depend. There are other matters concerning the industry that Congress must attend to: overpriced Federal contracts that threaten to bankrupt small mills, alarming increases in Canadian timber imports, inequitable tariffs in the Pacific Rim, and insufficient funding for high-yield reforestation efforts. But the long-term adequacy of timber supplies is also a crucial problem which demanded consideration in this legislation.

At the same time, decisions on allocation of public lands cannot be made by economic considerations alone. Wilderness boundaries should be based on the need to provide critical recreational experience, to protect drainage basins, to preserve wildlife habitat, and to maintain our natural resources for the benefit of future generations. It is also important to note that recreational opportunities in Washington State provide substantial jobs and other economic benefits.

I believe our legislation succeeds in balancing these critical needs. Briefly, I would like to address specific additions to the Wilderness System in the Third District, which I represent.

GLACIER VIEW

On the west boundary of Mount Rainier National Park, the 3,050-acre Glacier View Wilderness will be established. Glacier View Point and Mount Beljica offer spectacular views of the Tahoma Glacier. I received significant input favoring its inclusion, particularly from the Washington State Department of Game. As this area adjoins the national park, but is otherwise largely surrounded by heavily clearcut private land, it is a critical corridor for wildlife.

The Tatoosh Wilderness will be added on the southern boundary of the park. Our bill differs markedly from the Forest Service's proposed boundary by including Backbone Ridge. The Tatoosh Ridge offers views of Mount Rainer and the Tatoosh Range.

The Goat Rocks Wilderness established in 1964 will be expanded by 23,143 acres. In the third district, these additions include Coal Creek Bluff; the area surrounding Packwood Lake; the Jordan Creek basin; the area surrounding Walupt Lake; and the Cispus River Valley. As this area was established along section lines, these additions were necessary to include entire ecosystems within the wilderness and to make more manageable topographic boundaries. I will also note for the subcommittee that I support the boundary adjustment that may allow expansion of the White Pass ski area. Originally, the proposed adjustment totaled 2,400 acres and impinged unacceptably on a critical drainage basin. The 800-acre adjustment is acceptable. I support expansion of this ski area to benefit skiers from throughout our region and to benefit the local economies. I also believe this adjustment to be consistent with our effort to redraw the entire boundary of the Goat Rocks along more manageable lines.

I also worked closely with other members of the delegation on the boundaries for the William O. Douglas Wilderness. The southwest portion of that area in my district includes key trails and other important ecologic features.

Finally, I am pleased that the delegation has decided to honor the late Senator Henry M. Jackson by naming a critical wilderness area after him. This area is in the Wenatchee and Mount Baker-Snoqualmie National Forests. Sentor Jackson's wife, Helen, reminds us that this area was a favorite of Scoop's as a boy. It is indeed proper to honor a man who acted so consistently to provide protection for our public lands.

The support of the chairman and other subcommittee members through this deliberative process is deeply appreciated. I would especially like to thank the chairman of the subcommittee and chairman of the full committee for their work that culminated in a long-awaited agreement on the "release" issue. Without that agreement, this legislation would not be headed toward enactment.

At this time, I would like to point out a technical matter regarding the Butter Creek Trail on the western edge of the Tatoosh Wilderness. Following enactment by the Senate, the Forest Service informed the delegation that it had miscalculated the location of the trailhead in this area. It was clearly the intention of the delegation to include the trailhead in the bill. Therefore, it is now the intent of the delegation and the committees that the Forest Service protect the approximately 30 acres between that trailhead and the wilderness boundary.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to join in congratulating ourselves, the delegation from the State of Washington, the chairman of the subcommittee and the ranking minority member.

I believe this bill, Mr. Speaker, is in the finest tradition of a State that has a history of reverence for its natural beauty and its appeal. This bill will serve the interests of people who are engaged in recreation, those who enjoy backpacking, photography, as I do, hunters, fishermen—all of those people who utilize the unspoiled areas in the State of Washington.

Tourism will certainly be greatly enhanced by this bill adding one more element to the magnetism of a State which is rapidly becoming one of the real magnets of the country, a place to visit and enjoy the fresh, green outdoors. And obviously for those of us who live in the State of Washington and enjoy its environment, it will add to the quality of life.

Having said that, I also want to say that there is a great deal of merit to the comments made by my good friend, the gentleman from Alaska, the ranking minority member of this subcommittee. Last weekend I attended the dedication of a Forest Service seed orchard in my congressional district, not far from Enumclaw. The seed orchard is there so that the Forest Service can find the best seed

stock planted and use those seeds for future generations of trees. It occurred to me as we were dedicating this facility that the trees that will eventually grow from those seeds will be harvested by a generation that is not yet born, and most of those who attended the dedication ceremonies will long be gone. That is the nature of this industry.

The forest products industry is in big trouble all over the United States but especially so in the State of Washington. And as I looked at the people attending that dedication, those people wearing the cutoff levis with the red suspenders, the blue work shirts and the funny hats and the Red Man tobacco stuffed down their shirts, I realized what a tremendous group of people they are, hard-working people, who sweat in the summer and slog through waste-deep snow in the wintertime to earn their livelihood from this great resource. And we simply cannot turn our backs on those people. As we dedicate today this wilderness designation to the people I have mentioned above, we must not forget those who through hundreds of years in the Pacific Northwest earned their livelihood—and I know these people, because I grew up with them and worked beside them—we simply cannot turn our backs on them and continue to set aside acres which in the future could very well be the livelihood for them, their children and their grandchildren.

I want to congratulate everyone involved in this bill today. I think it is a tremendous bill and a balance between the interests at work here. But I also want to agree with my good friend, the gentleman from Alaska, that we must be cautious in the future as we deal with wilderness that we not overdo what has already been done.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. I thank the gentleman for yielding.

One does not normally think of a tree as being something that is controversial. But where it can provide both excellent recreational opportunity and also can provide jobs, it becomes that. There are a lot of trees in Washington State. And dealing with the wilderness issue was controversial. There were among the 10 members of the Washington State delegation a wide diversity of opinions on exactly what lines should be drawn and where they should be drawn. But a good compromise is a wonderful thing, because if it is worked right, you end up with it giving you more than the sum of its parts. And the fact is that after the work by the Washington delegation, I think we have come up with a bill that gave conservationists more acreage than they had any reason initially to believe they were going to get, and for the timber industry there was less timber involved as a percentage of that acreage than anyone would have reason to believe.

It is in that sense a very good compromise. It was also an honest compromise. You can compromise things sometimes in a very bad way. Very frankly, and awful lot of this did not lend itself well to just dividing the difference. If you got somebody who wants so many acres and somebody else who wants so many acres, it does not work out that you can always do a responsible job by just splitting the difference, because you have to take into consideration bridges and boundaries and rivers, topographical areas, wildlife, and so forth. These compromises were worked out in the most honest fashion possible; namely, when we ran into a place where we seemed to be high centered, we kept working and working and working to see if there was not a rational way to approach the issue in a different way. And almost all of the major disagreements were worked out in that fashion, finding another way to approach the issue.

A great deal of staff work on the personal staffs of the various Members went into this. But all 10 of us met on two separate occasions for, the gentleman from Washington [Mr. BONKER] said, 10 hours—I thought it was 16; maybe we should make it 32 and make it sound better, but at least 10 hours steadily—in working these things out personally. All of that, I think, resulted in a bill that is very good for the people of Washington State, all of the people of Washington State, the people who look to our great national resources for tourism, for recreation and for a base to our wood products industry. I would certainly commend this very balanced bill to all of my colleagues and urge their support for it.

Mr. Speaker, I rise in support of S. 837, the Washington wilderness bill. This bill, which was developed through a truly consensual process involving the entire Washington State congressional delegation, is a fair and balanced proposal that strikes a delicate compromise between the widely divergent views held by both the public and the delegation on this issue.

In developing this legislation, the delegation was very cognizant of the need to resolve the decade-long RARE II controversy in our State and to eliminate the obstacles to timber sales in roadless areas that had sprung up due to several recent court decisions. We were of course greatly aided in this process by the suggestions and work of the many groups and parties with such a vital interest in this bill. There was not any group that got everything it asked for, but we did respond favorably to many suggestions, and those are reflected in the final bill.

In drawing boundaries, the delegation attempted both to preserve wilderness values and to minimize the impact of the bill on the forest products industry, which in Washington provides thousands of jobs and materials that all of us use in our daily lives. The result is a bill which preserves many of the real gems in our State, but which does not drastically reduce the planned programmed harvest for the timber industry. For example, in my district, where a significant part of the economy relies on this industry, there was a reduction of less than 4 percent of the current annual programmed harvest in the national forests as a result of wilderness additions.

The bill also designates for protection of an area that I have long supported for wilderness, the Boulder River. This spectacular area is one of the last low-lying valleys with major stands of virgin timber in the State. Because it is low lying, it is accessible to almost everyone. I have walked the Boulder River trail, and I met not only hard-core backpackers, but also families and senior citizens, people able to navigate the easy terrain in this area who would be unable to negotiate some of the more remote trails in our State. The beauty of Boulder River is that it enables the average citizen to have a wilderness experience.

Mr. Speaker, I am pleased to be able to support this bill which was conceived through the efforts of our entire delegation. I urge the support of my colleagues for this landmark piece of legislation.

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

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I would like to take this opportunity to add my strong support to the Washington Wilderness bill which is before the House today, and to urge my colleagues to vote for the legislation. As you know, the Washington congressional delegation has managed to accomplish something not easily done in Congress. Although we are a delegation split evenly along party lines and with divergent political philosophies, we have reached unanimous agreement on an issue that is of extreme importance to our State and our constituents.

The wilderness issue has always been a sensitive one in Washington State. Much of our economy is dependent upon the timber industry, while at the same time our citizens are acutely aware of the national beauty around them and our responsibility to preserve our environment for future generations.

Mr. Speaker, no one got everything they wanted in this bill. It is a true compromise. This means it is a balanced bill, reflecting the need to nurture our timber industry as well as our environmental concerns. The bill contains some of the loveliest and most sensitive areas in our State. It protects old growth timber and salmon spawning areas—glacial elevations as well as deep valleys. And, as a result of the compromise release language that the House and Senate have agreed upon, it provides security for the timber industry, aiding in their ability to make future planning decisions.

As an added touch, and one that is particularly important to me personally, two areas of wilderness included in the bill have been set aside to honor the memories of valued citizens that enjoyed their beauty. The first, a beautiful portion of the Snoqualmie National Forest, will be named the Henry M. Jackson Wilderness. All of us in the delegation felt it would be a fitting tribute to the great statesman if the trails he loved to hike were preserved in his honor. The second area, also in the Snoqualmie, will be named the William O. Douglas Wilderness. In this case as well, a permanent reminder of the contributions of the great jurist has been preserved for future generations.

Mr. Speaker, Washington needs this wilderness bill now if it is to move along to other issues of importance for the State. The wilderness issue must be settled, and this bill is the fairest settlement possible. I urge the Members of the House to consider it favorably, and to forward it to the President with our strongest recommendation that he sign it without delay.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the distinguished majority whip, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker I rise in strong support of S. 837, the Washington Wilderness Act, as approved by the Senate on May 24, 1984. I would like to take this opportunity to express my personal appreciation to the leadership of the House Committee on Interior and Insular Affairs and the Committee on Agriculture for expediting House consideration of this legislation.

The purpose of S. 837 is: First, to designate approximately 1,031,738 acres of naitonal forest system land in the State of Washington as wilderness; second, to designate approximately 7,140 acres of BLM land as wilderness; third, to create a national recreation area totaling some 8,600 acres; fourth, to establish a North Cascades Scenic Highway Corridor comprising approximately 87,757 acres; and fifth, to make certain other national forest system lands in the State of Washington are available for other multiple uses.

As you know, this bill has the unqualified support of all of the Members of the Washington State delegation. After extensive hearings, our entire delegation met at great length, and we believe that we have reached a reasonable consensus that balances the legitimate interests of all of the parties involved.

The choices made during the delegation discussions were often difficult and quite complex. We recognize that no single member of our delegation—and more importantly, no particular interest group—is completely satisfied with the provisions of the legislation.

We are, however, firmly convinced that we have done the best that we can and that prompt enactment of our bill is in the best interests of all parties and the people of our State.

I am particularly pleased to note that the delegation has recognized the significant contribution to our State and Nation made by the late Senator Henry M. Jackson and the late Justice William O. Douglas. One of the 18 new national forest wilderness areas in this bill is named in honor of the late Senator Henry M. Jackson.

The 103,591 acre Henry M. Jackson Wilderness is located in the Wenatchee and Mount Baker-Snoqualmie National Forests. This area, which includes the Monte Cristo and Lake Vahalla area, is included in the bill in tribute to Senator Jackson's unequaled contributions to preserving and protecting our Nation's park and forest lands for the enjoyment of all Americans. As chairman of the Senate Energy and Natural Resources Committee and the former Committee on Interior and Insular Affairs for 18 years, Senator Jackson left a memorable imprint on important legislation which today protects our Nation's precious heritage.

This legislation honors the late Justice William O. Douglas by designating approximately 166,603 acres located in the Wenatchee and Gifford Pinchot National Forests. This magnificent area lies adjacent to or in some places straddles the crest of the Cascades range. The legislation recognizes Justice Douglas' lifelong effort to preserve this area, known locally as Cougar Lakes. Through this designation, the Congress will recognize Justice Douglas' persistent concern for this area and his many contributions to conservation efforts throughout the State of Washington and the entire Nation.

Mr. Speaker, prior to closing, I would be remiss if I did not express my personal appreciation to both committees and, particularly, Representative JOHN SEIBERLING, for their efforts in resolving the release controversy and for their willingness to honor the delegation's request of May 24, 1984, asking for prompt House action to this legislation.

In particular, I want to again thank the distinguished chairman of the subcommittee, Mr. SEIBERLING of Ohio, who has given so much of his own personal attention to this bill and other legislative issues involving wilderness. He and the ranking minority member of the subcommittee, Mr. YOUNG of Alaska, together with the other members of the Committee on Interior and Insular Affairs, have not treated these issues in a routine fashion. Indeed, the matters involved with wilderness legislation are complex, difficult, and often quite contentious. I am particularly grateful to the committee for their efforts on this legislation.

Mr. Speaker, the legislation before the House proposes the addition of over 1 million acres of magnificent wilderness in the State of Washington for inclusion in the National Wilderness Preservation System, and I urge our colleagues to join with the Washington delegation in support of this bill.

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

Mr. Speaker, I want to thank and again commend the Washington delegation in both bodies for the tremendous effort they have made to bring out this compromise consensus legislation. I would just like to say one other thing: There are similar bills that are pending in the other body, including the bill, the Arizona Wilderness bill, which passed this House, which was put together by the distinguished chairman of the Interior Committee, our colleague, Mr. UDALL, and they are being held up in the other body, in effect, held hostage to the working out of some of the other Members' separate bills.

I discussed with the two Senators from the State of Washington the possibility of reciprocating and holding this bill until we got the others that are being held up that are also delegation consensus bills, and move through the other body. But I thought better of it. One of the Senators said to me that he felt it was very unfair to hold bills hostage when they have been all worked out by all concerned. I said, I agree completely. It is very unfair. I do not want to participate in that kind of activity.

Fortunately, Congressman UDALL and I had a meeting with the chairman of the Senate Energy and Natural Resources Committee on Friday and asked him to reconsider if he could, the action of holding those bills in suspension and he agreed to do that. In the hope that he will match our willingness to be cooperative——

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I will in just a minute.

Mr. YOUNG of Alaska. Well, I do not want to have to make a point of

order, but with all due respect to my good chairman——

Mr. SEIBERLING. There is no point of order in order.

Mr. YOUNG of Alaska. I would suggest, Mr. Chairman, that we should not be talking about the actions of the other body and the other Senators. I do believe that this is not appropriate at this time.

Mr. SEIBERLING. We are entitled to refer to actions of the other body, as long as we do not make personal criticisms of Members of the other body.

In any event, I am not making a personal criticism; I am saying that I am confident that we will meet a similar response in kind from the other body and from the chairman of the corresponding committee, and that is why we are moving this bill today.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I would only suggest in all due respect to my good chairman, that negotiation between himself and the Senators involved in this legislation does not, would we say, expedite the process of some of the bills. We have worked with a sense of compromise on this Washington legislation. I have risen in support of it, and that is rare, far between, and I would suggest that we do not serve our endeavors here to finalize legislation by referring to hostages, et cetera, when it comes to this type of legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the Senate bill, S. 837.

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

A motion to reconsider was laid on the table.

□ 1400

THE SAN JUAN BASIN WILDERNESS PROTECTION ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 3766) entitled: "The San Juan Basin Wilderness Protection Act of 1983", as amended.

The Clerk read the bill, as follows:

H.R. 3766

Be it enacted by the Senate and House of Represenatives of the United States of America in Congress assembled, That this Act may be cited as the "San Juan Basin Wilderness Protection Act of 1984".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Albuquerque District Bureau of Land Management, New Mexico, which comprise approximately three thousand nine hundred and sixty-eight acres, as generally depicted on a map entitled "Bisti Wilderness—Proposed", dated June 1983, and which shall be known as the Bisti Wilderness; and

(2) certain lands in the Albuquerque District of the Bureau of Land Management, New Mexico, which comprise approximately twenty three thousand eight hundred and seventy-two acres, as generally depicted on a map entitled "De-na-zin Wilderness—Proposed", dated June 1983, and which shall be known as the De-na-zin Wilderness.

(b) Subject to valid existing rights each wilderness area designated by this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this Act, a map and a legal description of each wilderness area designated by this Act shall be filed by the Secretary of the Interior with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made by the Secretary subsequent to such filings. Each such map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior.

(d) Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this Act.

SEC. 3. (a) In recognition of its paramount aesthetic, natural, scientific, educational, and paleontological values, the approximately two thousand seven hundred and twenty acre area in the Albuquerque District of the Bureau of Land Management, New Mexico, known as the "Fossil Forest", as generally depicted on a map entitled "Fossil Forest", dated June 1983, is hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing and all amendments thereto. The Secretary of the Interior shall administer the area in accordance with the Federal Land Policy and Management Act and shall take such measures as are necessary to insure that no activities are permitted within the area which would significantly disturb the land surface or impair the area's existing natural, educational, and scientific research values, including paleontological study, excavation, and interpretation.

(b) Within one year of the date of enactment of this Act the Secretary of the Interior shall promulgate rules and regulations for the administration of the Fossil Forest area referred to in subsection (a) in accordance with the provisions of this Act and shall file a copy of such rules and regulations with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

SEC. 4. (a) The Secretary of the Interior shall exchange such public lands or interest in such lands, mineral or nonmineral, as are of approximately equal value and selected by the State of New Mexico, acting through its commissioner of public lands, for any State lands or interest therein, mineral or nonmineral, located within the boundaries of any of the tracts designated as wilderness under section 2. For the purpose of this section, the term public lands shall have the same meaning as defined in section 103(c) of the Federal Lands Policy and Management Act of 1976.

(b) Within one hundred and twenty days of enactment of this Act, the Secretary of the Interior shall give notice to the New Mexico Commissioner of Public Lands of the tracts to be designated as wilderness pursuant to section 2 of this Act and of the Secretary's duty to exchange public lands selected by the State for any State land contained within the boundaries of the designated wilderness areas. Such notice shall contain a listing of all public lands which are located within the boundaries of the State, which have not been withdrawn from entry and which the Secretary identifies as being available to the State in exchange for such State lands as may be within the designated wilderness areas.

(c) The value of the State and Public lands to be exchanged under this section shall be determined as of the date of enactment of this Act.

(d) After the receipt of the list of available public lands, if the commissioner of public lands gives notice to the Secretary of the State's selection of lands, within one hundred and twenty days of such notice of selection, the Secretary shall notify the State in writing as to whether the Department of the Interior considers the State and Federal lands to be of approximately equal value. In case of disagreement between the Secretary and the commissioner as to relative value of the acquired and selected lands, the Secretary and the commissioner shall agree on the appointment of a disinterested independent appraiser who will review valuation data presented by both parties and determine the amount of selected land which best represents approximate equal value. Such determination will be binding on the Secretary and the commissioner.

SEC. 5. (a) The Secretary of the Interior shall exchange any lands held in trust for an Indian whose lands are located within the boundary of the De-na-zin area referred to in section 2(a)(2) at the request of the Indian for whom such land is held in trust. Such lands shall be exchange for land approximately equal in value selected by the Indian allotee concerned and such lands so selected and exchange shall thereafter be held in trust by the Secretary in the same manner as the lands for which they were exchanged.

(b) Except as provided herein, nothing in this Act shall affect the transfer to the Navajo Tribe of any lands selected by the

Navajo Tribe pursuant to Public Law 93-531 and Public Law 96-305: *Provided, however,* That, notwithstanding the limitations imposed by section 4 of Public Law 96-305, within eighteen months after the date of enactment of this Act, the Navajo Tribe, after consultation with the Relocation Commission, shall have the authority to and shall select lands in New Mexico administered by the Bureau of Land Management of equal acreage in lieu of the lands which have been previously selected by the Navajo Tribe within the boundaries of the wilderness areas and of the Fossil Forest, as described in sections 2(a) and 3(a) of this Act. The Navajo Tribe, after consultation with the Relocation Commission, shall also have authority to select lands in New Mexico administered by the Bureau of Land Management of equal acreage in lieu of lands which have been previously selected by said tribe within the boundaries of the Ah-shi-sle-pah Wilderness Study Area as described in section 6 of this Act. A border of any parcel of land so selected shall be within eighteen miles of the boundary of the Navajo Reservation described in Executive order dated January 6, 1880.

(c) Title to such in lieu selections shall be taken in the name of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation, and shall be subject only to valid existing rights as of December 1, 1983.

SEC. 6. Certain lands in the Albuquerque District of the Bureau of Land Management, New Mexico, which comprise approximately seven thousand one hundred and ninety-three acres, as generally depicted on a map entitled "Ah-shi-sle-pah Wilderness Study Area", dated June 1983, shall be studied pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and shall be protected as as not to impair their suitability for preservation as wilderness pursuant to section 603(c) of such Act.

SEC. 7. The Congress hereby finds and directs that all public lands in San Juan County, New Mexico, administered by the Bureau of Land Management and not designated as wilderness or wilderness study by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579), and are no longer subject to the requirement of section 603(c) of the Federal Land policy and Management Act pertaining to management in a manner that does not impair suitability for preservation as wilderness.

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

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want first of all to thank the gentleman from New Mexico [Mr. RICHARDSON] for the leadership he has taken in working out this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank my colleague, the gentleman from Ohio, for yielding this time to me.

Mr. Speaker, H.R. 3766 is a compromise bill which is the result of months of hard work, negotiations, and cooperation with all concerned interests. I want to also express my appreciation to my good friend and colleague from New Mexico, the ranking minority member of the Interior and Insular Affairs Committee, Mr. LUJAN, for his contributions to this legislation. I also wish to commend the chairman of the Subcommittee on Public Lands. Mr. SEIBERLING, and his fine staff, for their efforts in bringing this legislation to the floor.

In particular in this regard, Mr. Speaker, I wish to commend the work of Mr. Wiessner and Mrs. Toohey for their contribution to this legislation.

Mr. Speaker, last July in New Mexico, the Interior Committee held a thorough field hearing on this issue. An overwhelming majority of the over 500 people who attended that hearing supported legislation which would protect the precious Badlands in the San Juan Basin. Upon returning to Washington, I introduced H.R. 3766 to designate the three wilderness study areas in the San Juan Basin as wilderness and to provide permanent protection for an archeologically valuable area known as the Fossil Forest. The compromise we have under consideration today which was unanimously approved by the Interior Committee differs somewhat, but not radically from my original proposal.

First, under H.R. 3766 as amended, the wilderness study area, Ah-shi-sle-pah, will remain under its current BLM study status. The area will also be expanded to include a small, but valuable portion that is not now under study. I still believe this area is worthy of wilderness protection. Its unique geological formations and petrified remains are among the most beautiful and unique in the Southwest. However, there are a number of unresolved issues that cloud the area and should be settled before it receives permanent protection. I am hopeful that continuing the current study process will lead to the designation of this environmentally valuable area as wilderness.

Second, the substitute makes a minor change with respect to Navajo land selections under the Navajo-Hopi Relocation Act. The Navajo Tribe's original land selection includes 8,000 acres which overlap the three WSA's and the Fossil Forest. Last fall, an amendment was adopted during the Public Lands and National Parks Subcommittee markup on the bill to provide for alternate Navajo land selections for these 8,000 acres within 36 miles to the east of the Navajo Reservation. The substitute will allow for alternate selections within 18 miles of the reservation in accordance with current law. This change is necessary to allay the concerns of those who have interests in this area. It should be noted that the Navajo Nation has agreed to this provision.

Mr. Speaker, H.R. 3766 will designate as wilderness the Bisti and De-nazin WSA's. In addition the bill also makes certain that the area known as the Fossil Forest will be withdrawn from any coal or mineral leasing in order to protect some of the finest fossil assemblages in the world. In all H.R. 3766 will provide permanent protection for over 30,000 acres and will make certain the study process continues for Ah-shi-sle-pah.

However, this bill is a modest proposal. The areas we are protecting comprise roughly 1 percent of the total acreage in San Juan County and less then three-tenths of 1 percent of all the recoverable coal in the San Juan Basin. Designating such a small fraction of environmentally sensitive lands as wilderness will not hinder coal development. H.R. 3766 will ensure that the unique and fragile Badlands region of New Mexico is preserved in its natural beauty for future generations to enjoy.

This bill is strongly supported by the State of New Mexico and its Governor, conservationists, archeologists, and the Navajo Nation.

Mr. Speaker, again I to want express my appreciation to all those who made a contribution in developing this legislation, with my special thanks going out to Mr. LUJAN and Mr. SEIBERLING.

In connection with the gentleman from New Mexico [Mr. LUJAN], I believe he has shown himself to be exteremly environmentally sensitive, fair, and he has made a major contribution to this legislation. I also want to thank the Navajo Nation for their willingness to cooperate and work for the passage of this bill. Chairman Peterson Zah of the Navajo Nation played a key role in formulating this legislation and deserves to be recognized for his efforts in assuring that these lands of religious significance to the Navajo people are protected.

I urge members to support H.R. 3766.

PURPOSE

H.R. 3766, as amended, would designate two new wilderness areas, totaling approximately 27,840 acres, in the San Juan Basin in New Mexico. A third area, the Fossil Forest, will be managed to protect its paramount paleontological, scientific, and natural values. The bill also slightly expands the boundary, and reaffirms the ongoing wilderness study, of the Ah-shi-sle-pah Wilderness Study area.

BACKGROUND AND NEED

H.R. 3766, as amended, is the product of the Committee's consideration of various proposals to designate portions of the Badlands formations in

New Mexico's San Juan Basin as wilderness. Aside from the Badlands Wilderness designated by Public Law 94-567 in South Dakota, the exposed and highly erodible badlands type of landscape is one which is currently not well presented in the National Wilderness Preservation System. The Bisti area, Navajo for Badlands, consists of approximately 70,000 acres of highly eroded sedimentary formations of Federal, State, Indian and private lands north of Chaco Canyon in the San Juan Basin. Over time, water and wind erosion of the ancient sedimentary formations has resulted in a dramatic and highly scenic landscape consisting of sculpted pinnacles, spires, boulders, mushroom shaped "hoodoos" and colorful banded mounds of clay and silstone. These formations are interspersed with deep washes and relatively undisturbed rolling uplands covered by sagebrush, grasses and other vegetation.

As the sedimentary rock erodes, abundant fossils are constantly becoming exposed and have made the area internationally known for its rich diversity of vertebrate and invertebrate fossil specimens, as well as petrified wood. Numerous significant archeological sites have also been found, and portions of the area include religious sites of great importance to the Navajo people.

In recognition of these outstanding values, conservationists, scientists, the Navajo Nation, the State of New Mexico, and others have expressed a keen interest in securing permanent legal protection for portions of the overall area. Pressures for wilderness or other protective designations have increased in recent years with the filing of applications for coal leasing in the area and with the attention focused on the area by the Bureau of Land Management's ongoing wilderness study of three BLM roadless areas—Bisti, De-na-zin, and Ah-shi-slepah wilderness study areas. Proposals for construction of a coal fired power generating station and attendant railroad, increased coal mining, and other development activities likewise prompted public concern for the area's future.

In response to these concerns, the committee held a field hearing in Santa Fe, NM on May 21, 1983, and shortly thereafter H.R. 3766 was introduced by Congressman BILL RICHARDSON of New Mexico. As amended by a consensus substitute offered during committee markup by Congressman MANUEL LUJAN, the bill would provide protection for the following areas, which although small in comparison to the total San Juan Basin, the committee believes comprise the "gems" of the San Juan Basin badlands areas:

Bisti Wilderness.—This proposed 3,968 acre wilderness lies directly east of State Highway 371 some 30 miles south of Farmington, and by virtue of its easy accessibility is perhaps the best known and most often visited of the Badland areas. Terrain consists of badlands interspersed with ricegrass/snakeweed dunes and contains superb stretches of sandstone towers, billowy mounds of siltstone, mushroom shaped sandstone scrlptures, and multicolored rock formations. One area, known as the bowling alley resembles a hodgepodge of mushroom and ball shaped features which exhibit remarkable diversity and form fascinating patterns. In addition to its spectacular geology, the area has numerous sites with significant fossil resources, including 16 listed as critical or highly important. Archeological remains also abound and the area has several localities sacred to the Navajo people. Although the area is relatively small in size, excellent opportunities for solitude and primitive recreation can be found in the badlands, which generally lie substantially below the surrounding uplands. Thus, visitors to the area are isolated from the nearby highway and mining activities once they enter the badlands.

In recognition of its outstanding values, the Bisti has been recommended by the Bureau of Land Management to the Registry of National Natural Landmarks and has been endorsed by the administration for wilderness designation. Land ownership in the proposed wilderness is 100 percent Federal and the area is withdrawn from further mineral leasing. Pursuant to Public Law 96-475 the Secretary of the Interior is preparing to exchange two coal leases within the area for lands outside the area. The exchange will eliminate any possible conflict between wilderness designation and mineral leasing and ensure that the entire 3,968 acre wilderness proposal is permanently protected from development.

De-na-zin Wilderness.—At approximately 23,872 acres, this is the largest of the badland units and arguably the most spectacular in terms of overall size and diversity. As with the Bisti proposal, the majority of the area consists of badlands with a rich diversity of "hoodoos", "mushrooms", washes, and multicolored rock formations. Solitude and isolation are easily found in the badlands and washes which lie as much as several hundred feet below the surrounding uplands. The area's diversity is perhaps best described on page B-5 of the Bureau of Land Management's draft environmental impact statement on the San Juan Basin Wilderness study areas:

> The WSA (wilderness study area) contains great scenic diversity because of varied topography that includes sand-stones bluffs, mesas, and badlands. The majority of the De-na-zin WSA consist of broken, rough badlands. The sand-stone-capped bluffs and mesas intermingled with spires and mushroom formations give this WSA a scenic appeal distinctly its own. A wide variety of viewscapes is provided by mesa tops, intricately sculptured bluffs, and rolling, alluvial washes. The delicate coloration of these formations ranges from creams and tans to strikingly banded maroons and purples.

As with the other areas designated for protection H.R. 3766, the proposed wilderness contains a rich assemblage of fossils that are of international significance. However, the proposed Dena-zin Wilderness is of particular importance because it is one of the few known areas in the world where the fossil record represents the full transition from the age of dinosaurs, the Mesozoic era, to the age of mammals, Cenozoic era, with the deposits of primitive, early Cenozoic, mammals being especially noteworthy. The proposed wilderness is also rich in archeological sites and contains numerous areas of religious significance to the Navajo people.

In addition to federally owned lands, the proposed wilderness contains some 2,000 acres of State lands, which the State of New Mexico supports for inclusion in wilderness. The State lands are added to the wilderness in order to round out the wilderness proposal, form a more manageable boundary and, most importantly, to insure that the wilderness contains the broadest possible diversity of terrain and ecosystems. Section 4 of the bill directs the Secretary of the Interior to acquire the State lands by exchange.

In designating the wilderness the committee is aware that the area also contains some 1,120 acres of Navajo inholdings, as well as a 40-acre occupancy tract that is in the process of of being exchanged and will become an additional inholding. The committee wishes to emphasize that pursuant to section 5 of the Wilderness Act and other applicable law, the inholders rights to live on their land, and have access to and use their land, are not intended to be abridged by the designation of the De-na-zin Wilderness. The committee notes that the present occupany and use of the inholdings is largely pastoral in nature and does not appear to be incompatible with the surrounding wilderness designation. However, if some or all of the inholders voluntarily request that their land be exchanged for land outside the wilderness, section 5(a) of H.R. 3766 directs the Secretary of the Interior to acquire the inholdings by exchange. Further, although the Navajo Nation has selected additional lands within the proposed wilderness for transfer to the tribe pursuant to the Public Laws 93-531 and 96-305, subsections (b) and (c) of H.R. 3766 authorize and mandate in lieu selections outside the wilderness in order to retain the bulk of the proposed wilderness in Government ownership and avoid the possibility of additional inholdings in the future. The Navajo Nation has agreed

to such in lieu alternate, selections in order to insure complete protection of the De-na-zin Wilderness. The in lieu selection provision is discussed in greater detail later in this report.

The committee finally notes that the proposed wilderness overlaps some 7,700 acres of land that are under application for the issuance of coal leases pursuant to subsection 2(b) of the Mineral Lands Leasing Act of 1920. The committee has carefully examined the coal lease issue and believes that the issuance and development of coal leases within the De-na-zin area would substantially impair the area's wilderness, paleontologic, archeologic, and other values. Even if mining were limited to underground methods, there could be unacceptable disruption of the area's world renowned fossil beds and the badlands ecosytem. Mining activity is also strongly opposed by the Navajo Nation in recognition of De-na-zin's important religious and cultural values. As such, the committee believes that the coal values of the area, which amount to less than one-half of 1 percent of the Federal recoverable coal in the San Juan Basin, are far outweighed by the area's other values. In the committee's opinion mining would not be economically viable after all costs of compliance with reclamation standards, avoidance of mining in fossil deposits, protection of the surface badlands resources and topography, and other factors are considered. Therefore, although the wilderness designation of H.R. 3766 will permanently withdraw the area from coal leasing, the committee believes that the preference right lease applications within the area would fail to meet the commercial quantities test of section 2(b) of the Mineral Lands Leasing Act even in the absence of wilderness designation. However, the committee agrees that the designation of the De-na-zin Wilderness is in no way intended to interfere with the processing of all or portions of pending lease applications, and the issuance of preference right coal leases, on lands outside the proposed wilderness.

"De-na-zin Rock": During the course of the committee's deliberations on the proposed De-na-zin Wilderness, the Navajo Nation requested that wilderness designation or other special consideration be given to the so-called De-na-zin Rock area which lies in De-na-zin WA some 4 miles southwest of the proposed wilderness boundary. The precise tract in question covers approximately 10 acres and is located in township 23 north, range 13 west, section 14, NE¼ NW¼ SE¼. The site contains a prominent rock and pictographs which are considered sacred to the Navajo people. In investigating the area for possible inclusion in the De-na-zin Wilderness, the Committee has determined that intervening roads and non-Federal land ownerships result in the rock being physically separated from the rest of the wilderness. Wilderness designation would also be complicated by the fact that the area comprises a portion of the site for the proposed New Mexico Generating Station and has been selected for transfer to the Navajo Nation pursuant to the Navajo and Hopi Indian Relocation Act, Public Law 93-531 and 96-305.

As the area has been selected by the Navajo Nation, the committee believes that any special Federal designation at this time would be premature, because if the Navajo's selection is honored, the rock and its surroundings will belong to the Navajo to be managed as they determine appropriate. It is possible, therefore, that Navajo ownership will moot the issue and permit the Navajos to prohibit mining or other development in the area.

However, prior to the transfer, or in the event the area is not transferred to the Navajo, the committee expects the Bureau of Land Management to regulate all use in the 10-acre area to fully insure that the religious and cultural values are protected. In particular, no disruptive mineral exploration, road construction or other development should be allowed in the 10-acre area.

Fossil Forest.—This relatively small 2,720 acre area contains some of the finest fossil assemblages in the world, and is especially renowned for its large numbers of Cretaceous fossil tree stumps, which have been preserved upright in their original growing position and location. While numerous remnants of fossil forests exist elsewhere in North America, the large number of in situ stumps in the Fossil Forest of New Mexico is without peer. Interspersed in this relict forest are great quantities of the fossilized remains of early mammals and dinosaur skeletons. The dinosaur fossils are extremely noteworthy in that they include many articulated—nearly complete—skeletal remains. Complete, as opposed to scattered dinosaur skeletons are rare in most other known fossil research areas. As such, the Fossil Forest presents a virtually unique opportunity in North America to study a microcosm of the paleoecology of the late Mesozoic period, and is prized by scientists worldwide for that reason.

Due to the fact that the Fossil Forest Area contains roads and other marks of mankind, and motor vehicles are used to access research sites, the area is not proposed for wilderness designation in H.R. 3766. Rather, the area will be withdrawn from coal and other mineral leasing and managed to fully protect its paramount paleontological values for future research. The minerals withdrawal provision is of utmost importance as the area is under application for coal leasing pursuant to section 2(b) of the Mineral Lands Leasing Act of 1920. Stated simply, the mining of coal in the area, which would likely have to be accomplished by surface mining methods, could permanently disrupt or destroy the fossil beds. Even if care were taken to protect the currently know fossil resources mining could uncover and disturb deposits currently buried and hidden from view, and thereby disrupt the overall fossil resource. The greatest scientific values often derive from deliberate study of fossil bearing formations in relation to each other and their undisturbed surroundings. The committee believes, therefore, that the only way to insure complete protection of the area's paramount scientific values is to withdraw the area from any coal or other mineral leasing. As with De-na-zin, the committee believes the current coal lease applications would fail the commercial quantities test, because it would be virtually impossible to mine and reclaim the area and still protect the fossil resources. However, with De-na-zin, nothing in the designation of the Fossil Forest area is intended to interfere with the processing of all or portions of pending coal leases applications, and the issuance of preference right leases, on lands outside the boundaries of the protected area.

Consistent with the withdrawal from mineral leasing, H.R. 3766 also authorizes and mandates the Navajo Nation to select in lieu lands pursuant to Public Laws 93-531 and 96-305 outside of the Fossil Forest. The Navajo Nation has agreed to this alternate selection in order to ensure complete protection for the Fossil Forest.

Ah-shi-sle-pah Wilderness Study Area (WSA).—Section 6 of H.R. 3766 reaffirms the ongoing wilderness study of BLM's Ah-shi-sle-pah Wilderness Study Area pursuant to section 603 of the Federal Land Policy and Management Act (FLPMA), and adds 640 acres to the study area. With this addition, the study area will total approximately 7,193 acres.

The Ah-shi-sle-pah Wilderness Study Area represents a classic case of conflict between the wilderness resource and potential mineral—coal—development. On the one hand, the area contains significant deposits of coal which appear to be recoverable by strip mining methods. This coal is under application for preference right leasing pursuant to section 2(b) of the Mineral Lands Leasing Act of 1920 and much of the area has also been selected by the Navajo Nation for transfer pursuant to Public Laws 93-531 and 96-305. The Bureau of Land Management estimates that the coal resource amounts to only nine-tenths of 1 percent of the Federal recoverable coal in the San Juan basin, but mining companies believe the coal resource is es-

pecially valuable because of its accessibility to road networks or potential transportation corridors, the relatively thin layer of overburden in the area, and its substantial percentage of the total recoverable coal under preference right lease application.

On the other hand, there is no doubt that Ah-shi-sle-pah possesses superb wilderness resources. Wilderness designation is supported by the State of New Mexico, the Navajo Nation and conservationists. In general, the Ah-shi-sle-pah area consists of badlands terrain similar to that of the Bisti, De-na-zin and the Fossil Forest. However, in terms of fossil locations, Ah-shi-sle-pah is rated by BLM to have 31 critical or highly important sites and 195 important sites—more than Bisti and De-na-zin combined—and is widely recognized for its excellent Mesozoic sediments bearing dinosaur fossils. The most complete fossil remains found in the 3 WSA's to date were removed from the Ah-shi-sle-pah area, and some outstanding fields of petrified stumps have also been identified. Like Bisti and De-na-zin the badlands portions of the study area lies below the surrounding uplands and provide outstanding opportunities for solitude and primitive recreation.

If Ah-shi-sle-pah is leased and mined for coal, the BLM estimates that in excess of 5,300 acres of the 7,100 acre area would have vegetation removed by surface mining. Quite obviously, this would have a tremendous impact which could permanently harm the area's wilderness values and opportunities for scientific research. As such, the committee reached agreement that the area should receive further wilderness study pursuant to section 603 of FLPMA. In reaffirming the study, the committee notes that the Bureau of Land Management has indicated, and section 603(c) of FLPMA requires, that until Congress reaches a decision on the area, no coal leases will be granted. Thus, although the bulk of the area is under application for preference right coal leases, those applications should not be processed until Congress acts on the area. Nothing in H.R. 3766, however, is intended to prevent the processing of all or portions of coal lease applications and issuance of coal leases outside the boundaries of the WSA.

As with De-na-zin and the Fossil Forest, much of the Ah-shi-sle-pah area has been selected for transfer by the Navajo Nation pursuant to Public Laws 93-531 and 96-305. The Navajo support wilderness designation for the area and have agreed to mandatory, in lieu, alternative selections. However, as the area is not being designated wilderness, the in-lieu selections in Ah-shi-sle-pah are made discretionary pursuant to section 5(b) of the bill. This will preserve the Navajo's right to further pursue transfer of their selected lands in the WSA.

IN-LIEU LAND SELECTIONS

As has been discussed, portions of the proposed De-na-zin Wilderness, the Fossil Forest and the Ah-shi-sle-pah WSA have been selected by the Navajo Nation for transfer to the tribe pursuant to the Navajo and Hopi Indian Relocation Act, Public Laws 93-531 and 96-305. Although the Navajo support wilderness designation for De-na-zin and Ah-shi-sle-pah and protection for the Fossil Forest, administration of the areas could be complicated in the future if they are partially in private Indian ownership. The Navajo currently indicate that they would likely use selected lands for pastoral or resettlement purposes only, but there is no guarantee that coal or other development of the selected lands might not be proposed at some future date. Accordingly, in order to fully insure that wilderness and other values are permanently protected, the committee worked with the Navajo Nation to authorize and mandate the selection of alternate lands outside the De-na-zin and Fossil Forest areas, and to authorize alternate discretionary selection outside of Ah-shi-sle-pah. Subsections 5 (b) and (c) modify Public Laws 93-531 and 96-305 to allow such alternate selections, and limit the selection area to parcels within or bordering 18 miles of the boundary of the Navajo Reservation. In order to permit maximum flexibility in selection of alternate lands, the Navajo Nation had requested expansion of the selection of the in-lieu selection area to a 36-mile limit, but complicated land ownership patterns, conflicting land uses and other matters prompted the committee to stay with the original 18-mile limit of existing law.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the "San Juan Basin Wilderness Protection Act of 1984."

Section 2(a) designates two new wilderness areas comprising 27,840 acres.

Section 2(b) contains the standard language of all wilderness bills pertaining to administration of wilderness.

Section 2(c) contains the standard language of all wilderness bills pertaining to the filing of maps and legal descriptions of the wilderness areas designated by H.R. 3766.

Section 2(d) recognizes that livestock grazing shall be permitted to continue in the wilderness areas, subject to reasonable regulations.

Section 3 provides protection for the 2,720-acre Fossil Forest area.

Section 4 provides for the exchange of any State-owned lands within the wilderness proposals of the bill.

Section 5(a) provides for the discretionary exchange of any privately owned lands within the proposed De-na-zin Wilderness.

Section 5(b) provides for alternate in-lieu land selections by the Navajo Nation. This issue is discussed earlier in this report.

Section 6 provides for the continued wilderness study of the Ah-shi-sle-pah area and adds 640 acres to the study area.

Section 7 insures that public lands in San Juan County, NM, not designated wilderness or remaining in wilderness study have to be adequately considered for wilderness pursuant to section 603 of the Federal Land Policy and Management Act [FLPMA] and will not be subject to the interim management provisions of subsection 603(c) of FLPMA.

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I rise in strong support of H.R. 3766, the San Juan Basin Wilderness Act of 1984. Briefly, this legislation would designate two areas of public lands administered by the Bureau of Land Management as wilderness. These two areas, known in Navajo as Bisti and De-Na-Zin, contain perhaps the finest examples of badlands in the Southwest and also have internationally recognized values for paleontological study. In addition to designating wilderness, H.R. 3766 provides special protection for the magnificent fossil deposits of the 2,720 acre Fossil Forest and continues the wilderness study of the Ah-shi-sle-pah Wilderness study area.

Mr. Speaker, the four areas protected by H.R. 3766 are different from most areas Congress has considered for addition to the National Wilderness Preservation System for several reasons. First, in contrast to the forested or mountainous terrain which comprises much of the Wilderness System, the areas embodied in H.R. 3766 consist of badlands and arid country that is dominated by highly eroded and scenic pinnacles, spires, mushroom shaped hoodoos, and multicolored, banded mounds of clay and siltstone. The badlands formations largely lie in desert washes somewhat below the surrounding countryside, so that when a visitor is down in the badlands he or she is likely to experience a sense of true isolation and solitude. The badlands formations thus provide excellent opportunities for hiking, exploring, camping photograph, and other primitive recreation.

A second exceptional value of the four areas addressed by H.R. 3766 is that all four contain extensive fossil deposits which bear the remains of late Mesozoic dinosours, early mammals and late Mesozoic/early Cenozoic forests. The De-na-zin, Fossil Forest, and Ah-shi-sle-pah areas are particularly significant. De-na-zin is recognized worldwide because it is one of the few known places on the globe where the fossil record represents the

full transition from the age of dinosaurs, Mesozoic era, to the age of mammals, Cenozoic era. The Fossil Forest, only a few miles away, is renowned because of its remarkably large number of fossil tree stumps which are preserved upright in their original growing location and position. While numerous remnants of fossil forests exist elsewhere in North America, the Fossil Forest is without equal in its number and quality of in situ stumps. Along with Ah-shi-sle-pah the area is legend for its assemblage of relatively complete and well preserved dinosaur skeletons. The dinosaur remains are particularly interesting in that some of the areas contain associated deposits bearing the skeletons of the very earliest mammals. As such, all four areas represent an incredible paleotological laboratory. In my opinion, these values alone merit permanent protection for all four areas.

In addition to their badlands and paleontological values, the four areas are rich in archeological sites and have numerous locations sacred to the Navajo people. Wilderness designation or other protection for the areas is, therefore, strongly endorsed by the Navajo Nation.

In the committee's analysis of the areas' wilderness and resources potential, it appears that the only significant development opportunities that would be precluded by wilderness or other protective designations would be possible future coal development. However, the committee notes that:

> The recoverable coal resources of the four areas are estimated to comprise only about 2 percent of the recoverable Federal coal in the San Juan Basin and three-tenths of 1 percent of the total Federal, State, Indian, and private recoverable coal in the basin.

Thus, even at rates of coal mining and use that far exceed the current development rate in the San Juan Basin, it is likely that the basin could provide coal for several centuries before the limited reserves in the four small areas protected by H.R. 3766 might be needed. As it is clear that surface or underground coal mining could destroy or significantly alter the areas badlands and fossil bearing formations, our committee determined that coal leasing and mining should be permanently prohibited in Bisti, Dena-zin, and the Fossil Forest.

In spite of its relative insignificance in the overall San Juan Basin coal picture, the fourth area, Ah-shi-sle-pah has attracted more interest in coal mining than the others. Mining companies claim that its coal deposits are more likely to be economic in the near future because of the relatively thin overburden in the area and better access to existing or planned transportation. Therefore, although I believe that Ah-shi-sle-pah's paleontogical, cultural and badlands values will ultimately result in much of the area being judged unsuitable for surface mining, I am willing to support the compromise which continues the current wilderness study status of the area. I note that the Bureau of Land Management has indicated that no coal leasing or mining will take place in Ah-shi-sle-pah until the wilderness/nonwilderness issue is resolved by Congress and that the area is, therefore, protected until Congress makes up its mind. Wilderness study status will allow us to gather more information on the area's conflicting wilderness and coal development values, and hopefully assist us in making a decision on the area. I also note that development of the Ah-shi-sle-pah area involves several issues other than wilderness, including questions concerning Navajo land selections, suitability for surface coal mining of all or portions of the area, preference right versus competitive coal leasing, and land reclaimability. The resolution of some or all of these issues could have a substantial bearing on the area's wilderness versus economic development potential and assist Congress in breaking the political impasse which currently appears to make a wilderness/nonwilderness allocation unfeasible. I, therefore, believe wilderness study represents a reasonable compromise on the area.

In summary, Mr. Speaker, I believe H.R. 3766 represents an excellent solution to some difficult problems. I would particularly like to commend Congressmen RICHARDSON and LUJAN for the leadership and flexibility they have demonstrated in arriving at a consensus solution, and I should also express my deep appreciation to Chairman Peterson Zah and the Navajo Nation for their invaluable assistance and advice in helping us reach a compromise. The Navajo, who have selected portions of the areas for transfer to the tribe, were willing to accept alternate land selections in order to insure that the areas are permanently protected. In placing the area's protection above other interests the Navajo are telling us that these badland areas are most valuable for their wild, religious, cultural, and scientific values. The Navajo have used the areas for centuries and their collective wisdom indicates that this one small portion of our natural heritage in northwestern New Mexico merits protection above all else. I, therefore, strongly urge my colleagues approval of this legislation.

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

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

Mr. Speaker, after many long and difficult months of negotiations, my colleagues Mr. RICHARDSON, Mr. SEIBERLING, and others, and I have reached a compromise on the San Juan Basin Wilderness question which is reflected in the bill before us today. I intend to vote for the bill.

The bill will designate the Bisti and De-na-zin areas in New Mexico as wilderness and will withdraw the fossil forest area from mining and mineral leasing. The total acreage of these three areas is 30,560 acres, 27,840 acres of which will be wilderness. The remaining area is the one known as the Ah-shi-sle-pah. I have agreed to expand the boundaries to 7,193 acres from the original 6,563 acres but to leave the area in a wilderness-study status under section 603(c) of the Federal Land Policy and Management Act. FLPMA requires that the area be managed "in a manner so as not to impair the suitability * * * for preservation as wilderness" until Congress determines otherwise and subject of course, to valid existing rights.

As my colleagues will recall, the major controversy has been over the Ah-shi-sle-pah area, and whether or not to process existing lease applications for the mining of more than 270 tons of recoverable coal, and whether or not to superimpose wilderness protection on top of the area.

Our agreement to leave it as a study area under section 603 of the FLPMA does not prejudice the outcome of the adjudication of the lease applications, but does not designate the area as wilderness either. Admittedly, we are leaving the situation somewhat up in the air but, after all, that is what a wilderness study area is intended to do—we allow the various forces to make their case and then after careful consideration and with all the facts before us finally decide whether or not the area qualifies for wilderness and is in the best interests of the Nation.

The wilderness area, the fossil forest wilderness and the study area are all subject to valid existing rights.

In all of the many wilderness bills which this committee has developed, we have always recognized valid existing rights and left it to the individuals and parties involved to establish just what their rights are and how to exercise them. To do otherwise would deny due process of law and could result in an unconstitutional taking of private-property rights, a situation this committee has gone to great pains to avoid.

Another point of disagreement was over the language adopted in the Public Lands Subcommittee which would have allowed the Navajo Tribe to select in lieu lands outside the boundaries of the wilderness and fossil forest areas and expanded the selection area to within 36 miles of the Navajo Reservation. The existing Navajo-Hopi Relocation Act limited the selection area to 18 miles from the reservation boundary.

Major objections to the 36-mile extension were voiced in New Mexico

after the subcommittee acted and it is, therefore, our intention to delete the 36-mile provision and return to the existing 18-mile requirement already established in the Navajo-Hopi Relocation Act.

In agreeing to this bill, it is important to note that no one has achieved everything they might have wanted. However, I believe reaching a compromise is significant in that passage of a wilderness bill will help remove one of the issues delaying energy development activities in the San Juan Basin.

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

□ 1410

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 3766, as amended.

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

A motion to reconsider was laid on the table.

PERMISSION TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 22, 1984, TO FILE CONFERENCE REPORT ON H.R. 4170, TAX REFORM ACT OF 1973

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the managers may have until midnight, Friday, June 22, 1984, to file the conference report to accompany the bill (H.R. 4170) to provide for tax reform, and for other purposes.

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

Mr. CONABLE. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking the distinguished chairman of the committee about the time involved here. He is asking for permission to have until midnight Friday, June 22, to file a conference report.

We are a long way from a conference report. There is a good deal of conferring going on even as we speak. The conference committee is meeting, and there is, of course, a multiple obligation on the part of that conference committee.

Is it the gentleman's belief that we will have the conference completed in advance of this date of Friday, June 22?

Mr. ROSTENKOWSKI. Mr. Speaker, If the gentleman will yield, that is certainly my hope. I do not think I am being an optimist either. I think that in fact we will conclude the conference certainly in the middle of the week.

Mr. CONABLE. I acknowledge under my reservation, Mr. Speaker, that it is absolutely necessary that we get this out of the way if we possibly can before the recess. If we do not, we are unlikely to get it out of the way at all, and I think we all agree that a deficit downpayment is definitely necessary.

With that in mind, Mr. Speaker, I have no ojection, and I withdraw my reservation of objection.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 4170, TAX REFORM ACT OF 1983, ON WEDNESDAY, JUNE 27, 1984, OR ANY DAY THEREAFTER

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that it be in order, any rule of the House notwithstanding, to consider the conference report to accompany the bill (H.R. 4170) to provide for tax reform, and for other purposes, on Wednesday, June 27, 1984, or any day thereafter, that all points of order against the conference report be waived, and that the conference report be considered as having been read when called up for consideration.

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

There was no objection.

THE BARROW GAS FIELD TRANSFER ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 5740) entitled, the "Barrow Gas Field Transfer Act of 1984," as amended.

The Clerk read as follows:

H.R. 5740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The following may be cited as the "Barrow Gas Field Transfer Act of 1984".

SEC. 2. (a) The Secretary of the Interior (hereinafter "the Secretary") shall convey to the North Slope Borough the subsurface estate held by the United States to the Barrow gas fields and the Walakpa gas discovery site, related support facilities, other lands, interests, and funds in accordance with the terms and conditions of the agreement, including appendix numbered 1, between the Secretary of the Interior and the North Slope Borough dated September 22, 1983 (hereinafter "the NSB Agreement"), on file with the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee, which is hereby incorporated into this Act.

(b) Upon conveyance, the North Slope Borough is authorized, notwithstanding any other provision of law, to explore for, develop, and produce fluid hydrocarbons within the lands and interests granted: *Provided,* That section 301(a) of the NBS Agreement shall not reduce revenues which would otherwise be shared with the State of Alaska under the provisions of Public Law 96-514 by providing for the disposition of gas at less than the value referred to in section 301(d) of the NSB Agreement or as a result of the crediting provisions of section 301(a)(3) of the NSB Agreement.

(c) The Barrow gas fields and related support facilities shall continue to be exempt from the Pipeline Safety Act, title 49 of the Code of Federal Regulations, and all other rules and regulations governing the design, construction, and operation of gas pipelines, wells, and related facilities.

(d) The provisions of the National Environmental Policy Act shall apply to any land conveyance under section 203(b) of the NSB Agreement. During the NEPA process, the North Slope Borough shall consult with the United States Fish and Wildlife Service, the Alaska Department of Fish and Game, and the National Park Service concerning the fish, wildlife, cultural, and historic values of the area to be selected. The Secretary is authorized to approve or deny the selection. If denied, the North Slope Borough shall be entitled to identify an alternative site, which shall be subject to the review process set forth in this section.

(e) The North Slope Borough shall not make a selection under section 203(b) of the NSB Agreement in areas designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976 for the protection of surface values, as depicted on the map set forth on page 125 of the "Final Environmental Impact Statement on Oil and Gas Leasing in the National Petroleum Reserve in Alaska" dated February 1983, or within the boundaries of the Kasegaluk Lagoon Potential Natural Landmark as identified in study report numbered 2 prepared pursuant to section 105(c) of that Act, or within any area withdrawn or designated for study pursuant to section 604 of the Alaska National Interest Lands Conservation Act.

(f) Notwithstanding the time limit specified in the NSB Agreement, the North Slope Borough shall have ten years from the date of this Act to make its selection under section 203(b) of the NSB Agreement. If, within ninety days of the expiration of the ten-year period, or after the expiration of such period, the Secretary denies any selection, the North Slope Borough shall select an alternative site within ninety days of such denial. If an alternative site is denied, the selection and review process in this subsection shall be repeated until a site is approved by the Secretary.

(g) Notwithstanding any provision of the NSB Agreement, the North Slope Borough shall obtain the right to divert, use, appropriate, or possess water solely through compliance with applicable laws of the United States and the State of Alaska.

(h) Notwithstanding any provision of the NBS Agreement, the right of the North Slope Borough to exploit gas and entrained liquid hydrocarbons from Federal test wells in the National Petroleum Reserve-Alaska shall not apply to test wells in areas designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976 for the protection of surface values, as depicted on the map set forth on page 125 of the "Final Environmental Impact Statement on Oil and Gas Leasing in the National Petroleum Reserve in Alaska" dated February 1983, or within the boundaries of the Kasegaluk Lagoon Potential Natural Landmark as identified in study report numbered 2 pre-

pared pursuant to section 105(c) of that Act, or within any area withdrawn or designated for study pursuant to section 604 of the Alaska National Interest Lands Conservation Act.

(i) The Secretary shall process any application submitted by the North Slope Borough under section 203(d) of the NSB Agreement for a right-of-way which crosses, in whole or in part, any lands within any area designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976 for the protection of surface values, as depicted on the map set forth on page 125 of the "Final Environmental Impact Statement on Oil and Gas Leasing in the National Petroleum Reserve in Alaska" dated February 1983, or within the boundaries of the Kasegaluk Lagoon Potential Natural Landmark as identified in study report numbered 2 prepared pursuant to section 105(c) of that Act, or within any area withdrawn or designated for study pursuant to section 604 of the Alaska National Interest Lands Conservation Act, under the provisions of title XI of the Alaska National Interest Lands Conservation Act. In processing any such application for a right-of-way which crosses, in whole or in part, any lands within any area designated by the Congress or the Secretary under section 104(b) of the Naval Petroleum Reserves Production Act of 1976, the protection of the values and the continuation of the uses specified in section 104(b) of that Act shall be considered to be the purposes for which the area was established.

(j) Nothing in this Act or in the NSB Agreement shall be construed as amending the provisions of the Alaska National Interest Lands Conservation Act or as amending or repealing any other provision of law applicable to any conservation system unit, as that term is defined in section 102(4) of that Act.

SEC. 3. The Secretary of the Interior shall convey to Ukpeagvik Inupiat Corporation (hereinafter "UIC"), subject to valid existing rights, all right, title, and interest held by the United States to sand and gravel underlying the surface estate owned by UIC in the Barrow gas fields and Walakpa gas discovery site, upon execution of an easement agreement with the North Slope Borough, satisfactory to the North Slope Borough, in consideration for the conveyance to UIC of such sand and gravel, providing for easements, for all purposes associated with operation, maintenance, development, production, generation, or transportation of energy, including the transmission of electricity, from the Barrow gas fields, the Walakpa discovery site, or from any other source of energy chosen by the North Slope Borough, to supply energy to Barrow, Wainwright, and Atkasook, and providing such easements when and where required as determined by the North Slope Borough during the life of such fields or other energy sources.

SEC. 4. (a) Section 102 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6502) is amended by adding "and the North Slope Borough" immediately after "Alaska Natives", by deleting "and" immediately after "responsibilities under this Act,", and by replacing the period following "Alaska Native Claims Settlement Act" with ", and (4) grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 or section 28 of the Mineral Leasing Act, as amended, as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope."

(b) Section 104(e) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504(e)) is repealed effective October 1, 1984.

SEC. 5. (a) In consideration for the relinquishment of rights that Arctic Slope Regional Corporation has under section 1431(o) of the Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2371, 2541, to the subsurface resources in the Barrow gas fields and the Walakpa gas discovery site conveyed to the North Slope Borough and Ukpeagvik Inupiat Corporation pursuant to sections 2 and 3 of this Act, the Secretary of the Interior and Arctic Slope Regional Corporation are authorized to exchange lands and interests as set forth in the separate agreement between the Secretary and Arctic Slope Regional Corporation dated January 24, 1984 (hereinafter "the ASRC Agreement"), on file with the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee. The specific terms, conditions, and covenants of the ASRC Agreement are hereby incorporated into this Act and ratified, as to the rights, duties, and obligations of the United States and Arctic Slope Regional Corporation and as to the rights and interests of the North Slope Borough, as a matter of Federal law.

(b) Notwithstanding the provisions of paragraph 4 of the ASRC Agreement, in lieu of the additional 69,120 acres of subsurface estate to be identified by ASRC pursuant to said paragraph 4, ASRC shall identify for conveyance or relinquishment to the United States, as appropriate, the 101,272 acres of subsurface estate beneath the surface estate of the lands described in subparagraphs 2 (a), (b) and (d) of the August 9, 1983 agreement between Arctic Slope Regional Corporation and the United States of America.

(c) To the extent that any provision or interpretation of the NSB Agreement is inconsistent with the provisions of this section or the ASRC Agreement, the provisions of this section and of the ASRC Agreement shall prevail.

(d) All of the lands, or interest therein, conveyed to and received by Arctic Slope Regional Corporation pursuant to this section or the ASRC Agreement and pursuant to the August 9, 1983 agreement between Arctic Slope Regional Corporation and the United States of America shall, in addition to other applicable authority, be deemed conveyed and received pursuant to exchanges under section 22(f) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, 1621(f)).

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

The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

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

Mr. Speaker, the Barrow Gas Field Transfer Act is a somewhat complicated bill but one that apparently is without any controversy.

This bill would alter the present arrangement whereby the United States supplies natural gas to the village of Barrow and other locations near Point Barrow, AK, and would ratify certain land exchanges and other agreements involving the Department of the Interior, the North Slope Borough, the Arctic Slope Regional Corporation, and the Village Corporation for Barrow.

The Barrow gas field—actually consisting of two parts, the south Barrow and east Barrow fields—is located within the National Petroleum Reserve in Alaska [NPR-A]. This reserve was originally established by Presidential Executive order in 1923 as Naval Petroleum Reserve No. 4 (often termed "Pet Four").

The village of Barrow, AK, is the northernmost settlement in the United States, with approximately 3,000 residents, most of whom are Inupiat Eskimos. The village is entirely within the petroleum reserve.

In exploring the reserve during and shortly after World War II, the U.S. Navy discovered the significant reservoir of natural gas in the Barrow field. In the late 1940's, this supply of natural gas was developed for use by the Federal facilities in the Barrow area, but local residents were not permitted to tap into this fuel supply. Instead, the residents of Barrow were forced to import costly fuel oil or rely on meager local sources of energy. In 1964, Congress authorized the Navy to supply natural gas to the residents of Barrow.

By enactment of the Naval Petroleum Reserves Production Act of 1976, Congress transferred administrative responsibility for the Petroleum Reserve on Alaska's North Slope from the Navy to the Department of the Interior.

As part of the 1976 act, responsibility for maintenance of the gas field and the supply facilities was given to the Interior Department, and section 104(e) of the 1976 act provides that "the Secretary of the Interior shall take such actions as may be necessary to continue such service * * * at reasonable and equitable rates."

Since 1976, there have been many changes in Federal activities in the petroleum reserve. There are now essentially no Federal facilities in operation there, and so the Interior Department is in effect obliged to act as a municipal public utility, so far as the Barrow gas fields are concerned.

Understandably, the Department would prefer to be relieved of this responsibility, especially since it involves unreimbursed costs of at least $6 million annually.

The bill before us is designed to relieve the Federal taxpayer of these costs, in a manner which protects the other Federal interests in the area as

well as the interests of the State, the local government, and the Native Corporations who have rights and interests arising under the Alaska Native Claims Settlement Act.

The bill meets these objectives by repealing section 104(e) of the Naval Petroleum Reserves Production Act and by generally ratifying agreements worked out by the Interior Department with the North Slope Borough, the Arctic Slope Regional Corporation, and the Village Corporation for the Village of Barrow.

Under those agreements:

The gas fields and certain other lands are transferred to the borough, along with the right to use the gas and other hydrocarbons for the domestic and municipal purposes of the residents of Barrow and the other communities;

The Regional Corporation transfers to the United States about 170,000 acres of its Settlement Act holdings—including 100,000 acres of subsurface inside the Gates of the Arctic National Park—and in exchange receives about 70,000 acres of other Federal land within the national petroleum reserve adjacent to the gas fields area;

And the Village Corporation, in exchange for giving the borough necessary easements across its Settlement Act surface estate, receives the sand and gravel under its lands.

Mr. Speaker, earlier this year, some of us were concerned that the other body might consider adding this Barrow gas field transfer onto an appropriations measure. Our concerns were partly procedural and also partly substantive because some earlier versions of this legislation lacked important provisions to protect the public interest, provisions which are in fact included in H.R. 5740.

The Interior Committee can now report to the House that this bill fully meets our concerns and the concerns of all those who had earlier expressed misgivings. I urge enactment of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5740.

May I compliment the chairman of the subcommittee, the gentleman from Ohio [Mr. SEIBERLING], for the expeditious way he has moved this legislation. I would suggest respectfully that he has explained it as well as anyone can explain it.

Mr. Speaker, I introduced this legislation in order to provide the necessary congressional ratification of agreements entered into by the Department of the Interior, the North Slope Borough, and Alaska Native corporations for the transfer of the Barrow gas fields.

These agreements, which were reached after nearly 2 years of negotiation between the parties, call for the transfer of the gas fields, associated lands and subsurface interests in return for an agreement by the North Slope Borough to assume the Federal Government's obligation to provide natural gas for the local utility needs of the residents of Barrow.

Mr. Speaker, in addition to transferring the gas fields, the legislation also conveys to the borough lands which are intended to provide the borough with a means to meet the energy needs of the Barrow residents in the future.

These are fair and equitable agreements. They are necessary to ensure that a stable, secure supply of natural gas continues to be available in this region. In order to complete these agreements and settle the complicated land ownership patterns of the parties involved, the agreements also call for a relinquishment of land selection rights by the local Alaska Native Regional Corporation in return for receipt of a smaller surface estate near Barrow. Over 100,000 acres of subsurface estate will be retained by the Federal Government in the gates of the Arctic National Park as a result of the agreement with the Arctic Slope Regional Corporation.

Mr. Speaker, I believe passage of this legislation demonstrates that Federal legislation settling complicated energy and land ownership issues in Alaska can be swiftly enacted through the mutual efforts and arrangements of the parties involved, the Alaska congressional delegation, and committee leadership. With this in mind, I commend the distinguished chairman of our subcommittee on Public Lands and National Parks, Mr. Seiberling, for his cooperation with my request for prompt action on this bill. I look forward to working with the gentleman from Ohio in the future on legislation such as this which benefits the citizens of Alaska and the Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill (H.R. 5740) as amended.

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

A motion to reconsider was laid on the table.

□ 1420

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered and passed.

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

There was no objection.

CARL W. MORRIS POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4697) to designate the U.S. Post Office Building in Romulus, MI, as the "Carl W. Morris Post Office Building."

The Clerk read as follows:

H.R. 4697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building to be located at 36115 Goddard Road, Romulus, Michigan, shall be designated and hereafter known as the "Carl W. Morris Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Carl W. Morris Office Building".

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

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, H.R. 4697 would designate the U.S. Post Office Building to be located on Goddard Road, in Romulus, MI, as the "Carl W. Morris Post Office Building."

Carl W. Morris, a lifelong resident of Romulus, was an active civic leader who served his community for more than 30 years until his death in 1982. Mr. Morris made especially important contributions in the field of education, serving first as a member of the Romulus Board of Education, and later as president of the Wayne Intermediate School Board and of the Michigan Association of School Boards.

The city of Romulus is located within the district represented by my good friend, the distinguished chairman of the Committee on Post Office and Civil Service, BILL FORD. I join with Chairman FORD in urging passage of this bill and in paying tribute to the memory of a distinguished public servant, Carl W. Morris.

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

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

Mr. Speaker, I rise in support of the statement made by the gentleman from Missouri and in recognition of this dedication to Carl W. Morris, who

has given so much to his community. We consider it to be a deserving honor.

● Mr. FORD of Michigan. Mr. Speaker, today we pay tribute to the memory and to the achievements of Carl W. Morris, a man who served his fellow citizens, his community, his State, his Nation during a career which spanned 30 years.

A lifelong resident of Romulus, MI—which I am privileged to represent in this House—Carl Morris was a prominent member of the local business community. But it was his activity during his spare time which endeared him to his fellow citizens. Beginning with his election to the Romulus Board of Education in 1947, Carl Morris devoted his time and energy to a wide variety of civic activities. It was in the field of education, though, in which he made his most important and lasting contributions. His record of service includes terms as president of the Wayne Intermediate School Board and of the Michigan Association of School Boards.

Carl Morris passed away in 1982 at the age of 66. Enactment of H.R. 4697 would be a fitting tribute, and a permanent reminder to all of his public service.

I urge passage of H.R. 4697.●

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill (H.R. 4697).

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just considered and passed.

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

There was no objection.

JOHN DENT POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4598) to designate the U.S. Post Office building in Jeannette, PA, as the "John Dent Post Office Building."

The clerk read as follows:

H.R. 4598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building in Jeannette, Pennsylvania, is designated as the "John Dent Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "John Dent Post Office Building".

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

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, H.R. 4598 would designate the U.S. Post Office Building in Jeannette, PA., as the "John Dent Post Office Building."

John Dent was a distinguished Member of Congress for 20 years (1958–78). He is a native of the town of Jeannette, within the then 21st Congressional District of Pennsylvania which he represented in the House. When he retired, he was second ranking member of the House Education and Labor Committee and chairman of the Subcommittee on Labor Standards. Among the landmark bills he sponsored and supervised through to enactment were the Employee Retirement Income Security Act of 1972, the Coal Mine Health and Safety Act of 1969, and the Black Lung Act. Prior to his service in the House, John Dent was a distinguished member of the Pennsylvania State Legislature. In total, John Dent devoted 43 years of his life to public service representing the people of Pennsylvania and the Nation.

I want to thank the distinguished sponsor of this bill, Congressman JOHN MURTHA, who now so ably represents much of John Dent's old district—including the town of Jeannette. Congressman MURTHA has given us this special opportunity to pay tribute to a very special man.

I was privileged to serve with John Dent in the House and on the Education and Labor Committee for many years. I am honored to be the floor manager of this bill today. Enactment of H.R. 4598 will be a fitting tribute to his life of service to his community, his State, and his country.

I urge the passage of H.R. 4598.

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

Mr. CLAY. Yes; I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Speaker, I thank the gentleman for yielding.

I have asked the gentleman to yield just to pose a question.

Is it customary that in the naming of post offices, they come out of the Committee on Post Office and Civil Service, as opposed the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation?

Mr. CLAY. Well, it had not been customary until just recently. The Committee on Public Works had been naming all post offices, but recently it was agreed upon that postal buildings would be named by the Post Office and Civil Service Committee.

Mr. STANGELAND. Mr. Speaker, I thank the gentleman for yielding and thank him for his response.

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

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

Mr. Speaker, I am pleased to join the gentleman from Missouri in designating the post office in Jeannette, PA, as the John Dent Post Office Building, an appropriate recognition of the years of distinguished service given by our former Member in the House, John Dent, who not only served as a Member of this body for 20 years, but had many years of distinguished public service, a total of some 43 years, serving the State of Pennsylvania.

● Mr. MURTHA. Mr. Speaker, I am pleased to insert these remarks into the RECORD noting how extremely pleased I was to introduce this bill with 13 cosponsors to name the post office in my dear friend John Dent's hometown of Jeannette after this distinguished Congressman. I congratulate Chairman FORD and the members of the Post Office and Civil Service Committee for bringing this bill to the House today.

Congressman John Dent is very special to me. When I first came to Congress in 1974, it was John Dent who helped to orient me to the procedures and traditions of Congress, and who helped me to do many things for the citizens in my area that would have otherwise proved impossible. He is also special because following the 1980 reapportionment, I now represent a large part of John's former congressional district, including Jeannette. It is very seldom that I hold a workshop or meeting in the area that I do not meet individuals who tell me how much they appreciated the things John Dent did for the area, or how he helped them with a personal problem. And John Dent remains special to me because of his friendship, his guidance, and his expertise.

In 1974, in coming to Congress, the first major bill I voted on was the Employee Retirement Income Security Act, a bill John Dent had spent 7 years in developing. A hallmark of his career was that he was continually ahead of his time, campaigning for several years for legislation whose benefit was eventually realized by a majority of Congress and the Nation. Among his other major accomplish-

ments were the Coal Mine Health and Safety Act of 1969 and the black lung law. He was a pioneer in a wide range of legislation to help the working men and women of our Nation, including unemployment and workmen's compensation, job safety, labor law reform, trade regulations, and many other items. I well remember in 1974 being in Pittsburgh with John Dent for a hearing on legislation to protect communities where a major industry has just pulled out or closed down, another idea where we benefit in our debates today from his early leadership.

And I remember, in 1978, when John Dent had to spend time in the hospital, but he never stopped working for his constituents, planning legislation to help them, and keeping in touch with the people he loved to represent. I remember being with him at the opening of the Volkswagen plant in New Stanton which resulted largely from his efforts, I see continuing today his leadership in developing the Westmoreland County Airport where he still serves as authority head. I remember the day John Dent retired and said one thing he wanted to do was talk around the country on the economy because "I don't believe the majority of America has any realization of the depth of the danger we face economically in this country. We have got to pay more attention to providing production jobs upon which this country survives." As usual, John Dent was several years ahead of his time.

Passage of this bill is another way for those of us in Congress who benefited from serving with John Dent, and his constituents who benefited from his hard work and dedication, can say thanks once again to John Dent for his outstanding career of public service.●

● Mr. GAYDOS. Mr. Speaker, It is with great pride that I rise to speak on behalf of H.R. 4598, a bill to designate the U.S. Post Office Building in Jeannette, PA, as the "John Dent Post Office Building."

John Dent, as many of us here well know, was a distinguished Member of the Congress for 20 years, and during his two decades in the House of Representatives, he accomplished a great deal—by anyone's standards but his own.

In a newspaper interview when he announced his decision not to run for reelection, Johnny Dent described his career this way: "I have not been an outstanding Member of Congress. I've been an ordinary Member, but to me that's the strength of Congress."

I have known Johnny Dent for many years, and despite his self-description, he was an outstanding Member of Congress, and his colleagues knew it and respected him for it.

As a member of the Pennsylvania congressional delegation, I was fortunate to serve in the Congress with Johnny, and he was both a friend and a mentor. I have tried hard to follow his sense of justice in seeking to help the working man, especially those who labor deep beneath the surface in our coal mines.

I can only hope that I can fulfill my obligations to the citizens of this country and the State of Pennsylvania as well as Johnny Dent did during his two decades in the U.S. Congress and before that in the Pennsylvania Legislature.

I could enter into the RECORD a long list of bills that John Dent sponsored and actively supported during his 20 years in the Congress, for his list of accomplishments is long.

Instead, I'll just cite three bills that have made a big difference in the lives and livelihoods of America's working men and women.

The first is the Black Lung Act which has provided assistance to so many coal miners who suffered from this deadly disease. The second was the Coal Mine Health and Safety Act of 1969, which created MSHA, the Agency that sees to maintaining safety standards in the Nation's coal mines. And the third is the Employee Retirement Security Act of 1972, ERISA as it is familiarly called.

Those three acts, in my own mind, set John Dent far ahead of so many others. Those three acts typify Johnny's strength—his concern for others and his willingness to act on their behalf.

By designating this Post Office Building in Jeannette, PA, John Dent's hometown, as the "John Dent Post Office Building," we are telling his folks how much we care for and respect John Dent.

It is our small way of remembering a colleague who contributed so much to his country, his State, his constituents, and to us who know him and who served with him.

This is a lifting tribute to a man who has earned and kept the respect of the people.●

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

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

The SPEAKER pro tempore [Mr. SEIBERLING]. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 4598.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

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

There was no objection.

BARBARA C. JORDAN POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 374) calling upon the U.S. Postal Service to designate the Houston Main Post Office Building in Houston, TX, as the "Barbara C. Jordan Post Office Building."

The Clerk read as follows:

H. RES. 374

Whereas Barbara C. Jordan is a native and longtime resident of Houston and lifetime citizen of the State of Texas;

Whereas Barbara C. Jordan has served the greater Houston community, the people of the State of Texas, and of the United States of America with distinction in numerous public capacities over the years;

Whereas Barbara C. Jordan also served as a member of the Texas Senate for six years, where she was elected "outstanding freshman senator" and later President Pro Tempore during her tenure;

Whereas Barbara C. Jordan represented the eighteenth Congressional District of Texas, including much of the City of Houston, in the United States House of Representatives for six years, and was a distinguished and influential member of the Committees on the Judiciary and on Government Operations;

Whereas Barbara C. Jordan is a prominent member of numerous eminent national and Texas civic institutions;

Whereas Barbara C. Jordan currently serves with distinction on the faculty of the Lyndon Baines Johnson School of Public Affairs at the University of Texas at Austin, where she is an inspiration and shining example to the young people of this country as to what personal determination and a commitment to excellence can contribute to the life of an individual and the Nation;

Whereas her public service and civil rights achievements are nationally known and honored; and

Whereas the long and distinguished service of Barbara C. Jordan should be permanently recognized by the United States Postal Service on behalf of a grateful Nation: Now, therefore, be it

Resolved, That the House of Representatives calls upon the United States Postal Service to designate the Houston Main Post Office Building in Houston, Texas as the "Barbara C. Jordan Post Office Building".

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

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

31-059 O-87-34 (Pt. 12)

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, Barbara C. Jordan's long and renowned career of public service includes 6 years in the U.S. House of Representatives, 6 years in the Texas Senate, and continuous and active membership in innumerable national and State civil rights, civic, and educational organizations. She currently is a distinguished member of the faculty of the Lyndon Baines Johnson School of Public Affairs at the University of Texas.

Barbara C. Jordan is a native of Houston and a lifelong citizen of the State of Texas. House Resolution 374 recognizes her achievements and honors her life of service by calling upon the U.S. Postal Service to designate the Houston Main Post Office as the "Barbara C. Jordan Post Office Building."

I want to thank my good friend and colleague, Congressman MICKEY LELAND, for sponsoring this resolution and giving us this opportunity to pay tribute today to a great American, Barbara C. Jordan.

I urge the adoption of the resolution.

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

□ 1430

Mr. Speaker, it is with a great deal of pride that I rise in support of this resolution designating the Houston main post office building in Houston, TX., as the "Barbara C. Jordan Post Office Building."

Barbara C. Jordan gave a great deal of her life to public service and served with distinction in our body for 6 years. And while she was here she was a highly respected Member of this body. She now serves as a professor in the Lyndon Baines Johnson School of Public Affairs at the University of Texas and is still very active in public affairs and is a leading speaker throughout the Nation.

I join my colleagues in supporting this resolution and ask my colleagues to join with us.

I have no further requests for time and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. KAZEN].

Mr. KAZEN. Mr. Speaker, I am pleased and honored to rise in support of House Resolution 374, to designate the main Post Office building in Houston, TX, as the "Barbara C. Jordan Post Office Building."

I believe that history will record Barbara Jordan as one of the outstanding leaders of our time and that the inspirational example she has provided young people will carry her message of honesty, hard work, and dedication to the principles of this Nation for many years to come.

Her eloquence and intelligence first came to the attention of Texans during the 6 years she so ably served in the Texas Senate, and we were proud to share her with the Nation during her three terms in the U.S. House of Representatives. Few have done so much, or captured the imagination of a generation, in such a short period of time.

We are equally proud that she has become a national leader through her work in countless worthy endeavors an as a distinguished member of the faculty of the Lyndon Baines Johnson School of Public Affairs at the University of Texas.

This legislation is but a small effort to recognize Barbara Jordan for her achievements, past, present, and future, and to repay her for debts owed by a grateful nation. I urge your approval.

● Mr. ANDREWS of Texas. Mr. Speaker, I rise today in support of House Resolution 374 which urges the U.S. Postal Service to designate the main post office in Houston, TX, the Barbara C. Jordan Post Office Building. I would like to commend my colleague and friend, Representative LELAND for introducing this measure.

Barbara Jordan is a woman of enormous talent and intellect who has never permitted the barriers of race and sex to stand in the way of her achievements. Although she is best known for her 6 years as a Member of this body, representing the 18th Congressional District of Texas from 1973-78, her entire career has been marked by a series of remarkable achievements in public service and civil rights. In 1959 she was admitted to the Texas Bar, several years before the legal barriers faced by talented black professionals in the South had disappeared. In 1966, Barbara Jordan was elected to the Texas State Senate, the first black elected to that body since Reconstruction, and the first black woman ever to serve in the Texas Senate. While a State senator, Barbara Jordan served as a chairperson for two standing committees, and also for a time served as the president pro tempore of the State senate. Her outstanding career in the Texas Senate made her the logical choice to represent the 18th Congressional District of Texas, located in Houston, the State's first predominantly black congressional district. When she was elected to represent the new district in 1972, she became the first black woman to be elected to Congress from a Southern State.

Barbara Jordan served with great distinction in this body. She was a member of the Committees on Judiciary and Government Operations. She first gained national recognition while serving on the Judiciary Committee during the hearings on the impeachment of President Nixon. In 1976, she was the keynote speaker at the Democratic National Convention in New York City. Her speech was so eloquent and inspiring that it prompted talk of Barbara Jordan's selection as the party's Vice Presidential nominee.

Barbara Jordan has been recognized as one of the 10 most influential women in Texas. She was selected once as the Democratic Woman of the Year by the Women's National Democratic Club. Redbook magazine listed her as a woman who could be President, and she was selected by Time magazine as 1 of 10 women of the year in 1976.

Barbara Jordan has come to serve as a role model to many, especially to those in our society who must still overcome the hurdles posed by discrimination. We in Congress have the opportunity to recognize the continuing achievements of Barbara Jordan and to honor her many accomplishments by passing this resolution. I strongly urge my colleagues to support this resolution offered by the gentleman from Texas.●

● Mr. LELAND. Mr. Speaker, as sponsor of House Resolution 374, I rise in support of this piece of legislation naming the main post office facility in my home city of Houston after one of its most outstanding citizens, Ms. Barbara Charline Jordan. Ms. Jordan is a lady with whom many of you have had the honor and pleasure to work when she was a Member of the U.S. House of Representatives. This resolution was unanimously approved by the full Committee on Post Office and Civil Service in May of this year.

Although she is no longer in the Congress, she is still very active in her home State of Texas. While she has already made far more than enough contributions, her work is not finished and I know that we can look forward to many more contributions from her. She has proven time and again that she thrives on new challenges and excels at each new opportunity. She is living proof that you can be what you really want to be and she is a worthy role model for women and men of all races.

Despite her unwillingness to be cast as "the first black Woman," I find it hard to refrain from mentioning several of these firsts: The first black woman to be elected to the Texas Senate, in 1966; the first black woman to represent a Southern State in Congress since Reconstruction; the first black keynote speaker at a Democratic National Convention. And continuing this tradition of firsts for her, upon passage of this resolution, she would also become the first black woman to have a post office named after her.

Barbara Jordan is one of the most notable, capable, gifted, and inspirational leaders this country has had. It

is a very modest honor that I am proposing we bestow on her, but I think it can do a great deal to remind all Americans of what can be accomplished through application of qualities that Barbara Jordan so abundantly possesses. Even though her accomplishments and capabilities are larger than any one city, I find it very appropriate that we honor her in this modest way in the city where she was born and reared. It is even more appropriate that we honor her now, so that she can know of the appreciation and warmth we feel for her and her contributions. To quote from a poem entitled, "So Give Them the Flowers Now," "Life is the time we can help them, so give them the flowers now."

I ask that you join me today in honoring this great woman by supporting House Resolution 374. I appreciate your support. Thank you, Mr. Speaker.●

● Mr. PICKLE. Mr. Speaker, it is a great honor to speak out in favor of designating the Houston Main Post Office Building the "Barbara C. Jordan Post Office Building."

I served with this remarkable and dynamic woman when she represented the 18th Congressional District from 1972 through 1978. She served with distinction, and it was a sad day for our country when she retired from this body.

Prior to coming to Congress, Barbara Jordan had already distinguished herself when she was elected to the Texas Senate in 1966. As president pro tempore of the Texas Senate, she served as Governor for a Day, the first black woman Governor in American history.

But most Americans remember Barbara Jordan as the articulate lawyer that served on the House Judiciary Committee during the impeachment hearings during the Nixon Presidency. But there were many more accomplishments.

She helped push through an amendment to the Voting Rights Act that introduced bilingual ballots; she backed legislation that would eliminate vertical price-fixing schemes; and she worked for fairness in civil rights law enforcement.

Time magazine named her 1 of the 10 Women of the Year in 1976 and the Ladies Home Journal selected her as 1 of the 11 Women of the Decade in 1979.

In 1979 she left the Congress and accepted an appointment as the Lyndon B. Johnson public service professor in the LBJ School of Public Affairs at the University of Texas at Austin.

When she left the Congress, we lost more than a great public servant. We lost a true friend, and I want to add my voice to those of us who remember her service today as we vote to designate the Houston Main Post Office as the "Barbara C. Jordan Post Office Building." I wish there were more we could do, but at least we can do this.●

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

The SPEAKER pro tempore. The Chair is happy to say that as a former colleague of Barbara Jordan he is privileged to preside over this occasion.

The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and agree to the resolution, House Resolution 374.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the resolution just agreed to.

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

There was no objection.

SENSE OF CONGRESS RE NONDELIVERY OF INTERNATIONAL MAIL IN THE SOVIET UNION

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 294) expressing the sense of the Congress that the President should express to the Government of the Soviet Union the disapproval of the American people concerning the Soviet Union's systematic nondelivery of international mail addressed to certain persons residing within the Soviet Union, and that the U.S. delegation to the Congress of the Universal Postal Union seek the compliance of the Government of the Soviet Union with the treaties governing international mail to which it is a party.

The Clerk read as follows:

H. CON. RES. 294

Whereas the integrity of the mail service between the United States and the Soviet Union is being called into question by postal patrons in the United States and by postal patrons of 17 other countries who assert that postal items are systematically not being delivered to selected addresses in the Soviet Union;

Whereas the Subcommittee on Postal Operations has documented these facts with over 2,000 exhibits and testimony from witnesses at hearings on this matter;

Whereas the explanations required under international law and given by the Soviet postal administration regarding the nondelivery of mail to certain addresses have consistently been untimely and inadequate;

Whereas the mail which is not being delivered typically is between family members or persons sharing a religious bond and typically consists of personal correspondence or gifts of articles for personal use;

Whereas the nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles is an interference by the Soviet Union with internationally recognized human rights guaranteed to all persons by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe; and

Whereas the systematic exclusion of certain persons from international mail service also violates the Articles of the Constitution of the Universal Postal Union (with protocols), the general regulations of the Universal Postal Union with final protocol and annex, the Universal Postal Convention with final protocol and detailed regulations, and the Constitution of the Union of Soviet Socialist Republics: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(1) that the President, through the Secretary of State, should express to the Government of the Soviet Union the disapproval of the American people of the Soviet Union's—

(A) systematic nondelivery of properly addressed mail originating in the United States to the persons to whom it is addressed; and

(B) violation of the Articles of the Constitution of the Universal Postal Union (with protocols), the general regulations of the Universal Postal Union with final protocol and annex, the Universal Postal Convention with final protocol and detailed regulations, and the Final Act of the Conference on Security and Cooperation in Europe; and

(2) that, at the meeting of the Congress of the Universal Postal Union in Hamburg, Germany, from June 18 to July 17, 1984, the representatives of the United States Postal Service should—

(A) bring the Soviet Union's violations of international law governing international mail to the attention of the representatives of the member countries of the Universal Postal Union, and call upon such countries for support in encouraging the Soviet Union to respect its treaty obligations;

(B) request the Universal Postal Union to conduct an investigation of such alleged violations; and

(C) consider possible sanctions against the Soviet Union for such violations.

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

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, House Concurrent Resolution 294 urges the President and the U.S. Postal Service to address the growing problem of the Soviet Union's disruption of international mail service between it and the United States. Two hearings by the Post Office and Civil Service Committee's Subcommittee on Postal Operations, chaired so ably by my colleague, Congressman

BOB GARCIA, documented claims by numerous postal patrons and by postal patrons of 17 other nations that mail lawfully posted to certain addresses within the Soviet Union is systematically not being delivered. Nondelivery of such mail violates numerous treaties and agreements to which the Soviet Union is a signatory, including the constitution and regulations of the Universal Postal Union [UPU].

House Concurrent Resolution 294 urges the President, through the Secretary of State, to communicate to the Government of the Soviet Union the American people's disapproval of this Soviet conduct. The resolution also urges the U.S. Postal Service delegation to the UPU Congress—which begins this week in Germany—to take appropriate actions concerning the Soviet violations of UPU agreements and regulations.

I urge the adoption of House Concurrent Resolution 294, and I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of an urgent piece of legislation for this House, House Concurrent Resolution 294. The Universal Postal Union Congress begins today in Hamburg, Germany, with delegates from 167 countries participating in their first convention in the past 5 years.

As most Members of the House are aware, Mr. Speaker, the Subcommittee on Investigations has been conducting an extensive probe during the past 15 months into Soviet sabotage of the international mails. What first began as a routine inquiry into many lost letters and packages sent from the United States to addressees inside the Soviet Union and the Eastern bloc countries soon expanded into an investigation by our subcommittee into Soviet tactics of knowingly interfering with the free flow of communications between the United States and the Soviet Union. We soon learned that this probably was not limited to the United States. To date, we have documented evidence that no less than 17 nations are affected by the cold, calculated, systematized program of the Soviets to cut the lifeline between Soviet citizens and their friends and relatives in other countries. We have accumulated some 2,408 pieces of evidence to date, overwhelming proof that the Soviets are in violation of five international treaties—not the least of which is the UPU Convention standards.

Today, we ask favorable action on House Concurrent Resolution 294, which would be a first step toward alleviating the problem. Last week, we received evidence from additional witnesses in New York City at a hearing held by our Subcommittee on Postal Operations. We heard testimony from people who had lost hundreds of letters and many, many packages in the international mails to the Soviet Union.

We heard charges from a number of witnesses—as we did in earlier hearings in both Washington and Chicago—that the KGB, the Soviet Secret Police, was the cause of this interruption in the flow of mail. They also charged that the recent harsh policies of the Soviets have resulted in a severe cutback in the number of Soviet Jews being permitted to leave the U.S.S.R.—down about 97 percent in less than 4 years. Telephone communications have also been cut back and duties on packages coming into the Soviet Union have doubled and tripled, making the delivery of packages prohibitive; a Soviet citizen having to pay almost 6 weeks of wages as duty for just a pair of jeans.

In recent days, the Soviet Union has gone further announcing it will cut off acceptance of any prepaid duty packages from the United States and other Western countries.

The Soviet actions are nothing short of an outrage. To date, they have been operating a number of Soviet-licensed parcel services, which actually utilize the U.S. mails deriving substantial hard Western cash for the coffers of the Soviet Union's Government. Price-gouging, missing mail, deliberate mail interference, knowing interception and destruction of international mails have been revealed in our committee's investigation.

As if this outrageous situation were not of sufficient significance, some 16 countries are now calling for the expulsion of Israel from membership in the UPU. In the course of our investigation, our committee has received exhibits showing that Israel—far from being the offending party—is an aggrieved party due to the Soviet sabotage of the international mails from Israel to the Soviet Union. Rather than spending its time in considering the expulsion of such an aggrieved nation, the UPU should concentrate its efforts in resolving these violations in the flow of international mail.

I cannot find the words to communicate the anger and hurt in the hearts of those here in America who can no longer communicate with their loved ones in the Soviet Union.

Resolution 294 comes to us today with 159 Members of Congress as cosponsors. My colleagues have heard from many religious and ethnic people in their districts who are directly affected by the Soviet sabotage of the international mails. Among the hundreds of witnesses we have interviewed, many are experiencing their communications being cut with a greater intensity day by day.

There is a genuine concern in nearly every ethnic group in this Nation. Fully 9.3 percent of the American public comes from ethnic backgrounds from the countries where these problems exist. A large part of that 9.3-percent figure can no longer correspond with friends and relatives in Soviet countries.

One witness we interviewed told of a friend who had paid a bounty of $50,000 to get out of a Soviet country. Upon arrival in this country broke, he was able to find a modest job. From his meager earnings, he saved to buy a blood pressure kit and some dried fruit to send to his elderly and sick relatives in the Soviet Union. But his package was intercepted and returned undeliverable to the United States. In addition, the Soviets charged him $22 in surcharges before he could recover his own package. The U.S. Postal Service ended up as tax collector for the Soviets, because the surcharge eventually was returned to the Soviets.

Next, the man went to a Soviet-licensed parcel service doing business here in the United States—for 25 years without knowledge of our postal executives in Washington—and paid a substantial fee to have the same package shipped duty prepaid. It is commonplace to turn up witnesses who have paid between $150 and $300 per package in various Soviet charges just to get their packages through.

Mr. Speaker, such an obstructive procedure and exorbitant charge amounts to extortion.

The trigger words that keep popping up in our investigation are: Larceny, looting of packages, gouging, scheming, deception, con game, and a host of others.

This issue is extremely important to every ethnic community in this Nation. We've talked to and heard testimony from Latvians, Lithuanians, Soviet Jews, Baptists, Pentecostals, Roman Catholics, Ukranians, Czechoslovakians, the Poles, the Slavs, the Georgians, the Armenians, the Hungarians, and hundreds of others.

There is a unanimity of opinion among those groups that the United States should move swiftly and decisively on the sabotage of the international mails. Approval by the House today—the very day the UPU Convention gets underway in Germany—would arm our delegation with a strong mandate to call the attention of other nations to the distress of those people from many countries who can no longer correspond or contact in any manner with their mothers and fathers and brothers and sisters behind the Iron Curtain.

Mr. Speaker, Resolution 294 would, briefly, do the following:

First, it calls upon the President, through the Secretary of State, to express to the Government of the Soviet Union the disapproval of the American people of the Soviet Union's—

Systematic nondelivery of properly addressed mail originating in the

United States to persons to whom it is addressed, and

Violation of the articles of the constitution of the Universal Postal Union—with protocols—the general regulations of the Universal Postal Union with final protocol and annex, the Universal Postal Convention with final protocol and detailed regulations, and the final act of the Conference on Security and Cooperation in Europe; and

Second, at the meeting of the Congress of the Universal Postal Union in Hamburg, Germany, from June 13 to July 27, 1984, the representatives of the U.S. Postal Service should—

Bring the Soviet Union's violations of international law governing international mail to the attention of the representatives of the member countries of the Universal Postal Union, and call upon such countries for support in encouraging the Soviet Union to respect its treaty obligations;

Request the Universal Postal Union to conduct an investigation of such alleged violations; and

Consider possible sanctions against the Soviet Union for such violations.

Accordingly, Mr. Speaker, I urge my colleagues to join our 159 cosponsors in support of this important measure.

□ 1440

Mr. CLAY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to thank my colleague from Missouri for chairing this important legislation and all the work he has done and a special note of gratitude to the gentleman from New York who has worked on this issue in a very meticulous manner.

Mr. Speaker, as I started to say when we were debating another piece of legislation that was especially important as well; I and Congresswoman SCHROEDER went to the Soviet Union and did talk among other things about the problems of the nondelivery of international mail.

Mr. Speaker, the resolution before us does two things; it asks the Soviet Union to comply with the treaties governing international mail and it calls for the Soviet Union to stop engaging in the systematic real torture, in my judgment, and lessening of the morale of the people in the Soviet Union.

While we were there, we talked to people who were Baptists, Jews, Catholics, Pentecostals, and visited some of the Refusniks, visited some members of the Ukrainian community, and the answer was always the same; that they know they are not getting the mail that their loved ones are sending to them and they also gave us documentation which I turned over to my good friend from New York, Mr. GILMAN. One gentleman gave documentation of all the mail he had sent out from the Soviet Union which was never received by his loved ones in the United States.

Mr. Speaker, what this does, this is a form of intellectual suppression, it is a form of attempting to lessen the morale of the people in the Soviet Union who really have a desire to know what is going on outside of the Soviet Union, and they want that connection with their loved ones throughout the world, and I was especially aware of those in the United States.

Mr. Speaker, let us pass this resolution; let us ask the Soviet Union to engage in complying with the treaties that govern international mail that all, or most of the countries in the world are part of.

This is not a United States-Soviet issue; this is an international issue. Nothing is more subtle, it seems to me, than trying to take away from individuals the opportunity to communicate, and that is what this is all about.

So I hope, Mr. Speaker, we pass this resolution by a 100-percent margin and we send a signal not only to the leaders of the Soviet Union but to the people who live in the Soviet Union who really want to have some form of dialog, not only with their loved ones, but with people throughout the world. That is where the Soviet Union can really show what it stands for, by not inhibiting the intellectual growth of its own people.

So I am very, very pleased to join with my friends from Missouri, from New York, and others who have been a major thrust behind this legislation.

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

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

Mr. Speaker, I want to commend the gentlewoman from Ohio for her remarks in support of this resolution, for her efforts on our recent trip to the Soviet Union in attempting to resolve this issue and for her longtime concern with regard to the violation of human rights behind the Iron Curtain.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO] who also has been a longtime foe of violation of rights behind the Iron Curtain.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of this legislation, House Concurrent Resolution 294. Action on this important topic has been long overdue in my opinion, and I am pleased that the House is considering this measure. I strongly urge my colleagues to support it as well.

Mr. Speaker, the term "human rights" is quite broad and elicits thoughts of involuntary arrest and detention, religious or political persecution and harassment, and other ideas which are important and of concern not only to Americans, but freedom-loving people everywhere. One aspect of human rights which receives very little attention, however, is the ability of individuals to receive international mail from acquaintances on both sides of the Iron Curtain. The systematic nondelivery of international mail is almost beyond comprehension for most Americans, but it is unfortunately common practice in the Soviet Union.

I commend my colleague, Representative BEN GILMAN, and others, for holding extensive field hearings on this subject which documented the Soviets' practice of systematic interference and nondelivery of international mail addressed to certain persons residing within the Soviet Union. This is in direct violation of the Universal Postal Union [UPU] constitution and general regulations and the Helsinki accords. The legislation now before us calls upon the President to communicate the disapproval of the American people to this continued pattern of human rights violations by the Soviets.

In addition, the legislation states that the U.S. delegation to the UPU Congress, which incidentially convenes today, should bring the issue of Soviet violations to the attention of other UPU member countries and urge them to request an investigation and possible sanctions. It is important for this country, with our heritage of freedoms, to undertake these actions to expose this practice and to pressure other nations to urge the Soviet Union to cease this unethical activity.

Apparently, the Soviets will continue the practices of gouging persons for delivery in order to gain much-needed hard currency for their failed Socialist economy until worldwide attention is focused on the situation. This legislation, if passed, would go a long way in this regard.

In sum, the practice of systematic interference and nondelivery of international mail to certain persons in the Soviet Union is morally reprehensible, I believe we would all agree. How to respond is the important question. This legislation, Mr. Speaker, by insuring the issue is raised with other UPU member nations and bringing pressure to bear on the Soviets, is a sound response to this tragic and unethical practice.

One final note, Mr. Speaker. It has come to our attention that during this UPU session, there may be an effort to expel Israel from that body. Obviously, the United States should and will resist such efforts as it has efforts to expel our friend and ally from the United Nations. Should such a tragic occurrence take place, the State Department has informed me that the United States will immediately pull our delegation out of the Congress, suspend our participation in UPU ac-

tivities, and withhold payments to the UPU. The suspension of our participation and the withholding of our payments would continue until the illegal action was reversed.

I commend the State Department and the administration for their steadfast position on this matter, and, again, urge my colleagues to support this worthy legislation.

□ 1450

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supporting remarks and for his continuing efforts in focusing attention on the violation of human rights behind the Iron Curtain. The gentleman is a distinguished member of our Foreign Affairs Committee and has been a long-time foe of these kinds of violations.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from California [Mr. LANTOS], a distinguished member of the Foreign Affairs Committee, who has led the fight for human rights for many years in this body.

Mr. LANTOS. Mr. Speaker, I want to thank my friend and colleague for yielding.

There are two issues, Mr. Speaker, I would like to deal with in joining my friends both on the Republican and Democratic sides of the aisle in dealing with this matter.

The first refers to the systematic failure on the part of the Soviet Union to live up to its international obligation with respect to the delivery of international mail.

My colleagues have detailed this issue. Let me just add that I find it unconscionable that groups of individuals who are being persecuted for a whole variety of phony reasons have heaped upon them the additional anguish of not receiving their mail.

Second, Mr. Speaker, I would like to say a word about the attempt by some to oust Israel from the Postal Union. This is not the first attempt to delegitimize the State of Israel.

We have seen similar attempts in other bodies and I believe that our State Department deserves commendation for standing firm on this issue.

The democratic State of Israel has meticulously adhered to all of its obligations it has undertaken with respect to the Postal Union. To see yet another international body in the process of being politicized to this extent in indeed distressing.

A few days ago I introduced a resolution called the Elba resolution. As you know, Mr. Speaker, it was on the 25th of April 1945, that Soviet and American troops linked up at the Elba River at the small town of Torgau. My resolution calls on our President to initiate on the 40th anniversary of the Soviet-American linkup annual summit meetings with the Soviet leadership on a full range of issues that are before us.

This particular matter adds yet another small dimension to the importance of annual summit meetings between leaders of the Soviet Union and our own President.

I would like to see our President next April 25 sit down with Mr. Chernenko and explore with him why in the Soviet Union mail is being withheld and destroyed from individuals who should be receiving it.

We have a broad range of issues that we need to talk about. This particular violation by the Soviet Union is yet another instance of the importance of maintaining dialog and contact with them on the full range of outstanding issues.

So, Mr. Speaker, I join my colleagues in calling on the Soviet Union to live up to international obligation with respect to the delivery of mail and I call on all nations of the Postal Union to reject the notion of politicizing this important entity and serve notice on them that this Congress along with our administration will pull out U.S. participants from the Postal Union. We will suspend our funding of that entity if any democratic nation should be expelled.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California for his strong supporting words, and I thank him for participating in this debate.

● Mr. FORD of Michigan. Mr. Speaker, I rise to express my support, in the strongest possible terms for House Concurrent Resolution 294.

The Soviet Union's interference with postal communications between its citizens and citizens of the United States and other nations has reached alarming proportions. I am speaking here not of sensitive or confidential information which the Soviet Government does not wish its people to receive from the outside world. I am speaking of the most innocent and personal communications which link separated families, and distant friends.

Two hearings by the Post Office and Civil Service Committee's Subcommittee on Postal Operations have documented these tragic facts. It is clear that Soviet postal officials simply do not deliver international mail to certain addresses within that nation. It is also clear that the addresses of Soviet Jews are predominant among that group of undeliverable addresses.

This conduct by the Soviet Union violates countless treaties and agreements to which it is a party, including the Helsinki accords and the Universal Postal Convention.

Today, June 18, in Hamburg, Germany, the Congress of the Universal Postal Union convenes a 6-week meeting. Adoption today of House Concurrent Resolution 294 will send a timely message to the U.S. delegation—and to the Soviet delegation. We look forward to action on this fundamental issue of legal rights and human rights.

I urge the adoption of House Concurrent Resolution 294.●

● Mrs. KENNELLY. Mr. Speaker, I rise in strong support of House Concurrent Resolution 294, which asks the President to express to the Soviet authorities the disapproval of the American people of Soviet nondelivery of mail to its citizens, and also asks that this matter be raised by our delegation to the Universal Postal Union Convention this summer.

Over the last year, the House Post Office and Civil Service Committee has documented over 2,000 cases of Soviet nondelivery or interference with the delivery of mail to its citizens. This systematic disruption of the right of Soviet citizens to receive mail and packages from abroad is yet another example of the Soviet disregard for the human rights of its citizens. It is another effort to isolate Soviet citizens from their loved ones and friends outside the Soviet Union, and also clearly violates the provisions of the Helsinki accords and the constitution of the Universal Postal Union.

Many of my constituents have friends and family in the Soviet Union. Often, their only link to their loved ones is through the letters and packages they are able to send. Individual contacts between residents of the United States and the Soviet Union have great humanitarian significance. But equally important, they help create a better understanding between the citizenry of our two nations. Free exchange of mail is an exchange of ideas and information which the United States should encourage. And interference with that free flow should not be allowed to continue without objection.

Over the last few years, the Soviet Union has interfered with the delivery of parcels as well as letters. Strict limits have been established as to the assortment and quantity of items that can be sent, and many of the items permitted are subject to extremely high customs duties. The Soviet Union has also made a practice of returning many parcels to their senders instead of delivering them to the addressee, and many parcels sent to Russia from abroad simply disappear without a trace.

Recently, the Soviet Postal Service, Vneshposyltorg, announced that on August 1 it will stop accepting parcels from the West whose customs duties have been prepaid by the sender. While it will still be technically possible to send parcels to the Soviets via international mails, customs duties for such deliveries will have to be borne by the recipient. Since duties on packages can be as high as 100 percent of the value of the goods or higher, the practical effect of requiring the recipient to pay the customs duty will be to choke off parcels from the West. This

policy is yet another example of the Soviets attempt to isolate its citizens from contact with the West. It is part of the pattern of abuse of international mail that my colleague, Mr. GILMAN, has so ably documented.

This resolution addresses a critical human rights issue, and I urge my colleagues to support it.●

● Mr. GARCIA. Mr. Speaker, I want to thank the gentleman from New York for his hard work, not only on this resolution, but on the entire issue of the Soviet Government's disruption of mail service coming from the United States. He has been tireless in his efforts to see that those individuals living in the Soviet Union will be able to remain in contact with their families and friends in the West.

On June 11, the Subcommittee on Postal Operations and Services held a hearing in New York City on the Soviet disruption of mail. As chairman of the subcommittee, I've become more aware of how complex and how difficult it can be to simply have the mail delivered. I've also become even more aware of how much we depend on the mail as a way to keep in touch. Yet, it's even more than that for many Americans who have relatives living abroad, particularly in Eastern bloc nations. For them, mail service is literally a lifeline.

This resolution points out the struggle that millions of people living in this country and in the Soviet Union have merely keeping in touch through letters and packages. I want to emphasize that this is not a Christian issue, this is not a Jewish issue, this is not a political issue; this is a human issue.

The Universal Postal Union Congress is being held in Hamburg, West Germany, beginning this week. This is a perfect opportunity for U.S. delegates to raise this issue. I'm not suggesting that they stir up trouble with the Soviets, thereby making it worse for the victims of this abuse. I simply want to see that the mail is delivered. I want to insure that people living in this country can maintain the lifeline that mail service offers to their friends and families in the Soviet Union. This resolution will let the Soviet representatives know just how important we consider this issue.

It has come to my attention that there may be a resolution introduced rejecting Israel's credentials at the UPU meeting. I strongly condemn any such action, and would ask that the UPU member nations reject any proposal that would reject Israel's credentials.

The purpose of the UPU and of all international organizations is to encourage dialog. The exclusion of Israel would indicate a blatant disregard of this principle. Coexistence can only be achieved by breaking down false barriers, and putting aside political posturing. A rejection of Israel at the UPU Congress would be a grave mistake.●

● Mr. FASCELL. Mr. Speaker, I rise in support of House Concurrent Resolution 294, expressing the sense of the Congress that the President should express to the Soviet Union the disapproval of the American people of the systematic nondelivery of international mail addressed to persons living within the Soviet Union. And I want to commend the gentleman from New York, Congressman BEN GILMAN and the gentleman from Missouri, Mr. CLAY for their work on the measure before us today.

This resolution was referred to the Committee on Foreign Affairs and the Committee on Post Office and Civil Service on April 26. In the Committee on Foreign Affairs, it had been referred to several of our subcommittees—Human Rights and International Organizations, Europe and the Middle East, and International Operations—for appropriate action. Because of the press of regular committee business and the urgency of our expediting consideration of this resolution so it can be sent to the head of the U.S. delegation to the General Conference of the Universal Postal Union which convenes today in Hamburg, Germany, the Committee on Foreign Affairs has agreed to the Committee on Post Office and Civil Service bringing the resolution up under suspension without prejudice to the jurisdiction of the Committee on Foreign Affairs.

Mr. Speaker, the Universal Postal Union is a specialized agency of the United Nations. Its General Conference which convenes every 5 years opens today in Hamburg, West Germany. The U.S. delegation to the Conference plans to raise the issue of the systematic nondelivery of international mail to persons living in the Soviet Union in the statement to be given by the head of the U.S. delegation—the U.S. Postmaster General—in the next few days. Other member governments of the UPU also plan to raise this serious problem. The nondelivery of international mail is a clear violation of several international regulations—the UPU conventions and protocols as well as the provisions on the free flow of information and communications under the final act of the Conference on Security and Cooperation in Europe. It is, therefore, appropriate for us to consider and adopt this resolution today so it can be forwarded through the Department of State to our delegation at the UPU Conference. Passage of the resolution will convey to the postal convention the serious concern felt by the American people on the matter of the Soviet Union's systematic nondelivery of international mail and will bolster the position of our delegation at the current meetings.

Mr. Speaker, I also want to raise a related matter that is expected to arise during the opening days of the UPU General Conference; namely, a resolution sponsored by some 16 Arab States that calls for the suspension of Israel from UPU membership. Mr. Speaker, efforts to delegitimize Israel are not new—this resolution to be proposed this week is only the latest in a series of similar resolutions. The Congress has already gone on record in Public Law 98-164 on this matter. That law provides that if Israel is illegally expelled, suspended or denied its credentials or is denied its right to participate in the General Assembly of the United Nations or any specialized agency, the United States shall suspend its participation until the illegal action is reversed and shall also withhold payment of its assessed contribution. The Department of State has conducted numerous bilateral discussions with our allies and friends to gain their support for opposing the resolution when it comes up in the UPU later this week. And the Secretary of State, the Honorable George Shultz, noted last Thursday in the Department's noon briefing that should this resolution be pressed by the cosponsors of the resolution and should it be adopted, the United States will withdraw as called for in Public Law 98-164. I really hope that we will not be forced to withdraw from the UPU. And, I want this message to be conveyed to the U.S. delegation at the UPU Conference so that they will be able to inform other delegations of our determined intention to support Israel's membership in the UPU.

Again, I want to commend the gentleman from New York, Congressman BEN GILMAN and the gentleman from Missouri, Mr. CLAY for their work on this resolution. I am inserting at the end of my statement my correspondence with the distinguished chairman of the Committee on Post Office and Civil Service on this resolution.

Mr. Speaker, I urge adoption of House Concurrent Resolution 294.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, June 6, 1984.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Our Committees have on joint referral H. Con. Res. 294 (copy attached) expressing the sense of the Congress that the President communicate to the Government of the Soviet Union the disapproval of the American people concerning the Soviet Union's systematic nondelivery of international mail and, further, that the United States delegation to the Congress of the Universal Postal Union (UPU) seek the Soviet Union's compliance with treaties governing international mail.

H. Con. Res. 294 has broad bipartisan support. In view of the impending commencement of the UPU Congress on June 18 in Hamburg, I am requesting your agreement

to the consideration of H. Con. Res. 294 by the full House under Suspension of the Rules at the earliest possible opportunity. H. Con. Res. 294 as introduced on April 26, 1984, would be placed on the suspension calendar without a report and without prejudice to the jurisdiction of your Committee.

Thank you for consideration of this request.

Sincerely,

WILLIAM D. FORD,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, June 8, 1984.

Hon. WILLIAM D. FORD,
Chairman, Committee on Post Office and Civil Service, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter regarding the consideration of H. Con. Res. 294 expressing the sense of the Congress that the President communicate to the Government of the Soviet Union the disapproval of the American people concerning the Soviet Union's systematic nondelivery of international mail and, further, that the United States delegation to the Congress of the Universal Postal Union (UPU) seek the Soviet Union's compliance with treaties governing international mail.

I have no objection to your request that this important resolution be placed on the Suspension Calendar without prejudice to the jurisdiction of the Committee on Foreign Affairs.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.●

● Mr. BERMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 294. I urge adoption of this measure because I am deeply disturbed by the Soviet Union's practice of intercepting properly addressed mail sent to citizens of that country.

The Soviet Union's outrageous behavior in interfering systematically with the international mails is documented by extensive testimony of ethnic, religious, and scientific groups, along with over 2,000 exhibits accumulated by the Committee on Post Office and Civil Service. In light of the substantial body of evidence available, action by the Congress is imperative.

In addition to imploring the President to take this issue up with the Government of the Soviet Union, this legislation further urges the U.S. delegation to the Congress of the Universal Postal Union, meeting in Hamburg, Germany, from June 18 to July 27, to take the Soviet's unacceptable violations up with member states.

Furthermore, some Arab countries are sponsoring a move to expel Israel from the UPU, continuing the reprehensible campaign against Israel's participation in the United Nations system manifested in other U.N. forums in recent years.

In order to express congressional disapproval of the Soviet's handling of international mail, and to underscore U.S. opposition to any move to expel Israel from the UPU, I urge the Members to support House Concurrent Resolution 294.●

● Mr. CORCORAN. Mr. Speaker, I rise in support of House Concurrent Resolution 294, expressing the sense of Congress that the President communicate the disapproval of the American people regarding the actions of the Soviet Union in the nondelivery of international mail. Not only do the actions of the Soviet Union constitute noncompliance with several treaties and agreements, but they constitute a total disregard for human rights and the dignity of countless individuals in the United States, the Soviet Union and other Soviet-bloc nations.

I was privileged in February of this year to chair a hearing in Chicago, IL, on the Soviet interruption of U.S. mail. Several groups testified including Chicago Action on Soviet Jewry, Freedom of Communications, POMOST (a Polish-American organization), Chicago Conference on Soviet Jewry, National Inter-Religious Task Force on Soviet Jewry, and the U.S. Postal Service. It was the testimony of these dedicated people, who continue to work on behalf of individuals and families behind the Iron Curtain, which brought this issue home to me. Although all the statements were very eloquent, Mr. Harvey Barnett of the Chicago Action for Soviet Jewry opened his remarks with a very descriptive paragraph. He said, and I quote:

> Three months ago I went to the Soviet Union for the second time in four years. A great part of me is still there, with an astonishingly brave group of people. These friends of mine are experiencing anti-Semitism at a level unprecedented since the Nazi occupation of Europe. The Soviet regime is attempting to silence them by isolation and persecution. The very things that are the most important to Soviet Jews are being denied them. Thousands upon thousands of Jews are being absolutely tormented in knowing that mail rightfully theirs is being stolen. . . .

While many organizations and individuals in the United States, attempting to maintain written communications with friends and relatives in the Soviet Union, have been aware for some time that substantial numbers of their letters and packages never reach the intended recipients, Congress was unaware of the magnitude of the problem until approximately 400 pieces of evidence were submitted to the Subcommittee on Postal Operations of the House Post Office and Civil Service Committee at a hearing held in Washington, DC. Those 400 pieces of evidence have multiplied several times and now number in the thousands.

I imagine that many of my colleagues are wondering what we can hope to accomplish by passage of this resolution. Certainly, no one has any definitive answers. However, we have heard time and time again from those most intimately involved in communications between the United States and the Soviet Union that pressure from the West gets results. Several Members of Congress, including myself, have written letters to Soviet citizens who are being denied the right to emigrate. The Soviet Union has not bothered those individuals because a Congressman has taken an interest in their welfare. This is not a final solution, but it is a start. I encourage my colleagues to support House Concurrent Resolution 294.●

● Mr. COURTER. Mr. Speaker, I rise today in support of legislation under consideration, House Concurrent Resolution 294, concerning the Soviet practice of intercepting mail. While we consider this a noncontroversial bill, it is, in fact, one which touches on a serious plight affecting the Soviet people, and one which serves to give them hope that someone in the world cares about their well-being and happiness.

Too few recognize that international mail is a lifeline of support to Soviet citizens wishing to be in contact with friends and family in the United States. Additionally, it is not widely known that unobstructed mail delivery is vital to those who wish to leave the country. To emigrate, a citizen must present a written invitation from abroad before applying. Since 1979, narrow rules determined that this invitation must come from first-degree kin, virtually precluding hundreds of thousands of people from receiving the mandatory document. If such invitations are diverted, lost, or simply not delivered, then the laborious emigration process cannot be completed, and the individual involved stands no chance of being allowed to emigrate.

This is a tragic situation, for behind the cold statistics lies the realization that tens of thousands of Jews are now being denied the right to build new lives and to exercise their fundamental cultural, religious, and personal freedoms. By continuing its practices in obstructing mail delivery, the Soviet Union is violating an integral element of the human contracts provision of the Helsinki Final Act, a human rights act which was signed in 1975 by the United States and 34 other countries, including the Soviet Union.

Last year, 81 Members of the House urged Postmaster Bolger to address this problem during the Universal Postal Union [UPU] meeting held in Berne, Switzerland. The response by the Soviet authorities was not encouraging, as to date, no further action has been taken by them to improve the situation. The adoption of House Concurrent Resolution 294, therefore, is entirely appropriate in urging that this issue be addressed again at this year's UPU meeting to be held in Germany.

President Reagan has repeatedly expressed his support for renewed im-

provement in relations with the Soviets. While arms control will remain the most important and complex issue facing the superpowers, the mail situation presents an area in which progress could be made with a little effort. Eliminating the problem on nondelivery of mail would be a small but important step in not only advancing the rights of all people, but also in advancing our ability to communicate with the Soviets on other issues of importance.●

● Mr. LEVIN of Michigan. Mr. Speaker, I rise in support of House Concurrent Resolution 294 which expresses the sense of the Congress that the President and the U.S. delegation to the Universal Postal Union Congress take up with the Soviet Union its failure to deliver international mail to certain addresses in the U.S.S.R.

Over 2,000 complaints of nondelivery of mail have been received by the Post Office and Civil Service Subcommittee in their investigations. Some of these complaints come from my own State of Michigan. One of these, for example, was brought to light by a group which has written regularly to a Soviet refusenik for the past 3 years but received no mail back. A Detroit member of this group, on a trip to the Soviet Union, had a chance to ask the refusenik about the mail and learned that although a few letters had been received 3 years ago, none had been delivered since then. In addition, packages sent from Detroit to the refusenik family had not been delivered. In some cases, the Detroiters received the return receipt, but with an illegible scribble instead of a recognizable signature.

Now, the Soviets are proposing postal policy changes designed to hinder mail communications more blatantly. One is a change in Soviet regulations which would require duty on packages to be paid by the receiver, not by the sender, as is now the case. Another change would affect the popular program of "twinning" a Jewish youth from the United States with one from the Soviet Union.

Since nondelivery of international mail is a violation of the Universal Postal Union Treaty, as well as other international agreements, I support actions aimed at bringing pressure on the Soviet Union to comply with its treaty obligations. Therefore, I strongly support this resolution and ask other House Members to support it as a protest of Soviet interference in the mail.●

● Mr. PORTER. Mr. Speaker, I am pleased to join my colleagues today in support of House Concurrent Resolution 294, a resolution which expresses the Congress' disapproval of Soviet interference with mail delivery. This is an important issue and deserves to be on the agenda during discussions between the United States and the U.S.S.R.

I would like to commend the gentleman from New York [Mr. GILMAN] and the other members of the Post Office and Civil Service Committee for their hard work and leadership on this issue. I would also like to point out that the committee held public hearings around the country on mail interference in the Soviet Union and provided citizens who have first-hand experience in this area with the opportunity to testify on their experiences. On February 3, 1984, hearings were held in Chicago, and representatives from several local organizations testified, including Chicago Action for Soviet Jewry, Chicago Conference on Soviet Jewry and POMOST.

Throughout these hearings the committee collected examples of over 2,000 cases of Soviet interference with mail delivery. I have also had experiences with the Soviets' policy on nondeliverance of mail. Over the past year I have sent over 100 letters to Soviet refuseniks. During this time I have waited patiently for responses and indications that my letters have been received by the addressee. Despite my efforts, I have received only one written response, from Boris Prudinsky, and have been assured by only two relatives of refuseniks living in the United States of America that my letters have been received. In addition, letters that I sent to Iosef Begun and Mark Kats have been returned. I find it hard to believe that all of my other letters reached the addressee, since in my closing I ask the recipients to write and let me know how we in the Congress can help them. If they received my letters, I believe they would have written me.

As my colleagues are aware, the Soviet's interference with mail delivery violates several international agreements and treaties the Soviets have committed themselves to. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the general regulations of the Universal Postal Union, and the Constitution of the U.S.S.R.

It is particularly timely that the House consider this resolution today since later this week the Universal Postal Union Convention will begin its meeting in Hamburg, Germany. This resolution directs the U.S. representative to the convention to raise the issue of Soviet interference with mail delivery, to request that the Universal Postal Union further investigate this issue and encourages participants at the convention to support efforts to encourage the U.S.S.R. to comply with its treaty obligations relating to mail delivery.

Earlier this spring I attend the first meeting of the International Parliamentary Group for Human Rights in the Soviet Union [IPG], and I am pleased to report that our colleagues in Europe share our concerns over mail interruption. In addition, participants at the IPG conference expressed an interest in participating in discussions of the Soviet's violations of mail delivery treaties at international meetings such as the Universal Postal Union meeting and also at upcoming IPG meetings.

We who are lucky enough to live in freedom know how welcome a letter from a friend or family member can be. But for Soviet refuseniks, ostracized by their society, threatened and harassed regularly by Government officials and isolated from their loved ones, mail from abroad is a lifeline of hope for freedom. We must speak out against this violation of international law and basic human rights which only serves to make these unfortunate people more miserable.

In closing, I submit for the RECORD a copy of a letter I received from a constituent and friend of mine, Bob Mednick, which documents his experiences with the Soviets' interference of mail delivery.

WEST WASHINGTON STREET,
Chicago, IL, July 25, 1983.

Hon. BENJAMIN A. GILMAN,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. GILMAN: A friend of mine, Josephine B. Minow, who is active in the Hebrew Immigrant Aid Society, has passed on to me your June 22 letter to the President of Hias concerning your Subcommittee's investigation of Soviet interference with U.S. mail. Jo knows that I have a continuing correspondence with about 20 families in the Soviet Union and thought that my experience might be useful to the Subcommittee on Investigations of the Post Office and Civil Service Committee of the House of Representatives. A completed "Soviet Mail Questionnaire" is enclosed for this purpose.

By way of background, my wife and I visited the Soviet Union for two weeks last September. During that period, we met with approximately 30 families in Moscow, Leningrad, Riga and Minsk who have applied to emigrate to Israel and have been repeatedly denied exit visas for periods of up to 17 years. As a group, these so-called Refuseniks are the most warm, sensitive and certainly courageous people we have ever met.

Since returning home, we have sent over 100 letters to our Soviet friends and have received approximately 50 letters in return from them. We generally mail about 15 to 20 letters at a time. The last batch was sent about a month ago. Substantially all of the letters are sent registered, return receipt requested.

Our success rate to date has been very good. Close to 90% of our letters have been delivered based on the return of receipted pink cards. I have made claims to the U.S. Post Office which are still pending on those letters that apparently have not been delivered.

Unfortunately, friends and others who have written without registering their letters have had very poor success. As a matter of fact, based on comments in the letters we have received from the Soviet Union, it appears that virtually none of our friends' letters that have been to the same people without being registered have gotten through. This is consistent with the experience of the Union of Councils for Soviet Jewry which has over 30 local branches throughout the country. Furthermore, I am told that our success rate of close to 90% on registered mail is much better than the average.

Despite this success, we and our Soviet friends have had serious problems with the Soviet postal authorities. We know that most of our letters—going in both directions—are opened and read by the Soviet authorities. Several times materials sent with our letter were not included in the envelope when it was delivered. Similarly, one of our friends wrote on April 23 that "we have received our new photographs and I am sending you one of them." Unfortunately, the photographs were not in the envelope delivered to us.

While the cost of a registered, return receipt requested letter may seem expensive to some U.S. citizens, the cost of registering a letter in the Soviet Union is almost prohibitive for most Refuseniks who are generally dismissed from their jobs and can find only menial labor. In a way, it gives us mixed emotions to receive such registered letters from our Soviet friends. Nevertheless, unless they take a substantial portion of their income to send letters in that manner, it is highly unlikely they will be received by us and others in the U.S.

As an example, one Refusenik wrote us on March 15 that "it is a thousand pities that my previous letter to you was lost . . . I sent it by regular mail . . . I hope this one will be more lucky . . . ." And on May 10 we received our first letter from yet another Refusenik which, among other things, indicated that "we decided to number our letters . . . this is the fifth . . . by the way did you receive our letter of December 22 with photos?" Unfortunately, we had not received any of the previous four letters, nor has this family received several of ours to them. Interestingly enough, this particular individual is an internationally known physicist who had actually taught in the U.S. and U.K. for short periods before applying to emigrate to Israel in 1981.

While I have many more examples of Soviet tampering with the mails, one more example of the terrible effect of this practice might be of some help. On December 19, 1982, we received a letter from a Refusenik who has been marked for special harrassment by the KGB, Soviet Secret Police, including one year in a labor camp in Siberia. He was released just one month before our visit to the Soviet Union, and had not yet found a job by the time we returned home. Among other things, his letter states:

"A week ago, I have found a job at last. I'm working now as a simple worker. I carry the bricks and so on. My wages are only 65 rubles a month, but I couldn't find any job during six months. (I earned 320 rubles a month before I asked for the visa to Israel.) I would like you to get this letter and I'm not able to tell more."

This particular individual has a Ph.D. in mathematics and had worked in applied mathematics at Leningrad University before applying to emigrate in 1978. His short, registered letter cost him a fairly significant portion of his current monthly salary.

As indicated in the completed questionnaire, I would be most willing to make available copies of the letters referred to above and other information to the House Committee on Post Office and Civil Service's Committee on Investigations. Also I would be very willing to further discuss my experience with House investigators if it would help you.

Sincerely,

ROBERT MEDNICK.

Enclosure.

P.S.: For your information, my wife and I showed a slide presentation on the families we visited to the Human Rights Caucus in the House of Representatives this past April at the request of our Congressman John Porter. For this reason, I am sending a copy of this letter and the completed questionnaire to Congressman Porter for his information.

(Copy to: The Honorable John Porter.)●

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

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 294.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONSENTING TO GOOSE LAKE BASIN COMPACT BETWEEN CALIFORNIA AND OREGON

Mr. KAZEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1135) to consent to the Goose Lake Basin compact between the States of California and Oregon.

The Clerk read the title of the Senate bill.

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

Mr. LUJAN. Reserving the right to object, Mr. Speaker, I do so simply to ask the gentleman from Texas if he would explain the bill.

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

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Speaker, Goose Lake Basin is a closed basin encompassing nearly 1,100 square miles of which two-thirds are in southeastern Oregon and the balance in northern California. The compact relates to the development and use of the scarce water resources of the basin.

The States of Oregon and California negotiated the Goose Lake compact in the early 1960's and both States ratified it in 1963. The attitude of the administration at that time was not favorable to compacts and attempts to obtain congressional consent to the compact were not successful.

The water shortage in the basin has become more acute since the compact was first negotiated. In 1980, local citizens pressed the States for a new effort to gain approval of the compact. Each State conducted a thorough review of the compact and concluded that they favored congressional consent.

There are no Federal water rights or interests which would be impacted by the compact.

Since the Goose Lake Basin is a closed basin lying wholly within the States of Oregon and California, no other State water rights are involved.

Enactment of the legislation is necessary because the Constitution, article 1, section 10, requires congressional consent to make the compact legally binding.

There is no known opposition to enactment of S. 1135 and its enactment is supported by the State legislatures and Governors of Oregon and California and by the entire congressional delegations of both States.

Mr. LUJAN. Mr. Speaker, I thank the gentleman for his explanation and I join him in urging the approval of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. KAZEN]?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Goose Lake Basin Compact between the States of California and Oregon, which compact is as follows:

GOOSE LAKE BASIN COMPACT

"INDEX

"Article I	Purposes.
Article II	Definition of Terms.
Article III	Distribution and Use of Water.
Article IV	Administration.
Article V	Termination.
Article VI	General Provisions.
Article VII	Ratification.
Article VIII	Federal Rights.

"ARTICLE I. PURPOSES

"The major purposes of this compact are:

"A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control of the water resources of Goose Lake Basin.

"B. To further intergovernmental cooperation and comity and to remove the causes of present and future controversies by (1) providing for continued development of the water resources of Goose Lake Basin

by the States of California and Oregon, and (2) prohibiting the export of water from Goose Lake Basin without consent of the legislatures of California and Oregon.

"ARTICLE II. DEFINITION OF TERMS

"As used in this compact:

"A. 'Goose Lake Basin' shall mean the drainage area of Goose Lake within the States of California and Oregon and all closed basins included in the Goose Lake drainage basin as delineated on the official map of the Goose Lake Basin which is attached to and made a part of this compact.

"B. 'Person' shall mean the States of Oregon and California, any individual and any other entity, public or private.

"C. 'Water', 'waters' or 'water resources' shall mean any water appearing on the surface of the ground in streams, lakes, or otherwise, and any water beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of Goose Lake Basin.

"ARTICLE III. DISTRIBUTION AND USE OF WATER

"A. There are hereby recognized vested rights to the use of water originating in Goose Lake Basin existing as of the effective date of this compact and established under the laws of California and Oregon.

"B. Except as provided in this Article, this compact shall not be construed as affecting or interfering with appropriation under the laws of California and Oregon of unappropriated waters of Goose Lake Basin for use within the basin.

"C. Export of water from Goose Lake Basin for use outside the basin without prior consent of both State legislatures is prohibited.

"D. Each State hereby grants the right for a person to construct, and operate facilities for the measurement, diversion, storage, and conveyance of water from the Goose Lake Basin in one State for use within the basin in the other State, providing the right to such use is secured by appropriation under the general laws administered by the Water Resources Director of the State of Oregon or the Water Rights Board of California and the laws of the State from which the water is to be taken shall control.

"E. Should any facilities be constructed in one State to implement use of water in the other State, the construction, operation, repairs and replacements of such facilities shall be subject to the laws of the State in which the facilities are constructed.

"ARTICLE IV. ADMINISTRATION

"No commission or administrative body is necessary to administer this compact.

"ARTICLE V. TERMINATION

"This compact may be terminated at any time by consent of the legislatures of California and Oregon and upon such termination all rights then established hereunder shall continue unimpaired.

"ARTICLE VI. GENERAL PROVISIONS

"Nothing in this compact shall be construed to limit, or prevent any State from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction thereof for the protection of any right under this compact or the enforcement of any of its provisions.

"ARTICLE VII. RATIFICATION

"A. This compact shall become operative when ratified by the legislatures of California and Oregon and consented to by the Congress of the United States.

"B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

"C. A copy of any proposed amendments to or termination of this compact shall be filed with the Board of Supervisors of Modoc County, California, and the County Court of Lake County, Oregon, at least 30 days prior to any legislative consideration by the legislatures of the States of California and Oregon.

"ARTICLE VIII. FEDERAL RIGHTS

"Nothing in this compact shall be deemed:

"A. To impair or affect the existing rights or powers of the United States of America, its agencies, or instrumentalities, in and to the use of the waters of the Goose Lake Basin nor its capacity to acquire rights in and to the use of said waters.

"B. To subject any property of the United States of America, its agencies or instrumentalities, to taxation by any State or subdivision thereof, nor to create an obligation on the part of the United States of America, its agencies or instrumentalities by reason of the acquisition, construction or operation of any property or works of whatsoever kind, to make any payments to any State or political subdivision thereof, State agency, municipality or entity, whatsoever in reimbursement for the loss of taxes.

"C. To subject any property of the United States of America, its agencies or instrumentalities, to the laws of any State to any extent other than the extent to which these laws would apply without regard to the compact.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

WATER QUALITY RENEWAL ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 522 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3282.

□ 1500

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3282) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, with Mr. SWIFT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes and the gentleman from Minnesota [Mr. STANGELAND] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure for me to bring to the floor the bill H.R. 3282, the Water Quality Renewal Act of 1984. This bill is the result of an enormous amount of effort on the part of the Subcommittee on Water Resources and the full committee, as well as by Chairman HOWARD who has been and is working diligently to develop legislation which is environmentally sound and can be enacted into law. I would like to take this opportunity to thank him for his leadership and dedication, and to acknowledge the most helpful cooperation of the ranking minority member of the subcommittee, Congressman ARLAN STANGELAND, and of course, the ranking minority member of the full committee, Congressman GENE SNYDER.

This bill contains a number of provisions designed to improve the Federal Water Pollution Control Program. The bill continues through fiscal year 1988 authorizations at existing levels for a number of programs in the Water Pollution Control Act, including research activities, training of personnel, forecasting the supply of and demand for occupational categories needed in the water pollution control field, grants to State and interstate agencies to assist in administering programs for water pollution control, grants to educational institutions for programs to train personnel in the operation of water pollution control facilities, grants under section 208 for developing and operating areawide waste treatment management planning processes, grants for the Rural Clean Water Program, the Clean Lakes Program, and the General Administration of the Federal Water Pollution Control Act by the Environmental Protection Agency.

The authorization level for the construction grants program is increased from its present level of $2.4 billion per fiscal year to $2.9 billion for fiscal year 1985, and $3.4 billion per year for fiscal years 1986, 1987, and 1988. The Construction Grants Program which provides Federal assistance for the construction of publicly owned sewage treatment plants is presently authorized at a totally inadequate level of $2.4 billion per year. As a result, municipalities are falling further behind in their attempts to meet the requirements of the act. Our bill addresses this problem in three respects. First, our bill increases the Federal share after fiscal year 1984 from 55 to 65

percent. The existing Federal share which was established at 75 percent is scheduled to drop to 55 percent next fiscal year pursuant to the 1981 amendments to the act. Second, we increase the authorization for the Construction Grants Program as previously described; and, third, we establish a new grant program to be used by the States to establish water pollution control revolving funds. These revolving funds may be used by the States to make low interest loans, subsidize bonds and the like in order to further assist local communities in the construction of sewage treatment works. These new levels of authorization are the absolute minimum required if we are to meet the goals of the act for clean water.

Other major provisions of the bill include the following. A program to encourage and assist States in the control of nonpoint sources of water pollution is established. Approximately 50 percent of the pollution entering our Nation's water comes from nonpoint sources. In order to achieve adequate water quality it is absolutely essential that we begin to address the very serious problem of nonpoint sources of pollution.

A new section is added to the Federal Water Pollution Control Act, to provide for nonpoint source control implementation programs. The Governor of each State must submit to the Administrator for his approval a plan which the State proposes to implement, in the first 4 fiscal years beginning after the date of submission of the plan, for controlling pollution from nonpoint sources. The new section provides for grants to States with approved plans for the purpose of assisting the States in implementing the plans. The Federal share of the cost of the plan shall not exceed 50 percent of the cost incurred by the States. However, where the Administrator determines that a significant number of non-Federal, non-State interests in a watershed area are willing and able to enter into agreements to participate in nonpoint source pollution control measures, the grant shall be not less than 50 percent and not more than 60 percent.

The bill contains a number of amendments to section 314 of the Federal Water Pollution Control Act, which establishes a grant assistance program to improve the water quality of lakes. The Clean Lakes Program is made applicable to saline, as well as freshwater lakes. The Administrator is authorized to make grants to States for priority projects for control of nonpoint sources of pollution which are contributing to the degradation of water quality in lakes. The amount granted to the State for such a project shall not exceed 70 percent of the cost of the project. There is authorized to be appropriated not to exceed $100 million per year for the fiscal years 1985 through 1989 for these purposes. Also, grants are authorized for restoration of water quality in lakes and other waters in States which have deteriorated because of high acidity. The amount granted to any State for any fiscal year shall not exceed 80 percent of the funds expended by the State in that year.

There is a provision for the development and implementation of individual control strategies to achieve compliance with applicable water quality standards where it is determined that such compliance will not result from the application of best available technology and best conventional technology.

The maximum amount of a civil penalty for violating certain provisions of the act is increased from $10,000 per day to $20,000 per day.

A provision is added to the act to provide that dischargers or individuals who knowingly violate or cause the violation of certain of the act's requirements will be subject to criminal penalties of up to $50,000 per day and/or imprisonment for up to 2 years. Also, the assessment of administrative penalties is authorized for violations of the act. These are designed to substantially increase EPA's enforcement capability to ensure compliance with the act.

Other provisions include:

A requirement that the Administrator, before approving sewage treatment construction grants for any project, determine that any required areawide waste treatment management plan under section 208 is being implemented for such area and the proposed treatment works are included in such plan or that reasonable progress toward implementation is being made.

A direction to the States to allocate at least 50 percent of the amount granted to the State for planning purposes to comprehensive planning organizations in the State, except in any fiscal year for which the Administrator and Governor of any State determine jointly that allocation of at least 50 percent to such organizations will not substantially assist in achieving the goals of the act.

Mr. Chairman, I believe that H.R. 3282 is a sound bill. I recognize, however, that not all interested parties agree with this assessment. I, therefore, join with the chairman in assuring that we will continue our efforts to develop floor amendments designed to ameliorate the difficulties which have arisen since the bill was ordered reported.

I urge passage of the bill.

I would say to my colleagues who are here today that what we are attempting to do today is have our general debate on this most important legislation, and then we will move from there at another time to go into the amendments that are going to be added.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I am pleased to rise in support of H.R. 3282, the Water Quality Renewal Act of 1984, as reported by the Committee on Public Works and Transportation. This legislation is the result of extensive hearings and concentrated efforts by many Members. The committee had the benefit of information presented by 184 witnesses in 15 days of hearings during the 98th Congress, as well as additional hearings during the 97th Congress. These witnesses included Members of Congress, representatives of State and local governments, industry and environmental organizations, and other interested individuals and organizations.

The chairman of our Public Works Committee, the gentleman from New Jersey [Mr. HOWARD], is to be complimented on the encouragement and leadership that he has once again shown with respect to H.R. 3282. Special recognition is warranted for the chairman of our Subcommittee on Water Resources, the gentleman from New Jersey [Mr. ROE]. The ranking minority member, the gentleman from Kentucky [Mr. SNYDER], has been exceptionally interested and active as well. These legislators have done a remarkably commendable job in researching the issues and crafting the provisions of H.R. 3282.

Mr. Chairman, this bill represents a bipartisan effort to fashion a strong, efficient, balanced approach to ensuring cleaner water for all Americans. H.R. 3282 continues existing programs of the Federal Water Pollution Control Act. It also establishes new important programs which will help meet the goals of the act in a rational, feasible way.

The existing water pollution control program stems from the complete rewrite of earlier law that was incorporated into the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500. The 1972 act had as its goal to reduce and ultimately eliminate the discharge of pollutants from municipal sewage systems, industrial plants, and other sources into the Nation's waters. Important changes in the law were enacted in 1977. These so-called midcourse corrections included additional authorizations for the construction grants program and the establishment of a program for encouraging innovative and alternative approaches to wastewater treatment. Other significant changes to the 1972 act occurred in the 1981 amendments, which related primarily to the construction grants program.

Under the Federal Water Pollution Control Act, the U.S. Environemntal Protection Agency [EPA] is required to establish water quality criteria,

technology-based effluent limitation guidelines, pretreatment standards, new source performance standards and a national permit program to regulate the discharge of pollutants. A grant program for construction of publicly owned treatment works provides the carrot for communities to reach the levels of treatment mandated in the law.

States are given the responsibility for developing water quality management programs and for setting water quality standards. The act's technology based limitations prescribe minimum standards of performance for municipal and industrial discharges without regard to the quality of receiving waters. Water quality standards, by contrast, identify intended uses of particular water bodies and, on the basis of water quality criteria guidance developed by EPA, set forth the biological and chemical conditions necessarily to sustain those uses.

Under the act, direct dischargers of pollutants are classified as either point or nonpoint sources. To deal with point sources, the Clean Water Act provides for the national pollutant discharge elimination system [NPDES] which incorporates and applies effluent limitations in individual permits to both municipal and direct industrial dischargers. Under these permits, dischargers are subject to both technology-based treatment requirements and, where necessary to protect a designated use, additional controls based on water quality standards.

Technology-based standards also deal, in part, with pretreatment of industrial wastes from facilities that discharge into municipal sewer systems instead of directly into a particular water body. These facilities are referred to as indirect dischargers. To prevent certain toxic pollutants in these dischargers' waste effluent from passing through a municipal treatment works insufficiently treated or from interfering with the operation of the treatment works, technology-based effluent pretreatment limitations are applied. Delays in getting this program in place and the potential negative impact on already well-performing local pretreatment programs have been continuing problems.

Technology-based does not mean that the Agency prescribes the technology that must be used. Rather, EPA reviews the various treatment techniques presently in use or available in each industrial sector to determine what limitations are achievable using available methods. Once EPA adopts effluent limitations for a particular industry, each discharger can use any method it chooses to achieve these limitations. In practice, however, the range of choice is limited by the availability of technology and its effectiveness in removing pollutants.

The 1972 amendments to the act directed EPA to establish a minimum level of technology-based standards for publicly owned treatment works [POTW's] based on secondary treatment as defined by the Agency, and to establish best practicable technology currently available [BPT] standards for industrial categories. Both are uniform national standards and originally had a compliance date of July 1, 1977. Under the 1972 amendments, EPA was also directed to establish a second level of control standards for industrial categories, based on best available technology economically achievable [BAT], to be complied with by July 1, 1983.

The 1972 amendments' control strategy for toxic pollutants required EPA to develop pollutant-specific effluent standards to be applied to all industrial categories regardless of technological or economic achievability. These effluent standards for toxic pollutants were to be based on the nature of the pollutant rather than on the technologies available to treat those pollutants. The 1972 act instructed EPA to, first, identify toxic pollutants, and then to issue effluent standards for those pollutants.

The act's initial provisions for the development of toxic pollutant standards proved to be cumbersome and time consuming. During the 5-year period immediately following passage of the 1972 amendments, EPA only managed to produce effluent standards for six toxic pollutant standards. The Agency was sued by several citizen groups and, as a result of the suit, a consent decree, commonly referred to as the NRDC consent decree, was entered in June 1976.

In 1977, Congress passed amendments to Public Law 92-500 in the form of the Clean Water Act Amendments of 1977. The 1977 act codified many of the provisions of the 1976 decree. It classified types of pollutants into conventional pollutants, toxic pollutants, and nonconventional pollutants. Conventional pollutants include those traditionally controlled by wastewater treatment systems, including biochemical oxygen demand [BOD], oil and grease, suspended solids, pH, and fecal coliform. Toxic pollutants include the 65 pollutants and categories of pollutants identified in the NRDC consent decree and section 307(a) of the act. Further subcategories of this number have brought the total to 129 pollutants. Nonconventional pollutants is a catchall category which includes pollutants not otherwise designated, such as phosphorus, nitrogen, and ammonia.

New compliance deadlines were also established under the 1977 amendments. BAT for priority toxic pollutants and BCT for conventional pollutants were required to be achieved by all industrial direct dischargers by July 1, 1984. BAT for nonconventional pollutants was to be achieved no later than July 1, 1987, with the possibility of environmental waivers under certain circumstances.

The construction grants amendments of 1981 significantly modified the program for Federal funding of sewage treatment plants that had been in the act since 1972. In 1981, annual funding for the program was reduced from $5 billion per year to $2.4 billion per year. What has been 75 percent Federal funding reduces to 55 percent in October 1984, and certain categories eligible for funding, such as collector sewers, will be funded only if a Governor chooses to do so under a 20-percent discretionary authority.

The bill to be considered today by the House, H.R. 3282, builds on this background, making changes where needed and reinforcing parts of the act so that it can function more efficiently toward our real goal: The highest practicable instream water quality throughout the Nation that can be met for the many needs of the American people.

The Clean Water Act, now being reauthorized and amended, has been successful, but it can be made more effective. The act has significantly improved the control of discharges of pollutants into our Nation's waters. It is leading to the cleanup of some of our most polluted waterways, including the St. Louis River in Minnesota, the Potomac River, and the Hudson River. Still, inadequacies of the Clean Water Act have become evident. The program has enabled fish to return to various rivers, but the fish are sometimes too contaminated to eat. It has kept the Nation's waterways from getting any more polluted, despite substantial growth in industry and population. This is a significant accomplishment, but the fact remains that overall water quality has not improved in the last 12 years as much as we would like.

The program has not performed as well as hoped for numerous reasons. These include uncertainties in funding, delays in promulgation of effluent standards for industrial discharges, and lack of detailed information on causes of some instream water quality problems.

Some of the problems relate to the current Clean Water Act. The failure to control nonpoint sources of pollution is one example. It is estimated that over half the pollution entering the Nation's waterways is from nonpoint sources such as construction activities, agriculture, and runoff from streets. Unfortunately, the nonpoint-source situation has not improved much since 1972. Since 1974, nearly half a million dollars has been spent on studies and projects, particularly in the section 208 program of the act, but

the problem remains. The costs to society are high. The Nation is losing both productivity and nutrients from its land. The situation demands responsible legislation. H.R. 3282 can help solve our nonpoint-source clean water problems, and it can be done in a way that provides incentives to, not regulation of, our important agricultural and other activities.

Generally, H.R. 3282 provides for an increase in the total authorization for construction grants and a separate grant system to enable States to create revolving funds to help their communities construct needed sewage treatment plants. The bill also make eligible for grant assistance combined sewer overflow projects and collector sewers. It increases the Federal share for the construction of publicly owned treatment works to 65 percent. It also extends the compliance dates for achieving the best-available technology and best-conventional technology requirements of the act. This reflects the delays which have occurred in the promulgation of the effluent limitations. The bill is strict enough to maintain a strong program, while remaining flexible enough to allow necessary adjustments and permit the Environmental Protection Agency to carry out its provisions in a manageable fashion.

The bill provides for, among other things:

A 5-year reauthorization of existing programs;

Revisions of some of the act's compliance deadlines;

An expanded program of grants and revolving funds for the construction of sewage treatment plants;

A new nonpoint-source-control program;

Authority for administrative penalties;

Ten-year national pollutant discharge elimination system [NPDES] permits and partial program delegation to the States;

Continued eligibility for combined sewer overflows [CSO's] and collector systems;

Required passthrough of 205(j) grants to substate planning organizations;

A one-quarter of 1 percent set-aside for investigation and auditing activities within the construction grants program; and

Several site-specific projects to deal with major problem areas.

There is one important area not covered by the legislation that I believe should be. It is that of a local alternative to the national pretreatment program. The national categorical program will be of use to the majority of communities in the United States. At the same time, there are cities that can and have developed and operated their own pretreatment programs very successfully. A job is usually done best when it is managed as close to the problem as possible. That is why we have encouraged delegation of many clean water and other programs. It is why we should do the same in the area of pretreatment. Communities, with their industries, are often much better able to manage their mutual water-quality-treatment needs.

I have considered proposing both a nationwide program and a demonstration program. The latter would allow a limited number of cities to show how well a local equivalency pretreatment option might work. In no case, however, would the local option program delay the national pretreatment program. In fact, it could speed it. There would be less opposition to proceeding with the categorical program if those with good locally controlled pretreatment programs were given a chance to act on their own.

In order to proceed, a local pretreatment program would have to control industrial discharges to avoid passthrough of pollutants, interference with its operations, and maintenance of its sludge-disposal options. The POTW also would have to be achieving secondary treatment or be on a schedule of compliance and would have to show that it has adequate funding and resources to implement the local program before being approved for operation. POTW's that are not inclined or do not have the resources to develop and maintain a local program would continue to be required to comply with the national categorical standards.

The current EPA pretreatment program, centered on national technology-based pretreatment standards, does not properly take into account whether such treatment is needed. It can result in costly, redundant treatment by industry and POTW's. In addition, the application of national standards will not appreciably reduce the number of water-quality violations, where they exist. The problems that exist are generally site specific and cannot readily be solved by uniform national standards.

Local conditions are handled best by local entities developing locally responsive programs. Locally controlled pretreatment programs would direct resources to particular problems rather than to treatment for treatment's sake. Where pollutants are removed by the POTW system, it should not be necessary for an industry discharging into the POTW to remove those same pollutants with redundant treatment.

In 1977, Congress amended the act to provide that, if a POTW were capable of removing pollutants without causing problems with its operations, industrial dischargers should be given credit for such removals. In response to this mandate, EPA developed the present removal credit regulations which were supposed to alleviate the problem of redundant treatment by POTW's and industrial dischargers. However, the regulations are so complex and restrictive that most POTW's have not applied for those removal credits. Industrial dischargers must therefore often continue to install treatment technology and meet pretreatment limits even though a POTW may remove some or all of the pollutants. Implementation of a locally controlled pretreatment program would allow for reasonable resolution of this problem. Where appropriate, the removal credit/national program would be continued. In most cases the national program will probably be used. The efficiency and savings of local control, however, make a local option program desirable in certain situations.

I want to stress that this is not a proposal promoted solely by industry. It is strongly supported by cities and sewage treatment agencies throughout the Nation. The following is quoted from a recent letter from the association of metropolitan sewerage agencies:

> An alternative pretreatment approach would expedite the implementation of effective local controls by enabling POTW's to move forward and avoid the administrative delays associated with the existing Federal program. Any such program should include stringent criteria to provide sufficient safeguards against abuse and also ensure the protection of water quality, sludge quality, and the integrity of wastewater treatment facilities.
>
> Implementation of an alternative pretreatment program would allow the EPA and State agencies to concentrate their resources on those local agencies requiring assistance in carrying out industrial pretreatment programs. Looking over the shoulders of sophisticated and experienced local agencies would only detract from this much needed effort, without any corresponding environmental benefit.
>
> Most important from our perspective, an alternative pretreatment approach would acknowledge the important contribution that local agencies have made and will continue to make to improve the quality of the Nation's waters. The managers of these agencies are indeed the front line environmentalists who bear the ultimate responsibility for protecting the health and environment. We believe it is important to acknowledge their expertise and experience, given recognition to their important status as environmental managers, and enable them to do their jobs without unnecessary Federal interference.

The U.S. Conference of Mayors favors an amendment to provide an alternative system for local pretreatment programs. As communicated to the Committee on Public Works, and Transportation, and EPA, the Conference of Mayors states:

> Cities have the technical expertise and commitment to water quality to develop standards that address the site specific circumstances of their industrial base, and would look forward to carefully and pru-

dently implementing such a program improvement with public health as the top priority.

A provision which utilizes the existing administrative pretreatment regulatory program as a foundation is a manageable way to provide an alternative approach to pretreatment of industrial wastewater and assure the maintenance of industrial wastewater and assure the maintenance of the Clean Water Act's goals and objectives.

We believe that alternative local pretreatment can meet this test.

The National Leagues of Cities, too, is actively supporting such an amendment. The following is part of the league's national municipal policy adopted last year:

Local governments should be allowed to devise methods to satisfy national standards that not only assure protection of water quality but which are also cost effective under the conditions of their particular jurisdiction. Therefore, as an alternative to federally mandated implementation of the national categorical pretreatment standards, Congress should authorize States to approve local pollutant elimination programs. To qualify for the alternative local program, a POTW should be required to demonstrate to an authorized State agency that: (1) the POTW is in compliance with the requirements of its permit under the national pollutant discharge elimination system [NPDES]; (2) it has developed and implemented a local pollutant elimination program that in the aggregate is equivalent to implementation of the national categorical pretreatment standards; and (3) it is maintaining a local monitoring and reporting program which is adequate to disclose the quality of the receiving waters.

There have been arguments made against the locally controlled programs. Some are outright incorrect. Others are not true for the pretreatment proposal that I am considering. Here are some of the arguments followed by the facts:

(1) Numerical standards for toxic pollutants are not required by the proposal. It will increase public exposure to toxics, not provide adequate toxics protection, and allow greater discharge of toxics into sewers.

Specific numerical limits on toxic pollutants would be required. These include limits on the POTW's own discharge and on the industrial users of the POTW to assure necessary local pretreatment. The limits on the POTW are both technology-based and water quality-based. This requirement for toxic pollutant limits in the POTW permit follows a specific recommendation of the December 1980 report of the Subcommittee on Oversight and Review—now Investigations and Oversight—of our committee.

(2) Monitoring programs and maintenance of technical, legal and administrative authority of the POTW is not required.

A rigorous monitoring program would be required for every local system obtaining the authority provided. The monitoring goes beyond current Federal law and would be specifically designed to advance the state of the art of biological monitoring and the development of toxicity data for receiving streams and additional limits for inclusion in the POTW's permit. Adequate technical, legal, and administrative resources are necessary components of an acceptable application. Failure to maintain those resources would be a cause for rescission or modification of the local program authority.

(3) The proposal will increase pressure on localities to set weaker local pretreatment standards and let industry get away with those weaker local limits.

Because this proposal would apply toxics limits in the POTW's own discharge permit, the POTW will have the greatest incentive to set and maintain strong local pretreatment standards. The major reason for this proposal is that many POTW's across this country have strong local pretreatment programs that should not have to be redesigned to accommodate the Federal categorical standards.

(4) The proposal would eliminate present enforcement authority against industrial users of POTWs authorized to implement the alternative local system. This lack of enforcement authority includes EPA and citizens.

The proposal would not eliminate any existing enforcement authority. Both the local and State governments have complete enforcement authority over industrial users of a POTW through the requirements of this proposal and through the existing provisions of the act. Federal and citizen enforcement is available through section 309(f), 505 (a) and (f), section 307(d) and EPA's general pretreatment regulations.

(5) The proposal will create delays in the Federal categorical pretreatment program, allow indefinite delay in localities applying under the proposal so long as their application is incomplete, and prove unworkable administratively.

The proposal would avoid any prospect for delay. Decisions on applications are made by the existing discharge permit officials so as not to impose any administrative burdens on EPA personnel responsible for the categorical pretreatment regulations. Once a complete application for local program authority is filed, a stay of the applicability of the Federal categorical standards is granted until final decision on the application. However, if the application is denied, each industrial user covered by the application must achieve compliance with the Federal categorical pretreatment standards within the time originally allowed for compliance with those standards. In effect, there would be a stay of enforcement only during the processing period for the application. Processing would be required to be completed within 120 days of submission of complete application. A POTW applicant with an incomplete application can obtain one additional 120-day period to complete the application. A stay during this extension may be, but is not required to be, granted by the authority.

(6) This proposal was rejected by the Senate Environment and Public Works Committee.

This proposal was never considered by the Senate Environment and Public Works Committee. Indeed the Senate committee never voted on any locally controlled pretreatment proposal. A similar provision, in fact, is likely to be considered on the floor of the Senate.

(7) The current EPA removal credits regulations will provide POTW's and their industrial users with adequate flexibility.

The EPA removal credits program has not been successful to date. The complexity of the regulations is amazing. There are so many interconnections, stipulations, data development requirements, and conditions to be satisfied in an application that very few POTW's have even seriously considered making an application. The operators of good local POTW's have said that the removal credits program is an empty EPA regulatory promise.

(8) There is not adequate knowledge to decide when "something less" than technology-based standards is adequate because there are few water quality criteria for toxics and virtually no sludge disposal standards for toxics.

The proposal recognizes that water quality considerations cannot be the sole basis for determining whether a POTW system and its local pretreatment program will adequately protect water quality in the stream to which the POTW discharges. For this reason my amendment would include two important provisions. First, when an application is granted, the permit authority must modify the POTW's discharge permit to include technology-based effluent limits at least as stringent as the most stringent direct discharge standards on industrials for each pollutant included in the alternative program authorization. Second, it includes a mandatory monitoring program to develop data on receiving water quality effects of any residual pollutants after these technology-based limits are met. These data are then used to develop and impose water quality-based limits on the POTW and through its pretreatment program on its industrial users.

Sludge use or disposal is recognized under the Clean Water Act, section 405(e), to be a matter for local determination. Once EPA publishes guidelines on the use and disposal of sludge, a POTW must use for dispose of its sludge in accordance with those guidelines. Unfortunately, EPA has not published section 405(d) guidelines as yet. Consequently, States and local governments have had to establish their own guidelines and standards concerning sludge use and disposal.

These State and local requirements have, of course, been established and implemented by POTW's for several years. But EPA's tardiness in publishing section 405 guidelines does not mean that there is no Federal information available to the States and local governments on the proper use and disposal of sewage sludge. In fact, there are numerous Federal regulations, guidelines, and documents on the safe use and disposal of sewage sludge.

Of course, as section 405 guidelines are developed by EPA they will apply to all POTW's including those POTW's which have obtained authority to implement their own local pretreatment programs under this approach.

(9) The EPA pretreatment implementation review task force will "iron out" problems with the pretreatment program, making this proposal unnecessary.

This task force has specifically rejected consideration of any legislative changes as part of its agenda, including any consideration of this proposal. Whatever problems the task force irons out with pretreatment, it will not consider mechanisms to allow well-run local POTW's with effective local pretreatment programs to implement their programs as an alternative to the Federal categorical pretreatment program. The task force has the potential to help carry out the national program, and EPA should, as a start, consider early action on the task force's June 12 interim report recommendations. None of this, however, removes the need for an alternative, locally run, program.

Mr. Chairman, there are several provisions which were included in the bill as ordered reported on May 10 but which were deleted after the committee's June 6 reconsideration of H.R. 3282. A number of jurisdictional questions were raised by the Committees on Merchant Marine and Fisheries and Science and Technology. Attempts to resolve these issues informally were not successful. Because of the urgency in assuring that this bill reach the floor, as it has now done, the committee reconsidered H.R. 3282 on June 6 and removed all of the provisions about which questions had been raised. The committee took this action without in any way agreeing to the jurisdictional claims of the two other committees. In fact, we did not discuss these claims with the parliamentarian, and the Public Works Committee disagrees with the two committees' claims. We took this action solely to expedite action on this legislation, and we intend to add these provisions to the bill through the amendment process on the floor.

The provisions deleted include the following:

Discharges into marine waters. This section added a number of new requirements to be met by publicly owned treatment works applying to receive the NPDES permit modification authorized by section 301(h) of the Federal Water Pollution Control Act;

Maintenance of water quality in estuaries. This section authorized the Administrator to convene management conferences to protect the quality of water in estuaries;

Research on effects of pollutants. This section amended section 104(c) of the Federal Water Pollution Control Act to require the Administrator to conduct research on the harmful effects on the health and welfare of persons caused by water pollution;

Chesapeake and Narragansett Bays; New York and New Jersey Harbors; Great Lakes study. This section provided new authority to the Administrator to address water pollution control needs in the Chesapeake and Narragansett Bays and New York and New Jersey Harbor area and authorized the Administrator to conduct a Great Lakes consumptive use study;

Application for ocean discharge modifications. This section provided new authority for a publicly owned treatment works to make application to receive a section 301(h) ocean discharge modification;

Clean lakes—lake liming demonstration. This section directed the Administrator to carry out a demonstration program to restore acidified lakes and watersheds through liming;

Great Lakes International Coordination Office. This section authorized the establishment of a new Great Lakes International Coordination Office to provide focused and priority attention to addressing Great Lakes water pollution control needs; and

Conforming amendments. Various conforming amendments were made to reflect the deletion of the above sections.

Mr. Chairman, some of the provisions in the bill are being attacked as not in keeping with reaching clean water goals. Some changes in the legislation may be warranted to clarify the purposes. After all, no bill or law is so perfect that it cannot be improved. However, I am very disturbed that blatant misstatements are being made about some of the bill's provisions.

I am convinced that the challenges to many provisions would delay cleanup, provide inequitable treatment, and make the programs of the act less workable. As an example, I cite the attack on the 10-year permit provision. The NPDES permits are a cornerstone to the act. They are issued to every direct discharger and contain the limits on what can be discharged. The act now calls for a 5-year limit on each permit. Of the tens of thousands of permits, the vast majority are totally noncontroversial. Still, it takes a great deal of administrative review to reissue the permits. With most first-round permits expiring, a backlog of tens of thousands of nonissued permits is diverting attention from the major permits. Extending the permits to 10 years will help relieve the amount of time needed in the future. The 5-year permits can be reopened at the discretion of the Administrator for many reasons. Also, despite the fact that it is not required in the law, the EPA has, in its regulations, a mandatory reopener for changes in toxic effluent guidelines. H.R. 3282 incorporated in the statute for the first time, such a mandatory reopener for the 10-year permits as well.

Why will eliminating 10-year permits hurt water quality? There are thousands of permits that are not being issued. Having them in place is the best way to achieve clean water. The Agency needs to have its personnel devote their time to getting the best, enforceable permits for the largest, most potentially problem industrial and municipal treatment plant discharges. A 10-year permit with the ability to reopen the permit when needed will lead to better management, better enforcement, and better water quality.

Another provision related to conventional, nontoxic constituents is a restatement of existing policy. It has been grossly misrepresented. It does not eliminate pretreatment by industry. Instead, it encourages municipalities to correct operational or other problems caused by that municipality's plant.

I ask all Members to not be misled by misrepresentations. The legislation was developed with one view in mind—to carry on the Federal Water Pollution Control Act by the best, most effective means possible to continue restoring our Nation's water quality.

Mr. Chairman, H.R. 3282 is a vital and greatly needed bill. I can honestly say that this major environmental legislation is crucial to the districts of each and every Member of Congress and that each of us should vote for its passage. We must protect the future of the Clean Water Act. We must strengthen the Clean Water Act. We must finish the job we began 12 years ago.

Mr. ROE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania [Mr. EDGAR].

Mr. EDGAR. Mr. Chairman, I am a cosponsor of H.R. 3282 and a strong supporter of many of the provisions of this bill which will advance our efforts to clean up the Nation's waters. As a matter of policy, authorizing legislation to extend the Clean Water Act provides essential continuity for our pollution control programs and reiterates the commitment of Congress to the essential goal of fishable, swimmable, pollution-free water. Many of the programs and general authorizations

contained in the original act have lapsed since 1982, and we have been operating without a regular authorization since that time.

Aside from reauthorizing pollution control programs, the bill before us contains several important new initiatives. Among the most important items are funding increases for the EPA Construction Grants Program and a new State Loan Program to assist in the construction of sewage treatment facilities. The bill also creates a valuable new grant program for the States to control nonpoint pollution from rural and urban runoff. We also provide for targeted efforts to clean up pollution in the Chesapeake Bay and other bays and estuaries.

I was disappointed that some of the most forceful environmental provisions contained in the original version of H.R. 3282, such as codification of strong water quality standards, were stripped from the bill during committee consideration. I was further concerned that some of the additions made to the legislation during committee proceedings may have the effect of delaying the enforcement of, or even weakening, existing environmental protection law and regulations. Among the most problematic of these provisions are: A liberal extension—from 5 to 10 years—of the discharge permits issued under our national program to control industrial pollution; an extension of pollution control compliance deadlines for the electroplating industry which discharges over 50 million pounds of toxic chemicals and metals each year; and a loophole in existing law which could allow mining companies to reopen abandoned mines without stringent pollution control measures. I was also discouraged that the committee saw fit to grant variances of normal pollution control requirements for two pulpmills in Alaska, contrary to the decisions and requirements of the EPA.

Granting delays, variances, and waivers for specific industries and firms is bad policy in general. In making such exceptions we are inviting other industries and individuals to come to Congress and ask for further weakening of the critical provisions of the Clean Water Act and the regulations put in force to enforce the act. Congress knew that the goals of the act would be difficult to achieve when the law was enacted, but Congress also realized that the long-term consequences of poisoning the environment and destroying our natural resources are even more costly. Citizens, industries, and Government have all made important efforts to adjust to the far-sighted requirements of care for the environment. Yet, it will be difficult to sustain our progress in cleaning up our water if Congress is seen as backing down from some of the most difficult tasks or granting unfair relief from certain regulations.

We all realize that it is sometimes necessary to make adjustments in ongoing programs and regulations, but once we find the appropriate requirements and deadlines for enforcement, we must stick to them and get on with the business of cleaning up the water.

Mr. Chairman, there are some vital improvements to the bill, as reported, which must be made on the House floor during the amendment process. I have already been involved in discussions with the committee leadership and other members of the committee to find acceptable ways of improving the bill. We have reached some understanding on issues such as the mining provision, and I believe it is possible to agree on provisions which will take care of a number of other issues. There are also two additions to the bill which I would like to make in the form of amendments. I intend to offer an amendment which would create a national commission to deal with the Nation's ground water problems, and I will also offer an amendment to provide for some assistance to sewage agencies around the country in dealing with disposal and use of sewage sludge.

I am aware that the chairman of the committee is preparing a substitute amendment for the bill which hopefully will put to rest some of the controversy surrounding certain provisions of H.R. 3282. I should also point out that a number of other members have expressed interest in certain provisions. Our colleague from Minnesota, Mr. OBERSTAR, has prepared a substitute which comprehensively deals with the concerns of many people in the environmental community. I am confident that there will be a full debate of the environmental concerns when we consider amendments to the bill.

I believe that all the Members of the House want to produce a responsible Clean Water Act reauthorization which preserves and strengthens our commitment to tough measures to clean up pollution. Those of us with concerns on the legislation are continuing to communicate with the committee leadership in order to solve the remaining problems. I believe these problems can be resolved so that we can pass this major piece of environmental legislation in the 98th Congress.

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Mr. STANGELAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, I am pleased to rise today in support of H.R. 3282, the Water Quality Renewal Act of 1984.

The history of the Federal Water Pollution Control Act, particularly since 1972, has been one of substantial progress in meeting the water quality goals of our Nation. A combination of regulatory and funding mechanisms has led to widespread industrial and municipal construction of wastewater treatment facilities. These efforts, together with other special progams in the law, continue to improve the Nation's water quality.

The amendments in H.R. 3282 are a result of a great deal of work, especially on the part of our Public Works Committee chairman, the gentleman from New Jersey, Congressman HOWARD. He has striven to assure the strongest environmental bill possible, consistent with real-world needs. The leadership of our committee's ranking Republican, the gentleman from Kentucky, Congressman SNYDER, as well as that of the Water Resources Subcommittee chairman, Congressman ROE, and his ranking counterpart, Congressman STANGELAND, has also been noteworthy.

H.R. 3282 continues numerous existing programs and establishes some creative and needed new programs. In summary, the bill provides for, among other things:

A 5-year reauthorization of existing programs;

Revisions of some of the act's compliance deadlines;

An expanded program of grants and revolving funds for the construction of sewage treatment plants;

A new Non-Point Source Control Program;

Authority for administrative penalties;

Ten-year national pollutant discharge elimination system [NPDES] permits and partial program delegation to the States;

Continued eligibility for combined sewer overflows [CSO's] and collector systems;

Required passthrough of 205(j) grants to substate planning organizations;

A one-quarter of 1 percent set-aside for investigation and auditing activities within the Construction Grants Program; and

Several site-specific projects to deal with major problem areas.

One of H.R. 3282's most innovative proposals is the bill's authorization of a new revolving fund program through which a State will be able to provide financing assistance to its political subdivisions and, upon repayment, be able to use that money again to construct needed pollution-control facilities. These funds can be used for loans, guarantees, interest subsidies, and other nongrant purposes. Under this new authority, many more communities will receive funding for construction of needed wastewater treatment facilities. Many communities throughout the Nation have waited in

vain for Federal funding, being too far down on the State's priority list, and this new revolving fund program is designed to help those communities meet the act's 1988 deadline.

Mr. Chairman, among its many noteworthy provisions, H.R. 3282 contains two new authorities that should be highlighted. Section 24(c), among other things, directs the Administrator of the Environmental Protection Agency, in cooperation with the U.S. Army Corps of Engineers, to conduct a comprehensive 1-year study of Beaver Lake, AR, in order to identify measures to optimize the use and quality of the lake's waters. The provision also directs the Administrator, upon completion of his study, to conduct a demonstration project at Beaver Lake to determine the effectiveness of measures designed to preserve and enhance the quality of the lake's water for current and future users. Section 24(c) Beaver Lake language is designed to protect one of northwest Arkansas' most important sources of drinking water, and I am strongly supportive of this provision.

A second provision in the bill which is of great importance to me and the people of Arkansas is H.R. 3282's section 25(c), which amends the Federal Water Pollution Control Act to authorize partial delegation to the States of the act's NPDES Program. This provision is designed to increase individual States' NPDES Program implementation activities, particularly those of the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. It is a provision which I believe will expedite achievement of the act's water quality goals and I compliment the committee for recognizing its importance and including it in the Water Quality Renewal Act of 1984.

Mr. Chairman, there are numerous other important water quality provisions in the bill before us today which are deserving of mention but which time will not permit us to discuss in detail. Some of those have been highlighted by the Members who have preceded me and others will be described after I conclude. Allow me, in summary, to indicate my strong support for H.R. 3282 and my desire to see this bill pass quickly and overwhelmingly here in the House.

Mr. ROE. Mr. Chairman, I yield 4 minutes to the honorable gentleman from Arizona [Mr. McNULTY].

Mr. McNULTY. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to take this opportunity to thank the chairman and his good staff for their efforts in getting this bill out and before us today. This legislation presents a careful balancing of interests, certainly. I am particularly impressed with the range of water-quality issues that are addressed in this bill.

Probably one of the more important sections of the bill is that which is dedicated to non-point-source-control programs. I agree that pollution from nonpoint sources is our biggest obstacle in realizing the goals of the Clean Water Act. We have made major strides in controlling point sources of pollution—those coming from municipal waste water-treatment plants and from industry. There has been no comparable program for runoff, or nonpoint pollution. The committee bill before us today would provide for such a program.

Pollution from nonpoint sources represents a serious threat to the integrity of our waters. The total economic costs of sediment and pollutants associated with erosion may amount to as much as $3 billion per year, for water treatment and dredging, in damages to fisheries and recreation, in lost reservoir capacity, and many other resources. Nonpoint sources carry not only sediment and excess nutrients, but pesticides and other toxics from construction and street runoff and other sources. This is a serious problem in urban areas as well as rural areas.

Without a doubt, the biggest water-quality problem we face in Arizona is ground-water contamination. Further, our ground water is being contaminated to a large degree by nonpoint-source pollution. Metropolitan Tucson, with a population of 550,000 people, is one of the largest cities in the country that is entirely dependent on ground water for its water supply. Recently, however, trichloroethylene [TCE] contamination of ground water has been found in Tucson and Greater Phoenix. Our situation in Tuscon is particularly severe; the quantities of TCE in our aquifer are large and the potential for spreading is very real. Given the fact that Tucson is solely dependent upon ground water for its municipal supply—we are in trouble.

Mr. Chairman, we in Tucson are far from being the only area that is concerned about the protection of sole-source aquifers. EPA defines a sole-source aquifer as one that supplies 50 percent or more of the drinking water for area. Now, there are 17 sole-source aquifers in 12 States and they are located beneath all or parts of 49 congressional districts. This designation, however, does not provide enough protection for these special aquifers. In an effort to identify the water-quality problems that these special aquifers are threatened with, I intend to offer an amendment to this bill that would authorize the Administrator of EPA to conduct five studies of particular sole-source aquifers. The studies are to identify existing and potential point and nonpoint sources of ground water degradation and to develop management plans to improve ground water quality in the sole or principal source aquifer.

In closing, I salute Mr. ROE for directing this major environmental effort and I thank Mr. OBERSTAR for developing the strong and well-advised non-point-source control scheme that the committee has adopted here in this measure.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time, but before I yield my time back, I want to commend those who participated in the debate today, particularly Mr. HAMMERSCHMIDT of Arkansas, who preceded me as the ranking member on Water Resources, for his diligence and hard work in the past and also in helping to craft this legislation.

I would also commend my friend from Pennsylvania, [Mr. EDGAR]. I think the Public Works and Transportation Committee has brought a good clean-water bill to the floor of the House. However, as the gentleman from Pennsylvania points out, the leadership of the committee and the subcommittee went to the Committee on Rules, requested an open rule, and Rules was kind enough to approve that open-rule request that the House passed last Friday. So, while I believe we have an excellent piece of legislation before us, the House will have the privilege and the opportunity to work its will in passing this legislation.

I just want to say that it is extremely critical that we act on this legislation and we will be going into the amendment process in a very short time. It is important to pass this legislation prior to the Fourth of July break, so that we can move on and assure that we have a reasonably decent chance of getting this bill passed into law before this Congess adjourns.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. ROE. I yield myself such time as I may consume.

Mr. Chairman, I want to take a minute to express my great regard for ARLAN STANGELAND, our Congressman from Minnesota, who is our ranking Member, who has done an extraordinary job on this bill. I want to commend Mr. EDGAR of Pennsylvania, who has been a real leader in the field of water quality and cleaning up the pollution of the waters in our Nation.

I also want to commend Mr. McNULTY, who spoke so well in reference to his non-point-source contribution to this legislation and I think they all have made a great contribution to the overall intent of what we are trying to do here in Congress.

I join with the gentleman from Minnesota in some of his comments. We have asked for an open rule, giving ev-

eryone an opportunity to be able to be heard on this vitally important legislation, and we will take up those areas where we may have some differences of opinion when we get to the point of considering amendments.

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

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 3282, the Water Quality Renewal Act of 1984. I wish to commend the chairman of the House Public Works and Transportation Committee, JAMES HOWARD, and Mr. ROBERT ROE, chairman of the Subcommittee on Water Resources, for their diligence, leadership, and expertise in bringing this legislation to the House floor.

The bill we are debating today is crucial in maintaining the national program of support for construction and maintenance of sewage treatment plants in Puerto Rico and throughout the rest of the Nation. I commend the gentlemen from New Jersey for shaping this important legislation, and in playing their leadership role in attempting to maintain the role of the Environmental Protection Agency in helping our environment.

Mr. Chairman, H.R. 3282 increases the annual authorization for municipal sewage treatment plant construction grants to $2.9 billion in fiscal year 1985, and $3.4 billion for 3 consecutive fiscal years thereafter. This section of the legislation also sets the Federal share of funding for treatment plants at 65 percent of construction costs, a reasonable compromise which will help many States and communities continue programs already begun. This is a reasonable level of funding for the Federal share, and a workable compromise which keeps the Federal presence at a level to help maintain water quality standards.

Across the board, the legislation before us today has been brought to the floor with the concern of all U.S. citizens that the water supply in this country is a cherished national resource, one that merits a continuing congressional response, and one that needs continuing Federal presence.

Other provisions of H.R. 3282 are also commendable. The committee has recommended an expansion of the Clean Lakes Program, already in existence, and authorized a 4-year program of ways to control nonpoint source pollution, as well as an increase in the Federal role in studying acidification of lakes.

The legislation also restores funding eligibility for collection sewers previously curtailed in the 1981 amendments, a provision which will restore funding for lines which run from individual homes to the central system.

Mr. Chairman, in sum, the legislation before us is, overall, a sound measure, one designed to continue the national role in maintaining water quality standards. I am aware that there will be amendments offered today with the intent of strengthening some of the programs of this legislation, and altering the bill as it was brought to the House floor. But I think all of us here today owe a debt of gratitude to the leadership and the House Public Works Committee for bringing this measure to the floor in its present form.●

● Mr. RAHALL. Mr. Chairman, as William D. Ruckelshaus, the EPA Administrator pointed out in a recent speech to the National Press Club, the problems of identifying and dealing with toxic pollutants are substantially more complex than those that we encountered in earlier stages of our environmental clean up efforts.

EPA has needed more time than Congress originally anticipated to develop the complicated guidelines that are to be implemented in the NPDES permit system and that serve as the benchmark for pretreatment standards under the Clean Water Act. Recognition of that fact is embodied in H.R. 3282 through extension of compliance dates under the Clean Water Act for achievement of effluent limitations requiring application of best available technology [BAT] and best conventional pollutant control technology.

Given the complexity of the task, it is not surprising that EPA has needed additional time to develop effluent limitations and categorical pretreatment standards. Under the act, BAT guidelines are to be developed for various classes and categories of point sources, taking into account such factors as the age of the equipment and facilities involved, the particular process employed, the engineering aspects of applying various types of control techniques, process changes, the cost of achieving effluent reductions, environmental impacts other than those relating to water quality—including energy requirements, and such other factors as the Administrator deems appropriate.

When these factors are considered, EPA may well find it necessary to develop separate effluent limitations and standards for different sources or groups of sources within a single industry. Indeed, given the range that may exist in age of equipment, production processes, engineering requirements, compliance costs, and so forth, it might well be appropriate to prescribe a separate effluent limitation or pretreatment standard for an individual facility which differs significantly from other plants in the same industry or production category with respect to one or more of these characteristics.

A recent decision of the U.S. Court of Appeals for the Third Circuit in the case of National Association of Metal Finishers against EPA underscores the importance of taking interplant differences into account during the standard-setting process. The appeals court in that case held that EPA may not grant fundamentally different factor variances from pretreatment standards for toxic pollutants once those standards have been promulgated in final form. If the third circuit's decision is upheld on review—and I take no position on the question, since it is now before the Supreme Court—the only way to take account of fundamentally different factors between facilities will be through the establishment of appropriate subcategories—even at the individual plant level—during the standard-setting process.

As a member of the subcommittee which authored this legislation, it is my opinion that the Clean Water Act currently allows EPA to establish subcategories reflecting differences in circumstances among facilities within an industry. In appropriate cases, the subcategory, in my opinion, could be limited to a single source or facility if that source or facility possesses relevant characteristics different from those of the other sources or groups of sources within the industry.●

● Ms. FERRARO. Mr. Chairman, I want to commend the Public Works and Transportation Committee and its chairman, the distinguished gentleman from New Jersey, for bringing this important piece of legislation to the floor. The bill before us today, the Water Quality Renewal Act of 1984, has a number of admirable features.

For example, the increase in the construction grants program to $2.9 billion in fiscal year 1985 and $3.4 billion for the following 3 fiscal years is of critical importance to the Nation's cities.

Also, I am pleased to note that the problem of combined sewer overflows, a very serious concern in many older communities, is addressed in the bill. I want to express my appreciation to the Public Works Committee and to the chairman for these and many other improvements to existing law that are incorporated in the bill.

Regrettably, there is one provision of the bill, a provision aimed solely at New York City, that I oppose. Section 30 purports to increase environmental protection by hastening the completion of two sewage treatment plants and thus ending raw sewage discharges.

In fact, the end of these discharges is in sight and this provision will not cause the discharges to end any sooner. The city of New York is proceeding on an accelerated schedule to complete the two treatment plants that, when in operation, will end raw discharges. The only constraints affecting the construction schedule are the physical characteristics of the

sites. For instance, at the site of the North River plant along the Hudson River, there are six contractors working side by side on this immensely complicated construction project. The only way you could have more workers on the site would be to put them on barges working from the Hudson River. So the only constraints are physical ones, not lack of effort, or commitment.

Furthermore, the city has entered into a court-supervised consent decree that specifies the exact dates when these plants must go into operation. Mr. Speaker, the city of New York is 6 months ahead of the schedule governing completion of the plants. The North River plant is now slated to begin operation in November 1985. The Red Hook plant in Brooklyn will go into service a year later.

I repeat, nothing in this provision will get these plants built any more quickly. And I would add, New York City has spent $1.5 billion in the past decade to upgrade nine sewage treatment plants to full secondary treatment. This effort is indicative of the good faith effort the city has made to modernize its treatment facilities and improve regional water quality.

Some of you may be wondering why I and other Members of the New York State delegation are so concerned about the language in this section of the bill. Quite simply, the bill could make it very difficult to finance new construction in New York City. It would not do this explicitly. But by establishing a numerical ceiling for average daily discharges of sewage, a ceiling that cannot be exceeded, it leaves open the possibility that a court enforcing the provision would call for a moratorium on new sewer hookups.

Furthermore, the possibility of such courts action creates a cloud of uncertainty over the development market, which could greatly complicate the financing of new projects. Mr. Speaker, section 30 of the Water Quality Renewal Act is unfair, it is discriminatory in that it applies only to New York City, and it will provide no environmental benefits whatsoever. It puts at risk one of New York's most important industries.

If the House wishes to address the problem of raw sewage discharges—and I believe that we should do so—let us act in an even handed, nonpunitive, nondiscriminatory manner. Next week, when we consider amendments to the Water Quality Renewal Act, I will offer such an amendment and I urge my colleagues to support it.●

● Mr. HOWARD. Mr. Chairman, I wish to express the strongest possible support for H.R. 3282, the Water Quality Renewal Act of 1984, as reported by the Committee on Public Works and Transportation.

It is my belief that H.R. 3282 represents the strongest effort to protect our Nation's water resources that has been produced since this program was initiated more than a decade ago. I believe this bill charts national water policy for the remainder of the 1980's.

I wish to commend Representative ROBERT A. ROE, the chairman of the Subcommittee on Water Resources, the other members of the subcommittee as well as the members of the full committee for their outstanding work on this bill.

Protection of our waters is among the most important responsibilities we have in the Congress. Water is at the same time the cheapest but most expensive commodity we have. Over the years, we have learned that we can pollute the waters quickly but it takes years to clean them up. Coming from a shore district that is strongly dependent on clean water, I am especially aware of the need to prevent any degradation.

We must continue the efforts that have been made in the last decade to clean up the waters. We have heard many reports of improved water quality, of the return of fish to areas where they had not been for years. I believe H.R. 3282 will allow us to continue in that direction.

Among the major features of the bill are:

A $19 billion, 4-year combination grant and loan program for construction of sewage treatment plants;

A program to clean up toxic hotspots that cannot be removed through normal procedures;

A program to set up interstate management conferences to protect and clean up our bays and estuaries;

The cleanup of some of the Nation's major waterways, such as the Chesapeake Bay, the Narragansett Bay and the New York-New Jersey Harbor area;

A ban on the discharge into estuaries of sewage that has not received secondary treatment;

Authorization of the $125 million Clean Lakes Program;

Requirements that industry comply with best available technology requirements within 3 years, 6 months of the promulgation of regulations by EPA.

One other feature of this bill that I would like to describe would place a cap on the amount of raw sewage that New York City can discharge. This issue has been sneered at as local but is extremely important in the protection of our environment.

New York City discharges 220 million gallons of raw sewage daily by its own admission. Some say the amount may be even greater. To understand the magnitude of that amount, it is necessary to realize that 220 million gallons of raw sewage would cover 12 square miles an inch deep, or, if piled on the football field at Giants stadium, would reach to more than half the height of World Trade Center.

New York discharges that amount every day and the sewage heads directly to the beaches of New Jersey.

New York is 30 years behind in its schedule of sewage treatment plant construction and years behind every other major city in this country.

This provision is not punitive, malicious or discriminatory. It simply requires New York to do what every other city has done—stop discharging raw sewage.

All the amendment does is set a date of March 15, 1986, almost 2 years away, by which New York must stop adding to its raw sewage discharge. There is no requirement that it be reduced except through the existing court orders which go into effect after that date. If New York complies with the court order requiring construction of the sewage treatment plants, there should be no problem. However, adoption of this provision will place New York on notice that there will be no further delays or waivers in the requirement that sewage be treated.

This is not a construction ban—New York can build all it wants as long as the construction does not increase the discharge of raw sewage.

This provision is not discriminatory. More than 100 towns in New Jersey and hundreds of other cities throughout the Nation have had building bans because of a lack of sewage treatment facilities, but New York has not. New York does not have to live with the sewage. New Jersey does.

This provision is not punitive. If New York does what the court order requires, what every other major city has done and what its own officials claim will be done to complete the sewage treatment plants, there will be no violation of this provision.

The Clean Water Act was approved in 1972 to clean up the Nation's waters. It is time that the act applied to New York City.

Mr. Chairman, I urge passage of H.R. 3282, the Water Quality Renewal Act of 1984, so that we can continue the efforts to preserve the quality of our environment that were begun with the 1972 act.●

● Mr. ADDABBO. Mr. Chairman, although H.R. 3282 has many good features, I would like to take this opportunity to bring to the attention of my colleagues one provision of the bill which is very bad—bad as policy, bad as precedent, bad for the Clean Water Act. That is section 30 of the bill as reported. This section is directed solely at New York City.

The section specifically would limit raw sewage discharges in the city to the average over the year preceding March 15, 1986.

There should be no mistake: sewage discharges are not to be condoned. The Clean Water Act is designed to clean them up, quite properly, and

much progress has been made. Along with funding for construction grants, the act contains substantial civil and criminal enforcement authority which applies equally to all communities in this country to compel continued progress in cleaning up our waters. What is troubling about this provision of the bill is that it retreats from this national approach, choosing instead to impose unique penalties upon one particular region, New York.

The bill is silent on the consequences to New York City of violating the new standard. Presumably the civil and criminal penalties of the Clean Water Act would apply. In addition, a court enforcing the provision would quite likely call for a moratorium on new sewer hookups. More important, a cloud on real estate development in the city would be created by the prospect of such sanctions, and by the uncertainty as to how much new construction is allowed—regardless of whether the new standard is ever violated.

Mr. Chairman, New York does not plan to increase its sewage discharges. On the contrary, two large new treatment plants are currently under an accelerated construction program which will put them on line well ahead of schedule, barring unforeseen circumstances. Indeed, it is precisely this fact which renders the provisions in H.R. 3282 devoid of any practical justification. Funding is available to ensure completion. The construction site is large, and there is a limit to the number of contractors that can work there, but these minor problems are being resolved.

A great deal remains to be done in this country to clean up pollution, notwithstanding the sweeping environmental statutes that were passed in the 1970's. For example, the original deadline for secondary treatment of sewage was 1977; yet in 1982, the Environmental Protection Agency estimated that $31 billion of construction is still needed to meet our goals. There are still over 200 communities in all areas of the country where municipal wastes are being discharged into our waters with no treatment at all. There are hundreds of plants which are not in compliance with the secondary treatment requirement, including many in New Jersey, New York, and every other State. We can either pretend this isn't so, or we can seek to address the facts honestly and constructively.

Let us endeavor to speak honestly about the Clean Water Act. The people of this country demand clean water. Every level of government shares in this goal. Let us seek to work together to find solutions to the remaining problems, which are not exclusive to New York.

An amendment will be offered to remedy this situation and I urge my colleagues to join me in support of it.●

● Mr. McKINNEY. Mr. Chairman, I rise today to congratulate the members of the Committee on Public Works and Transportation for undertaking and accomplishing an unenviable task—approving a measure to reauthorize and revise the Clean Water Act. While H.R. 3282, the Water Quality Renewal Act, does not satisfy each constituency affected by water pollution law, it is a comprehensive measure designed to address each important section of the Clean Water Act, as well as to add further sections of law to compensate for areas that have until now been overlooked by water pollution regulations. I am also confident that in our deliberations the House will be able to perfect the measure so that it will maintain the all important balance between industrial development and the well-being of our natural environment.

Of particular importance to New England, more specifically the States of Connecticut and New York, is the committee-approved section regarding estuaries. If enacted, this section will have an historic effect on pollution control efforts in Long Island Sound. As originally introduced by Mr. HOWARD, H.R. 3282 included a general provision which required the Environmental Protection Agency [EPA] to convene a management conference to formulate a comprehensive water quality restoration plan for each estuary affected by interstate-sourced pollution.

On September 30, 1983, and again on March 2, 1984, I wrote to the Public Works and Transportation Committee outlining the need for an EPA conference to help untangle the interstate management problems impeding a coordinated pollution control strategy for Long Island Sound. Each letter was cosigned by the Connecticut and Long Island House delegations, as well as by Representatives RICHARD OTTINGER and HAMILTON FISH. I was pleased to learn that on May 1, 1984, the Subcommittee on Water Resources approved a Clean Water Act reauthorization package in which Long Island Sound was given priority consideration under the estuaries provision. The full committee also approved the estuaries section on May 10.

For the residents of New York, Connecticut, and thousands of others who each year use Long Island Sound for their livelihood and recreation, a comprehensive interstate pollution control plan has been long overdue. Numerous water quality problems occur each year, such as the closure of shellfish beds and periodic prohibitions on swimming. Yet, disagreements over State jurisdiction and responsibility have always stood in the way of progress.

Currently, the National Marine Fisheries Service, the U.S. Coast Guard, the Interstate Sanitation Commission, the Army Corps of Engineers, Connecticut and New York and two regional offices of the EPA share authority over the sound. In the past everyone's efforts to deal with the sound's very real pollution problems were sabotaged by the resulting bureaucratic snarl.

In contrast to the current makeshift and often contradictory Long Island Sound management policy, enactment of section 9 and the subsequent establishment of an EPA conference would lay the firm groundwork for a coordinated water quality scheme. The interstate conference would be charged with: First, developing an inclusive master plan for the sound; second, coordinating and implementing the master plan; third, recommending priority corrective actions and compliance schedules; and fourth, monitoring the estuary to determine the success of the master plan.

The estuaries provision is a crucial addition to existing water pollution law; and one which promises to be instrumental in maintaining the integrity of one of the Northeast's primary water resources—Long Island Sound.●

● Mr. CARPER. Mr. Chairman, few environmental bills of this scope and magnitude will escape controversy. Though this bill is no exception, I think the Public Works Committee, particularly Chairman HOWARD and the ranking member, Mr. SNYDER, as well as the Water Resources Subcommittee Chairman ROE and ranking member of the subcommittee, Mr. STANGELAND, deserve credit for their hard work.

I believe we do have some additional work to complete on this legislation before adopting it. I, and several others in this body, feel the Clean Water Act, which is the foundation for a return to fishable and swimmable waters in this country, will be undermined in several important respects if this bill passes in its present form.

Perhaps the prevailing attitude on this bill is that we have achieved the goals set forth in the Clean Water Act of 1972, and therefore can let go of the reins. Sadly, that is not the case. The goals of the 1972 act have not been reached, and every day we recognize and are forced to redress new insults to our water resources. Now is not the time to take even a small step back from our commitment to clean and healthful waters.

It is not the time, Mr. Chairman, to compromise protection of streams in areas reopened for mining. It is not the time to misuse our sewage treatment construction grants for collector sewers which are more expensive and cause greater environmental problems than other wastewater treatment op-

tions. Nor is it the time to cut back on EPA's pretreatment authority either for conventional or toxic discharges.

Fortunately, there is still time to discuss these and a handful of other concerns with the bill, and I urge a strong effort to work out suitable compromises on those sticking points that remain.●

Mr. ROE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. SWIFT, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3282) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 515 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3678.

□ 1514

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3678), to provide for the conservation and development of water and related resources, and the improvement, and rehabilitation of the Nation's water-resources infrastructure, with Mr. SAM B. HALL, JR., in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. ROE] will be recognized for 30 minutes and the gentleman from Minnesota [Mr. STANGELAND] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

□ 1520

Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the floor H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act. This bill is the product of over 3 years of intensive work by the Subcommittee on Water Resources, including extensive hearings and countless hours of gathering information and consulting interested Members and their staffs. I am deeply appreciative of the many, many hours the members of the subcommittee, and of the full committee, have devoted to this legislation. I also wish to express my gratitude for the fine cooperation of the ranking minority member of the subcommittee, the gentleman from Minnesota [Mr. STANGELAND], and the ranking minority member of the full committee, the gentleman from Kentucky [Mr. SNYDER]. I especially want to thank the chairman of the committee, the gentleman from New Jersey [Mr. HOWARD] for the outstanding leadership he again has exercised in bringing this legislation to the floor.

It certainly would be remiss at this time, Mr. Chairman, if I did not extend my greatest appreciation to the staff on both sides of the aisle here, who have done an extraordinary job in putting this legislation together.

Mr. Chairman, we began work on this legislation with two basic premises in mind. The first is that water is our most important and most valuable national asset, and resolving the problems relating to the use, overuse, and abuse of water, as well as protection from catastrophic flooding, are items of the highest priority in the Nation. The second premise is that we must begin to deal with these water resources problems according to a national policy that is both rational and bipartisan in nature. We have worked diligently to achieve that goal in this legislation.

H.R. 3678, as is traditional with water resources development bills, contains project authorizations, authorizations of water resources studies, project modifications, and general provisions affecting the overall water resources program of the Corps of Engineers. This bill also continues the practice of refining the manner in which the corps' existing water resources program is carried out to meet our constantly changing water resources needs. As a result, the bill contains a number of features addressing water supply needs, environmental concerns, energy needs, and project study procedures, in addition to the traditional provisions addressing flood control, navigation, erosion control, recreation, and other related matters.

This bill also contains a number of new provisions which significantly expand the water resources program of the Corps of Engineers and which recognize new water resources needs that have arisen as a result of the aging process on our water resources infrastructure. In this regard I refer specifically to title VIII, which authorizes loans for the purpose of repairing, rehabilitating, expanding, and improving our Nation's water supply system and which declares a national interest in economically conserving existing water supplies and economically developing new supplies through Federal participation in the construction of single-purpose water-supply projects. I will describe these provisions in more detail later as I describe the bill title by title.

Also, Mr. Chairman, in recent years the Corps of Engineers' civil works program has been subjected to much undue criticism because of its large backlog of unconstructed, authorized projects, many of which have become obsolete or have encountered irresolvable environmental or social problems. Our committee conducted an exhaustive examination of the corps' backlog of unbuilt projects and unbuilt portions of projects, and every such project was reviewed and analyzed in detail. Every single Member who could be identified as having an interest in any of the projects proposed for deauthorization was contacted, and the comments of every Member who responded were reviewed. As a result, the committee has included in title X of the bill the deauthorization of over $11 billion worth of unconstructed corps projects. This action will clear the slate for the corps' water resources program and enable us to proceed with a logical agenda for the development and conservation of our water resources, as dictated by modern environmental and social considerations.

Mr. Chairman, with these prefatory remarks, I would like to proceed through the bill title by title to describe for you its contents in greater detail.

Title I authorizes six deep-draft navigation projects—projects with an authorized depth of 45 feet or more—and 29 projects for the improvement of general-cargo ports—ports with an authorized depth of between 14 and 45 feet. The six deep-draft navigation projects include Norfolk Harbor and channels, Mobile Harbor, the Mississippi River ship channel, the Texas City channel, New York Harbor and adjacent channels, and Los Angeles and Long Beach Harbors, San Pedro Bay.

I think it is important to point out, Mr. Chairman, that these six deep-draft projects—along with the previously authorized Baltimore Harbor projects—will be subject, under the terms of the bill, to a new cost-sharing arrangement. The non-Federal share

for deep-draft ports is established at 50 percent of the incremental costs associated with that part of any project which is deeper than 45 feet. Non-Federal interests will also be responsible for 50 percent of the incremental costs associated with the maintenance of that part of the project deeper than 45 feet.

For general-cargo ports the Federal share will continue to be 100 percent of the costs of planning, designing, engineering, and constructing the general navigation features and of operating and maintaining those projects.

If a non-Federal interest collects fees on vessels in order to pay for its share of a deep-draft port, those fees may only be collected from vessels which require a channel with a depth of more than 45 feet. The bill does not authorize the collection of fees from vessels, but it states that non-Federal interests which do collect fees—under any authority which they might otherwise have—can do so only with respect to vessels which require the greater depth.

Section 104 provides a mechanism to permit non-Federal interests to plan, design, and construct port projects and later to be reimbursed for those costs that ordinarily would be a Federal responsibility. The purpose of this provision is to allow a project to be expedited by non-Federal interests, who may be reimbursed by the corps, subject to appropriations.

Section 104 also provides for consolidation of the permit processes associated with the non-Federal construction of navigation projects, by requiring an agreement among the appropriate Federal and non-Federal agencies that establishes a schedule of no more than 2½ years for permit decisionmaking.

This title also provides, in section 107, for Federal bond guarantees of up to 90 percent to assist non-Federal interests who wish to proceed with the construction of authorized deep-draft navigation projects; and it contains a new provision in section 108 which will permit any authorized port project to be constructed in usable increments, thus permitting the phasing in of a project to meet changing project needs.

Title II authorizes the construction of seven critically needed lock and dam projects on the inland waterway system. These projects consist of replacements of obsolete structures and improvements to structures needed to prevent unacceptable constraints on navigation. They include projects at Oliver Lock and Dam, Gallipolis Locks and Dam, Winfield Locks and Dam, locks and dams No. 7 and No. 8 on the Monongahela River, the second lock at lock and dam No. 26 on the Mississippi River, and Bonneville Lock and Dam on the Columbia River. This title also provides that one-third of the cost of the general navigation features of these projects shall be paid only from amounts appropriated from the Inland Waterways Trust Fund—the fund derived from fuel taxes on vessels used in commercial waterway transportation. The balance in the trust fund is presently over $100 million, with annual revenues expected to increase to over $80 million per year by fiscal year 1988. The moneys in the trust fund are paid by the users of the inland waterway system—the commercial barge operators, their customers, and the consumers of the goods and services produced by those customers. Therefore, using appropriations from the trust fund to pay for one-third of these navigation projects means that one-third of the cost of those projects will be paid for by their users. The balance of two-thirds will be paid with appropriations from the general fund of the Treasury.

Title III authorizes the construction of 72 projects for the control of destructive flood waters throughout the Nation. Here again, Mr. Chairman, we have developed a new system of cost sharing which we believe to be fair and equitable. Under present law the non-Federal sponsors of local flood protection projects pay for lands, easements, rights-of-way and relocations necessary for the project's construction. Depending on varying degrees of urbanization and relative land values, these costs can vary widely. For example, we found that the non-Federal share under existing law for the projects authorized in this bill ranged from 5 percent to over 50 percent. The committee determined that it was neither logical nor equitable to base flood control project cost sharing on accidents of geography and the extent of development in an area; therefore, we have included a new uniform cost-sharing formula which will ensure that regional needs are addressed with fairness, and which will result in the equitable distribution of national water resources investments needed throughout the Nation. The non-Federal share for local flood protection projects is established at 25 percent. Non-Federal interests will continue to provide lands, easements, rights-of-way and relocations, up to a cap of 30 percent of the project's cost. If the lands, easements, rights-of-way and relocations necessary for a project to exceed 30 percent of its cost, the corps will provide those items to the extent they exceed 30 percent. If, on the other hand, the cost of lands, easements, rights-of-way and relocations provided by the non-Federal interests is less than 25 percent, the non-Federal interests must pay in cash the amount necessary to meet the 25 percent non-Federal share, with interest, over a period of 15 years.

Title III also provides a comprehensive mechanism to encourage non-Federal interests to undertake local flood protection work in order to alleviate flood damages in the period preceding authorization and construction of a Federal project, and to ensure that they will not be penalized for doing so. If non-Federal interests perform work prior to a study, the benefits and costs are to be included in the study. This is important because the local work often is the first increment which captures many of the benefits for a relatively low cost, and the corps would otherwise be able only to consider remaining benefits and remaining costs, which would adversely affect the project's benefit-to-cost ratio.

If the non-Federal interests perform the work during the study, the project report is to include a recommendation that it be counted toward the local share.

If the non-Federal interests construct part of an authorized project, their costs are to be credited toward their required contribution.

Title IV authorizes a number of projects for the protection of shorelines on the Atlantic, and the gulf coasts and the Great Lakes, and on the west coast. These projects have been and will continue to be planned and designed by the corps in full compliance with existing environmental laws and regulations. In a number of these projects, however, the committee has recognized remaining concerns which have been raised by environmental interests. Therefore, where appropriate, the committee has included special provisions to ensure the protection of specific environmental assets and features such as sea turtle populations, sea grass communities, bird sanctuaries, and sensitive coral reefs.

Title V authorizes 55 projects for water resources conservation and development purposes—including mitigation of damages to fish and wildlife, which is an important environmental issue, water supply, hydroelectric power, streambank erosion control, navigation, and other purposes. Here, again, the committee has included many detailed provisions designed to protect specific environmental values.

Title VI authorizes the corps to conduct a number of studies. These include studies of specific water resources problems in particular localities, as well as studies of a more general nature. I will describe a few of the most important provisions for studies of a general nature.

Section 604 directs the corps to study the possibility of rehabilitating the hydroelectric potential at former industrial sites, mill races, and other existing facilities.

Section 605 directs the corps and the Fish and Wildlife Service to study the feasibility of utilizing the corps' capabilities to conserve indigenous wildlife and wildlife habitats, including creat-

ing alternative habitats, and beneficially modifying existing habitats.

Section 606 authorizes the corps to make a nationwide study of the Nation's flood problems and the effectiveness of existing projects in reducing losses from floods. This study is particularly necessary in order to adequately judge future needs, which are constantly changing, and the proper Federal interest in fulfilling those needs.

Section 610 directs the corps to prepare an estimate of the long-range capital investment needs for water resources programs within its jurisdiction—including investment needs for ports, inland waterway transportation, flood control, municipal and industrial water supply, hydroelectric power, recreation, and the fish and wildlife conservation and enhancement associated with those programs. Many corps projects—particularly many of the locks and dams on the inland waterways—have reached or are nearing the end of their useful lives and need rehabilitation or replacement. In addition, many of the Nation's water resources needs are yet to be met, particularly in the areas of flood control and water supply. The information contained in this report is necessary to enable the Congress to make appropriate budgetary and policy decisions with regard to future water resources projects.

Section 614 directs the corps to prepare a list of authorized water resources studies for which no report has been transmitted to the Congress, and to make recommendations with respect to each such study as to whether or not it should continue to be authorized. There are a large number of authorized studies which have not been completed or which have never been commenced. The information provided pursuant to this section will enable the Congress to pass legislation deauthorizing studies which are no longer needed.

Title VII contains a number of project modifications for a number of authorized water resources projects. These modifications were all analyzed by the committee on a case-by-case basis and were determined to be necessary for the functioning of the projects to which they relate.

Title VIII, which is a very important title under the leadership of the gentleman from Pennsylvania, BOB EDGAR, as I noted earlier, relates to water supply. Subtitle A establishes a loan program to be administered by the corps for the purpose of repairing, rehabilitating, expanding, and improving public water supply systems and publicly regulated water supply systems. These loans are limited to 80 percent of the cost of the water supply project for which each loan is made, with an annual limit of $40 million for each project and an annual limit of $80 million for any State. Before receiving a loan, an operator must implement a water conservation program in order to encourage the responsible use of water. The loans will be repaid in accordance with the provisions of the Water Supply Act of 1958. This subtitle also authorizes 16 water supply projects to receive loans under subtitle A, subject to all the applicable requirements established for the loan program.

Subtitle B of title VIII declares a national interest in economically conserving existing water supplies and in economically developing new supplies through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single-purpose, as well as multiple-purpose, water supply projects. The non-Federal share of such projects is to be 100 percent, with the non-Federal interests initially providing the necessary lands, easements, rights-of-way and relocations, up to a cap of 20 percent, and repaying the remaining 80 percent of the project costs over a period of up to 50 years in accordance with the provisions of the Water Supply Act of 1958. Where the value of necessary lands, easements, rights-of-way and relocations is less than 20 percent of the project costs allocable to water supply, the difference must be paid in cash by the non-Federal interests before construction. This subtitle also authorizes a number of specific Federal water supply projects.

Title IX changes the names of eight water resources projects which have been constructed by the corps and names specific features of two other such projects. One naming is geographical and the others are in honor of prominent individuals who have contributed their efforts to the development of water resources.

Title X, as I mentioned earlier, deauthorizes more than 300 previously authorized corps projects or portions of projects. The Congressional Budget Office has estimated that, if these projects were funded, Federal outlays would be approximately $17 billion, and outlays by non-Federal units of government would be approximately $3.1 billion through fiscal year 1996.

Title XI consists of a number of general provisions relating to the corps' water resources program. The following are a few of the most important provisions contained in that title.

Section 1101 defines the objectives for which corps water resources projects are to be planned, including the objectives of enhancing regional economic development, the quality of the total environment, the well-being and quality of life of the people of the United States, the prevention of loss of life, and national economic development. It also provides that the benefits and costs attributable to these objectives—both quantifiable and unquantifiable—shall be included in the corps' evaluations of benefits and costs for corps projects.

Section 1102 requires for the first time that non-Federal interests contribute 25 percent of the costs of any feasibility report for any water resources study prepared by the corps. An exception is made in the case of inland waterway projects, for which the benefits are generally acknowledged to be too widespread to be specifically identified with individual local governmental entities.

Section 1103 provides that in the evaluation of corps projects, the benefits attributable to environmental measures shall be deemed to be at least to equal to the costs of those measures.

Section 1104 establishes a new $35 million environmental protection and mitigation fund. Amounts in this fund are to be available for undertaking, in advance of the construction of any corps project, any measures authorized as part of the project which may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. This fund will be reimbursed when appropriations are made for particular projects.

Section 1109 authorizes the corps to restore to a safe condition dams owned by States and local governments when those dams have been found to be hazardous as a part of the corps' inspection of dams program. The costs of such restorations are to be repaid by non-Federal interests within a period of 50 years at the interest rate specified by the Water Supply Act of 1958.

Section 1122 relates to the master plan for the management of the upper Mississippi River system, which was prepared by the Upper Mississippi River Basin Commission pursuant to Public Law 95-502. This section contains congressional approval of the master plan as a guide for future water policy on the upper Mississippi River system and grants the consent of Congress to the appropriate States to enter into agreements for cooperative effort for mutual assistance in the comprehensive planning for the use, protection, growth, and development of the upper Mississippi River system. It also authorizes the corps and the Interior Department, in consulation with the States, to undertake a program, as identified in the master plan, for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement, implementation of a long-term resources monitoring program, and implementation of a computerized inventory and analysis system.

Section 1128 modifies the corps' authority to accept contributed funds to be used in connection with project

construction to provide that no funds may be accepted and expended unless such acceptance and expenditure have been specifically authorized by law. It also amends in the same fashion the corps' authority to accept advances of funds to be expended in connection with construction of projects from non-Federal interests. The Department of the Army has cited these statutes as authority for its policies that no funds will be recommended for new water project construction starts unless the non-Federal interests agree to provide local cooperation greater than that required by the project's authorization. Our committee feels very strongly that changes in cost-sharing for authorized projects should be made by Congress—as they have been in this bill—and not unilaterally by the administration without the benefit of congressional review and action.

Section 1135 authorizes the corps to review the operation of previously constructed projects in order to determine the need of modifications in the structures and operations of those projects for the purpose of improving the quality of the environment in the public interest. Many of the older corps' projects were constructed without current higher requirements to protect and enhance the environment, and there are other instances where unexpected environmental effects have occurred. The corps is authorized to carry out a 2-year demonstration project to make project modifications which the corps determines are feasible and consistent with authorized project purposes and which will improve the quality of the environment in the public interest.

Section 1148 amend the corps' various continuing small project authorities by increasing the limitations on individual project costs and overall annual limitations to reflect cost increases which have occurred generally in the construction industry. Under these continuing authorities, which apply to a wide variety of types of projects, the corps is authorized, without the specific authorization of Congress, to undertake project construction.

Section 1150 provides limited authority for continued planning and engineering of water resources projects between the completion of the Chief of Engineers' report and the authorization of the project. It is designed to maintain the continuity of the planning efforts so that important time will not be lost in restudies and reevaluations and in the assembly of new project study teams.

Section 1152 provides that the corps, in recommending funding for construction of water resources projects, shall not give priority to any project for which the non-Federal interests agree to provide a greater non-Federal share than is required by the law authorizing that project. Our committee strongly feels that the determination of which water resources projects are to be recommended for construction funding should not be based on the financial capabilities of non-Federal interests to contribute greater amounts of money than required by the laws authorizing those projects.

Title XII establishes a National Board on Water Resources Policy to replace the Water Resources Council. The Board's duties and responsibilities will be essentially the same as those of the Council, but the Board will be a smaller, more efficient and more independent organization. The Board will be composed of the Secretaries of the major Federal water resources agencies, together with two other members and a chairman appointed by the President with the advice and consent of the Senate. Among other things, the Board will be responsible for establishing principles and standards for the formulation and evaluation of Federal water and related land resources projects. The establishment of this Board is critical to the establishment and implementation of a balanced water resources policy. The Board's independence and openness will ensure that all points of view will be considered and that one agency's programs and policies will not be favored over or imposed on other agencies, which can result in regional biases in water resources development.

Title XIII establishes a port infrastructure development and improvement trust fund, and provides that there is to be appropriated each year to that fund an amount equal to the customs duties collected during the preceding year, but not to exceed $2 billion annually. Amounts in the trust fund will be available as provided by appropriations acts for studies, construction, operation, and maintenance of general cargo and deep-draft projects; for studies, construction, rehabilitation and maintenance of the St. Lawrence Seaway project; and for making payments to any non-Federal interest which has planned, designed or constructed a port in accordance with section 104.

Title XIV relates to bridges over navigable waters. It provides Federal assistance for the relocation of two bridges that have become obstructions to navigation as a result of local land subsidence problems.

Finally, Mr. Chairman, title XV requires that any report dealing with fish and wildlife mitigation, benthic environmental repercussions or ecosystem mitigation, that is required to be sent to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works shall also be sent to the House Committee on Merchant Marine and Fisheries.

Mr. Chairman, H.R. 3678, which is the result of over 3 years of intense study by our committee, represents the first major construction authorization bill since 1970—and the most comprehensive and environmentally sensitive water resources bill ever developed. It is necessary to the dynamics of our Nation's economy; it is timely; and I urge adoption of the rule so that we may proceed with it to the floor as soon as possible.

□ 1530

Mr. KAZEN. Mr. Chairman, will the distinguished gentleman yield to me?

Mr. ROE. I am pleased to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, H.R. 3678 was referred to the Committee on Interior and Insular Affairs by the Speaker for consideration of some specific sections and all of title XII.

Our committee considered the bill and recommended certain clarifying amendments.

The amendments approved by the Committee on Interior and Insular Affairs are incorporated in the amendment in the nature of a substitute which, under the rule, will be considered as an original bill for the purposes of amendment.

After approving the amendments which are in the bill to be considered, our committee ordered the bill reported favorably to the House, with those proposed amendments.

Thus, Mr. Chairman, the bill, as amended, does have the support of the Committee on Interior and Insular Affairs and we urge its approval by the House.

Mr. ROE. Mr. Chairman, I want to thank the gentleman from Texas [Mr. KAZEN] for his generous remarks and also comment on the excellent contribution that has been made by the gentleman and the members of the Committee on Interior and Insular Affairs. We appreciate their support.

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am pleased to yield to the distinguished gentleman from Puerto Rico.

Mr. CORRADA. Mr. Chairman, I wish to congratulate my colleague and good friend, the gentleman from New Jersey [Mr. ROE] for his leadership in bringing this complex and substantial legislation to the floor today. The chairman of the subcommittee, with the help of all subcommittee and committee members, has labored extensively to craft a reasonable piece of legislation which is fair and which will not unduly burden the Federal coffers.

Mr. ROE has allowed various important projects to be included in this legislation. This is crucial to many of our citizens who cannot wait 7 to 10 years for the next major water resources bill

to be considered by the lawmakers of this country.

I am proud to rise in strong support of this legislation, as amended by the substitute bill. Mr. Chairman, this bill will authorize projects which are vital to the well being of our citizenry, economic and otherwise. The flood control projects will save millions of dollars in lives and financial ruin. The port projects will enhance the economy of those areas involved by developing these resources for national and international trade. These port projects are also important because of the role they play in our national defense.

For the first time, this bill will integrate the authorization and deauthorization of all types of water resources projects. Also, it creates reasonable and equitable cost sharing where such a measure is appropriate.

Among the projects which this bill authorizes is a very important port project for Puerto Rico, the San Juan Harbor project. San Juan Harbor is the most important American port facility in the Caribbean. It plays an essential role in the administration's Caribbean Basin Initiative as a fundamental link in trade between the United States, including Puerto Rico and the CBI countries. This harbor is also important to our national defense in both readiness training as well as naval operations. San Juan Harbor is used by both the U.S. Atlantic Fleet and NATO during training exercises along our east coast. This harbor is a vital part of Puerto Rico's economy. Eighty percent of all cargo entering or leaving Puerto Rico is handled by the Port of San Juan.

Among the changes which the plan calls for are the following:

First, modifying the treacherous bar channel to allow easier access to the port.

Second, deepening the Anegado channel and easing the bend at the junction with the Army terminal channel.

Third, deepening the cruise ship basin to 36 feet. These navigation improvements will not only reduce the possibility of accidents inside the port, it will also allow San Juan to continue its vital role as the Commonwealth's principal harbor.

I am grateful to my colleagues, Mr. ROE and Mr. HOWARD, for including a vital flood control project in San Juan, PR, as part of the committee amendment they offer. The flood control project for the Rio Puerto Nuevo and its tributaries will protect vast portions of the San Juan metropolitan area from serious devastation which would take place if a major natural disaster occurred in the island.

Close to a quarter of a million people live in the basin of the Rio Puerto Nuevo, right in the middle of the city of San Juan. When the river overflows, it affects over 6,000 families, numerous public buildings and facilities including the general post office, National Guard Armory, police headquarters, port facilities, and Plaza Las Américas, the largest shopping center in the Caribbean. The most important transportation arteries supporting the economic base of San Juan and providing access to the VA hospital and medical center of Puerto Rico are affected. Damage from the floods is estimated at $20 million annually.

The improvement suggested includes a concrete channel of about 10 kilometers along the river's principal tributaries. Total construction cost, as estimated in the draft report by the Jacksonville district engineer, dated December 1981, is $201 million. The total annual benefits of the project is estimated to be over $30 million. As proposed, the project has a cost to benefit ratio of 1.9/1.

Once again, I want to thank my colleague from New Jersey [Mr. ROE] for acting on my request to help the people of Puerto Rico.

These two projects are representative of the vast economic impact this bill will have on the many communities it affects. For this reason, I urge my colleagues to approve overwhelmingly this essential legislation.

Mr. ROE. Mr. Chairman, I thank the gentleman from Puerto Rico [Mr. CORRADA] for his support and for his kind remarks.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of H.R. 3678, the Water Resources, Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1984. This bill is the product of extensive hearings, numerous studies, and indepth consideration by the Subcommittee on Water Resources. Thirty-three days of hearings were held over a 2-year period, during which testimony was received from 486 witnesses, including Members of Congress, Federal and State officials, representatives of local organizations, environmental groups, and interested citizens. I am deeply appreciative of the many hours the members of the subcommittee, and of the full committee, devoted to this legislation. I wish to express my gratitude for the cooperation of the chairman of the subcommittee, the gentleman from New Jersey [Congressman ROE] and the chairman of the full committee, Congressman HOWARD. I especially want to acknowledge their outstanding leadership and that of our committee's ranking Republican, Congressman SNYDER, in bringing this legislation to the floor for consideration. Through their many hours of work, H.R. 3678 was reported unanimously from the Public Works Committee and enjoys the cosponsorship of most of our committee members.

Mr. Chairman, H.R. 3678 is a much needed piece of legislation which is long overdue. This body has not acted upon a comprehensive water resources development bill in more than 4 years.

Many of you remember the fate of the predecessors to today's bill. During the 95th Congress, both the House and Senate passed counterpart omnibus water project authorization bills. However, on the final day of that Congress, the compromise bill, having been approved a few hours earlier by the Senate, died in this Chamber—despite strong support for it—when it was considered as the last bill of the year and a quorum was not present to ratify final passage.

H.R. 4788, developed during the 96th Congress, began with indepth hearings and built upon the work of the 95th Congress. The bill passed resoundingly in the House. However, it was never brought to the Senate floor, again failing to become public law.

Work continued during the 97th Congress and progress was made in perfecting the legislation.

As a result, we have before us today a bill based upon the accumulated work and effort of the last four Congresses. Mr. Chairman, the last water resources development bill was signed into law in 1976. The last true construction authorization bill was signed into law in 1970 because the 1974 and 1976 acts consisted primarily of authorizations for advanced engineering and design of projects rather than for construction. It is time to act. Fourteen years is far too long to wait for legislation addressing the physical plant and public works infrastructure of this country. We cannot afford to let such inaction continue.

Mr. Chairman, you and each of my colleagues are aware of the glaring problems and deficiences or our existing public facilities. Our infrastructure is wearing out faster than it is being replaced, undermining efforts to revitalize the economy and threatening the continuation of basic Government services. For too many years, our basic policies have favored consumption over investment. While the Nation has been able to live off its past accomplishments, deferring capital investment to subsidize current consumption we have reached the point where maintaining the status quo, not to mention improving our Nation's economy and quality of life, requires substantial increases in both real levels of investment and the share of GNP devoted to investment in our capital plant.

Our failure to acknowledge these needs has resulted in growing economic problems which cannot simply be set aside for future consideration. We are fast approaching the situation

where the deteriorated or outdated conditions themselves are posing bottlenecks to national economic growth. Examples abound.

Our water resources infrastructure forms a vital part of our Nation's transport system, its economy and well-being. Yet, that system is in critical need of repair, rehabilitation, and improvement. On the inland waterways many of our canals, locks and dams are past the end of their design lives. Of the 194 locks in the inland waterway system the average age is 40 years, and some locks are approaching 80 years of service.

Major dredging of the Nation's ports is essential to accommodate expanding shipping needs. Today's large cargo carriers require depths of 55 feet or more. Yet major U.S. ports average only 45 feet in depth. Numerous instances can be cited of existing harbor facilities unable to efficiently service world shipping coming to American docks. This situation will only worsen as our foreign trading partners and competitors continue their modernization efforts.

The Nations municipal water supply needs are substantial. The General Accounting Office estimated that the 756 urban areas with populations over 50,000 will require between $75 and $110 billion just to maintain their systems over the next 20 years. Approximately one-fifth of those 756 areas will face investment shortfalls, even if present water rates are doubled to produce new capital.

A significant number of the Nation's 43,500 dams require investment to reduce hazards. The Corps of Engineers had inspected 9,000 of these facilities and found many in need of safety improvements and repair.

H.R. 3678 addresses these and other concerns. It contains innovative approaches to solve basic water problems and presents a rational, reasonable, planned, and orderly approach to the development of America's water resources and public works facilities.

Mr. Chairman, the subject of public works and water resources development has been a matter of concern to this body since the very beginnings of our Republic. Federal law relating to these programs and their management is an everchanging body of law which has developed over a period of 150 years. It is a fluid, changing, dynamic body of law that has continually been modified and amended to address the existing problems and changing priorities of the Nation. Our Nation has progressed from an early emphasis on economic growth, as evidenced by the settling of the West during the mid-1800's and the harnessing of our major river basins through the first part of this century; through the environmental and special planning concerns of the 1970's; to today's need for a balanced approach emphasizing both the economic and environmental concerns of our population. The bill you have before you—and the policy and procedural changes contained in it—does nothing more than reflect the special set of circumstances and problems that face our Nation today. It is a bill we can all support.

Mr. Chairman, as is traditional with water resources development bills, H.R. 3678 contains a number of project authorizations, authorizations for water resources project studies, modifications to authorized projects, and other provisions generally affecting the water resources development program of the Corps of Engineers. Yet this bill goes beyond the traditional. It includes a program for assistance to communities to aid in the construction, repair, and rehabilitation of water supply systems. It includes the creation of a National Board on Water Resources Policy and deauthorizes a large number of other water resources development projects which have not been constructed. It directs the implementation of new policies designed to be responsive to the critical water resources needs of our Nation. In short, this bill reflects over a decade of detailed planning and study of the water resource problems throughout the Nation.

A matter of great concern addressed by H.R. 3678 is that of port development. Six deep-draft navigation projects are authorized by this legislation. Twenty-eight projects for improvement of general cargo ports are included in the bill. Perhaps nowhere is the payback on Federal dollar investment higher than that associated with port development. A substantial portion of the Nation's export and import trade moves through our ports. In calendar year 1982, total tonnage exceeded 780 million tons with total value of that tonnage exceeding $280 billion. Annual customs revenue for that year exceeded $9 billion. Yet that $9 billion only reflects specifically itemized returns. There is no real way to gauge what the benefits to the Federal coffers are when you factor in jobs and other kinds of economic activity generated by that shipping. When over 50 percent of our population lives in coastal areas and we see increased migration of our citizens in that direction, the significance of enhanced port activity becomes apparent. This bill addresses those opportunities on a priority basis.

It establishes a $2 billion a year trust fund derived from customs receipts to finance port development, development that is linked to State and local cooperation. The linkage, however, is not designed to place impossible burdens on our local governments. Rather this legislation allows 100 percent Federal funding of all construction and maintenance associated with ports having a depth of 45 feet or less. The 45-foot depth establishes a base standard of Federal involvement. Yet, our ports require depths beyond 45 feet and we recognize that need. Responsibility for providing those excess depths, however, is not a total Federal responsibility.

As such, this bill provides for 50-50 Federal/non-Federal sharing of all incremental costs associated with construction and maintenance of ports with depths in excess of 45 feet. Non-Federal participation in these costs is appropriate since the greater depths serve specialized vessels and cargoes and are used by a small segment of the market. Further, this bill allows local interests to proceed with both planning and construction of authorized projects, subject to approval, and be reimbursed appropriate costs, thus allowing flexibility and insuring a speeding up of the construction process.

I have previously referred to some of the problems associated with the marked deterioration of our inland waterway transportation system. The efficiency of that system is a matter of great concern to me and my constituents. This legislation authorizes construction of seven critically required lock and dam projects on the inland waterway system, projects which consist of the replacement of obsolete structures and improvements to structures needed to prevent unacceptable constraints on navigation.

Some have suggested that this body seek increased cost recovery for the expense of these improvements. Yet, it has been pointed out that such cost recovery can have serious adverse economic impacts, not only on the inland waterways transportation industry, but on many of our major commodities. Those impacts can reduce our competitive position in world trade. This bill effects a reasonable alternative. In 1978 we imposed a fuel tax on commercial users of the inland waterway. The revenue from those taxes were deposited in the inland waterway trust fund and today amount to more than $90 million. The users of the inland waterway have paid those taxes and this legislation provides that one-third of the cost of new construction on the inland waterway be paid for out of that trust fund. This legislation, therefore, provides that those who use the system bear some of the costs of improvement, but it also provides that the great benefit to this Nation as a whole is not shouldered completely by those few.

Mr. Chairman, improvements to our deep ports and to the inland waterway system are not the only items subject to cost sharing under this bill. H.R. 3678 also establishes a consistent, equitable cost sharing arrangement between Federal and non-Federal interests for flood control projects.

Historically, we have required non-Federal interests: First, to provide the necessary lands, easements, rights-of-way and relocations for flood control projects; second, to hold and save the United States free from damages due to construction; and third, to operate and maintain the finished project. Non-Federal costs have thus varied widely depending upon the requirements of each individual project.

This legislation removes that happenstance of geography with respect to non-Federal funding of project costs. In its stead, it substitutes an equitable, fair approach to non-Federal cost sharing on flood control projects. This bill establishes a 25-percent floor with respect to the non-Federal share of project costs. If lands, easements, rights-of-way and relocations do not equal at least 25 percent of project costs, then the bill requires the difference to be paid to the Federal Government in cash over a period of 15 years. If those costs exceed 25 percent of project costs, then the project sponsor is required to pay the excess, but only up to a 30-percent cap.

Consistent with this policy, H.R. 3678 establishes new guidelines on water resource studies requiring local governments to shoulder 25 percent of the cost of any study, with payment of that 25 percent to be at least one-half in cash and up to one-half in kind. The bill also authorizes the construction of 72 projects for the control of floodwaters and includes provisions, subject to approval, to allow non-Federal interest to proceed with flood control efforts and seek subsequent reimbursement of costs.

Mr. Chairman, one of the most innovative and significant provisions of this bill is title VIII, which establishes a new program of loan assistance to local interests for the rehabilitation and construction of water supply facilities. Many of our water supply systems are deteriorated and in need of substantial rehabilitation. Yet the owners of those systems have experienced marked difficulty in obtaining capital to fund needed improvements. This legislation addresses those needs. It establishes a vehicle to provide a source of supplemental funding without damaging or replacing the historic reliance on long-term local bonding sources of capital for water supply systems.

The bill authorizes annual appropriations of $800 million for fiscal years 1984 through 1987 for the repair, rehabilitation, and improvement of water supply systems. Loans from this fund are to be available to water suppliers, whether public or private, and can be used to finance up to 80 percent of the cost of any approved project. I emphasize that this is a loan program and that the recipient is required to pay back the loan over a 50-year period with interest. Only projects with applications approved by resolutions of the House and Senate Public Works Committees can receive these loans. A cap is placed on any given loan of $40 million per year per project and provisions are included to insure that no more than $80 million per year is loaned for projects in any given State.

The net result is an innovative approach to a major problem facing this country. This loan program is not a giveaway, but rather is a reasonable, business-like approach to investment. The return from this investment is much greater than the simple market rate interest provided in the bill. The return is the improvement and resulting economic development arising from our investment in the future.

Mr. Chairman, by their very nature, water resources projects are difficult to evaluate. Historically, we have relied upon a benefit-cost analysis. Yet these analyses inevitably have shortcomings. Costs or estimates of costs are generally easy to quantify. Benefits, on the other hand, can be almost impossible to quantify. The end result has been that most quantifiable economic costs of a project are counted while many of the benefits relating to environmental, social, and quality of life issues are ignored and not included in the benefit-cost analysis.

This bill addresses that problem by providing that the benefits attributed to environmental measures shall be deemed to at least equal their costs. In other words, H.R. 3678 establishes the general policy that the benefits of measures included in a water resources project for purposes of environmental quality are worth their economic costs. This is a significant step forward and insures that projects can be constructed and operated to serve not only their needed purpose but also to ensure against the unnecessary loss of environmental quality.

Another significant environmentally protective initiative is established by H.R. 3678 to ensure in advance of construction that funds are available to protect environmental values. Historically, we have lost many opportunities to mitigate environmental losses simply by not being able to act in a timely fashion—resulting in increased costs and ultimate deterioration of the potential benefits from our water resource projects. This bill establishes an environmental protection and mitigation fund to provide financial resources which can be utilized prior to a project's construction to take necessary measures to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated.

H.R. 3678 also establishes a new national board on water resources policy. The board is directed to coordinate water project activities of the Federal agencies and develop principles and standards for the formulation and evaluation of Federal water and related land resources projects. Membership of the board is composed of an independent chairman, the Secretaries of Interior, Agriculture, and Army, the Administrator of the Environmental Protection Agency, and one member recommended by both the House and Senate and appointed by the President. The board is intended to function as a reconstituted and improved Water Resources Council, without the institutional shackles that so severely limited the Council's effectiveness, and is designed to facilitate cooperation and coordination in water resources policymaking at the national level.

Finally, Mr. Chairman, this bill takes a bold, forthright approach to reducing the existing backlog of authorized but outdated projects. Our Water Resources Subcommittee spent many hours reviewing the project status of the backlog of authorized but unconstructed water resource projects. Every Member of Congress was personally notified of all projects being considered for deauthorization and the views of each Member were thoroughly considered before deauthorization decisions were reached. The result is the deauthorization of more than 300 water resource projects having a potential cost savings in excess of $11 billion.

Mr. Chairman, I have only touched on what I considered to be some of the more important policy initiatives contained in this legislation. The bill contains many more items which I have not mentioned. Fifteen specific projects are authorized for shoreline protection. Fifty-five projects dealing with water resource conservation and development are authorized in the bill. A number of feasibility studies on water resource projects are authorized and numerous project modifications and new general policies are established to govern water resources decisionmaking in the years to come.

Mr. Chairman, H.R. 3678 is a downpayment on the improvement and rehabilitation of the basic public works infrastructure of the country. It is a bold step and not one that should be taken lightly. Yet, it reflects the acknowledgment of this body of the necessity for action to avoid further deterioration.

The members of our committee have studied this legislation in detail. Time was spent not only on the specific projects but also on determining the manner in which our water resources program can be most effectively carried out. These concerns are reflected in H.R. 3678—in its project authorizations, its studies and its general provisions.

Enactment of the bill will enable us to meet some of the pressing needs of our deteriorated water resources infra-

structure. More importantly, however, H.R. 3678 will make us better prepared for the future. Without this legislation, essential needs will remain unmet, to the detriment not just of a few, or of scattered regions, but of the entire Nation.

I, therefore, urge, in the strongest possible terms, the passage of H.R. 3678.

The CHAIRMAN. The gentleman from Minnesota [Mr. STANGELAND] has consumed 6 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. EDGAR].

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Mr. EDGAR. Mr. Chairman, after 8 years with no authorization bill getting past the House and the Senate and on to the President, I stand here ready to support this legislation.

H.R. 3678 has a number of major environmental improvements and national policy initiatives that I think are critical to our Nation and critical to the whole issue of developing a sound water policy.

Let me point out five issues that are in this legislation that I hope my colleagues will focus on. The first is the question of fairness. This bill for the first time in a very long time provides for legitimate water needs throughout all regions of the country. There is a major shift from simply building new water systems to rehabilitating and reconstructing existing water systems throughout the Nation that we put in place 50 and 75 years ago and that shift from new starts to rehabilitation will be of enormous value to the older industrial areas of our Nation, particularly those in the Northeast and the Midwest.

The second major policy initiative in the bill is the issue of cost sharing, demanding that each new project coming on line would have to provide a minimum of 25-percent cost sharing. These cost sharing provisions will help us to develop an initiative in only selecting those projects whose local supporters in the local communities and States are willing to come up with their fair share of the funding for the projects. I think this will eliminate many unnecessary projects that may have been built in the past.

The third issue is the issue of planning and environmental mitigation. We enable with this legislation the opportunity to mitigate projects up front so that we do not do the kinds of serious damage to our environment that some previous water projects may have caused.

The fourth major area is the deauthorization of existing projects that we feel should not be built. There are some $11 billion worth of projects that are on the shelf ready to go, but our committee looking at those projects feels that they should be deauthorized.

Finally, there is a major rehabilitation of aging water supply systems. For the first time, working through the Army Corps of Engineers, we set up a revolving loan fund to replace both municipally owned and industrially owned water systems. This will help those communities that have systems that they put in place 75 or 100 years ago who need major renovations, but at a time when high interest rates are forcing them not to be able to go into the bond market, we provide some funding in this legislation to replace those aging water systems and then over the life expectancy of those water systems we expect a 100-percent recovery of the 80-percent Federal loan that will be provided.

In this instance of aging water supply systems, the local communities again will have to come up with a minimum of 20-percent funding, assuring that there is strong local interest in the program.

So for the issue of fairness, the issue of cost sharing, the issue of planning and environmental mitigation, the deauthorizations that are in the legislation and the establishment of the new urban revolving loan fund, I can in all good conscience support this legislation. While I have been the major opponent of authorization bills dealing with water construction and supply, I urge my colleagues to support this legislation.

There will be several amendments offered on the House floor, but by and large I think this legislation is not only critical and important, but begins to set the stage for setting some new direction.

I want to commend the chairman of the subcommittee and the ranking Republican. I think we have done an excellent job with the gentleman from New Jersey [Mr. ROE] and the gentleman from Minnesota [Mr. STANGELAND] in putting together a bipartisan piece of legislation that works and I support the passage of this bill.

Mr. Chairman, I rise in support of passage of H.R. 3678, the water resources development legislation. Since I have been one of the most vocal critics of water resources policy and water projects in the past, I should take a moment to explain why I believe that the bill before us addresses several of the most important water policy issues.

The questions I have raised about water policy in the past have been fairly straightforward. While I have often criticized individual projects, I have also attempted to point out the larger policy matters which cause wasteful and destructive projects to be built. One of the major issues in this program has been its balance in addressing the legitimate water needs of all regions of the Nation. Our water program has made massive investments to irrigate the arid Western States, to provide water supply and flood control and inland navigation largely in the South and West. Yet, at the same time, the needs of many of our older cities and towns have been ignored. Antiquated water supply systems in Philadelphia, New York, and Boston have been allowed to deteriorate, lead, and break down. In some areas, inadequate water supply systems have led to serious threats to human health.

Another issue has been project financing and the question of how much local beneficiaries and users of projects ought to share in the burden of construction of Federal projects. Environmentalists and fiscal conservatives have long argued that requiring a minimum amount of investment from non-Federal interests is the single best way to ensure that the projects selected for construction are needed and are cost-effective. The requirement for local cost-sharing helps to free project selection from undue political influence, accidents of geography, and other arbitrary factors.

A third issue has been proper concern for the environment in the project selection and planning process and adequate mitigation of environmental damage caused by construction of water projects.

There has also been concern about impartial review of both projects and policy. One of the key aspects of review has been the need to deauthorize outmoded projects and set up a process whereby projects which are not funded and carried out can be stricken from the books.

The bill before us addresses these types of concerns in a number of important ways. While there is still some disagreement about whether this legislation goes far enough in the major water policy reform categories, there is no dispute that this bill finally takes a look at some of the major policy questions instead of just authorizing a shopping list of new projects.

Specifically, H.R. 3678 authorizes a new program to deal with the issue of rehabilitation of aging water supply systems. Title 8 of the bill sets up a new loan program, to be administered by the Corps of Engineers, to provide capital to repair and replace leaky and inadequate water systems if local water systems can establish need, come up with a 20-percent local matching share, and implement a program for conservation of water.

The bill also takes important steps on the issue of minimum non-Federal cost-sharing. A major item is the requirement for a minimum 25-percent share for all flood control projects. Another key requirement is for a 50-percent local share for all new deep-

draft port construction. While I do have some concerns about the port financing provisions added by the Merchant Marine Committee, I believe that the port construction provisions developed by the Public Works Committee are a major concession on the cost-sharing issue.

The bill also addresses project review, selection, and environmental mitigation question. Symbolic of our commitment to a new policy process is the fact that this bill eliminates about $11 billion worth of outmoded project authorizations, some of which have lingered for over 100 years without being funded or built. The bill also resurrects and reforms the independent review process in the form of a new national board on water resources policy. The bill also requires that environmental mitigation costs be fully considered in project planning and sets up a new environmental mitigation fund to allow for repair of environmental damage during construction of projects.

As I mentioned earlier, there are still some objections to the bill on the part of the environmental community and the administration. Proposals have been made for modifications of certain projects in the bill as well as for strengthening of certain of the cost-sharing policies. While I support the bill, I believe there is ample room for improvement in any measure of this size and scope. I, therefore, feel that it is important for us to have a full and complete debate on specific issues during the amendment process.

Mr. Chairman, I believe that this bill offers a rare opportunity for the historic critics of water policy and the supporters of traditional water development to work together to create a modern water policy based on merit and fair play and proper concern for the environment and conservation of natural resources. I have been pleased and honored to be included in this process with the gentleman from New Jersey [Mr. ROE], and I hope that we can work together to produce legislation which will move our national water policy forward once again.

Mr. STANGELAND. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in most strong support of H.R. 3678. First, I want to commend the leadership of the Public Works and Transportation Committee, and particularly the chairman of the Water Resources Subcommittee, Mr. ROE, and ranking member, Mr. STANGELAND, for the fine work on this legislation. There has not been a water resources development bill since 1976, and it has been longer—since 1970—that a major water resources bill has become law. H.R. 3678 addresses many of the outstanding issues, concerns, and projects that have not been able to proceed for too many years. It also provides new policy directives, increases non-Federal cost sharing, and is a framework for revitalization of the entire Water Resources Program throughout the United States. The subcommittee and committee have worked literally hundreds of hours to fashion this piece of legislation. Chairman ROE and Mr. STANGELAND have tirelessly worked with their colleagues throughout the House to find equitable solutions to individual problems. I firmly believe that this water resources legislation deserves to go forward now.

The legislative proposal we discuss today is a compromise which includes the bill as reported from the Committee on Public Works and Transportation with modifications agreed upon based on the interests of four other committees. I believe that the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Interior and Insular Affairs, and the Committee on Agriculture are all in agreement with the version before us today.

Others have already explained in detail the provisions of the bill. However, a few of these are so important that I feel I must mention them.

This legislation creates a port trust fund, established from customs receipts, which, together with increased non-Federal cost sharing, will speed up the construction process. This will allow our ports to be constructed, deepened, and maintained so that the United States can compete with foreign nations in the international trade market.

Construction of a number of locks and dams on the inland waterway transportation system is provided for and a source of funding is established for these inland waterway projects, based in significant part on the trust fund paid for by inland waterways users.

Also, the non-Federal cost sharing for flood control projects is increased. This increase in local responsibility will mean less overall Federal investment. I use the term "investment" because, for the projects and programs in this legislation, there will be a significant return to the Nation monetarily, socially, and environmentally. This return will more than justify the investment.

I think it is also important to note that one title of this bill deauthorizes more than 300 projects. These projects have a remaining construction value of over $11 billion. This provides an offset that is a significant economic savings to the Nation. It also reduces the existing backlog of Corps of Engineers projects and permits focusing on current important water resources projects.

There are a number of provisions of great importance to the State of Arkansas. These include a water supply loan for the Fort Smith and Van Buren area, a provision relating to bridge replacements for Cane Creek in Logan County and Norfork Reservoir, and flood control projects for Fourche Creek in Little Rock and Fifteen Mile Bayou and Eight Mile Creek. There is also a study and demonstration project at Beaver Lake that I am most anxious to see proceed. In addition, several of the locks and dams along the Arkansas River Waterway are to be renamed. These renamings are the same as those I had earlier introduced as separate legislation. I add my thanks and my accolades to the very professional and hard-working staff of the subcommittee.

This legislation goes far toward working out issues that have confronted us for years. This is a vital piece of legislation that should proceed through the legislative process as expeditiously as possible.

Mr. Chairman, I urge all Members to join in most strong support for H.R. 3678.

Mr. STANGELAND. Mr. Chairman, I want to thank the gentleman from Arkansas for his statement.

Let the record show that the gentleman from Arkansas was the ranking Republican in the last Congress where most of the record was made to put this piece of legislation together. He needs to be commended for his role in this legislation as well.

Mr. ROE. Mr. Chairman, I also share those sentiments for the extraordinary job that the gentleman from Arkansas [Mr. JOHN PAUL HAMMERSCHMIDT] has contributed to our efforts. He has been a long time champion of the need for adequate water resources in our Nation.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. JONES].

Mr. JONES of Oklahoma. Mr. Chairman, I would like to thank the gentlemen from New Jersey [Mr. HOWARD and Mr. ROE], the distinguished chairmen of the Committee on Public Works and its Subcommittee on Water Resources, respectively, for their fine work in fashioning this legislation. Their task has not been an easy one, and the very fact that we are now debating the bill on the floor is a fine testament to their sensitivity and skill.

It has been 8 years since this body passed a major water resources authorization bill. Opposition in the past has come from Democratic and Republican administrations, and both sides of the aisle in Congress. If we were to assess blame, it could be spread evenly throughout. But we are not here to point fingers; our goal must be to get on with the backlog of very necessary projects which will conserve and enhance our Nation's water resources,

and protect the lives of countless Americans.

One provision of this bill is of particular concern to me and my constituents in the Tulsa area. Eight years ago a devastating flood hit the Tulsa area when Mingo Creek overflowed its banks. That flood took two lives and caused close to $50 million—in 1982 dollars—in damage. The Tulsa community closed ranks after the flood and made a commitment to solve the Mingo Creek problem. The city of Tulsa has spent over $15 million on flood control, and has made a firm commitment to meet all non-Federal requirements stemming from the project authorized in this bill.

Despite this firm commitment, the Mingo Creek flood control system has still not been authorized, more than 8 years after that flood.

Tragically, the need to authorize the project was underscored over Memorial Day weekend when the creek flooded again, this time taking 13 lives and causing over $200 million in damage. One flood, caused by a few hours of rain, left damage costing more than twice the $82.1 million authorized in this legislation for the Mingo Creek flood control system.

Immediately after the latest flood, the city of Tulsa and the State of Oklahoma reaffirmed their commitment to share in the cost of controlling Mingo Creek. Just last Friday, the Tulsa City Council expressed its willingness to do its share by promising to participate in a land acquisition program in the most flood-prone section of East Tulsa. Under the leadership of Tulsa's new mayor, Terry Young, we can be sure that the city administration will explore every option which will reduce the cost of flood control to the American taxpayer, while ensuring that lives and property are protected.

The State and the city stand ready to do their part. They have agreed to share the cost, as they should, so we must now do our part by approving this legislation.

The Mingo Creek flood control system, if authorized, will be a cooperative venture between Federal, State, and local officials which will protect lives and property, while also saving tax dollars. We could not ask for a better plan, and we must get on with it before another disaster strikes.

Mr. ROE. Mr. Chairman, I thank the gentleman.

Mr. STANGELAND. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I rise today in strong support of the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act. Also, I would like to take this opportunity to recognize the outstanding efforts of my subcommittee chairman [BOB ROE] and the ranking minority member [ARLAN STANGELAND] for their diligent work in crafting this important legislation.

The bill is a vital rewrite of water resources policy and seeks to approach water development in a coherent manner. As we all know, since 1976, water projects have operated under the equivalent of the stopgap budgets that have plagued the congressional budget process with indecisiveness. For my State of Pennsylvania, the standstill of water policy has left the issues of deteriorating water systems, aging locks and dams, and flood protection unaddressed for far too long.

Support for the legislation was unanimous in the Public Works and Transportation Committee, I feel, because the controversial issues were so thoroughly examined by the subcommittee in hearing after hearing during this Congress and the 97th. Thus, the legislation before us today is more than a compromise, it is a product which reflects the genuine national benefit conveyed to all sectors of the economy by our ports and inland waterways. In addition, H.R. 3678 enables the Congress to deauthorize water projects no longer viable and provides long overdue technical assistance for small communities lacking the expertise and funding to apply for water system aid. I especially applaud this provision because it improves the likelihood that these water systems would be planned to accommodate and encourage economic growth.

Finally, the legislation introduces a new cost-sharing formula for flood control projects which I believe will ferret out unneeded projects and allow the Congress to concentrate on projects that will help communities prevent such disasters as the 1972 Agnes floods. I urge my colleagues to support this legislation, and again, I would like to recognize the efforts of my chairman, the ranking member, and both committee staffs for their efforts to bring this bill to the House floor.

□ 1550

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, early in the 1st session of the 98th Congress, I introduced H.R. 1268, which specifically sought to deauthorize a water project in my district known as the Onaga Lake project. This measure has since been incorporated in title X of H.R. 3678, and is one of 317 Corps of Engineers water projects to be deauthorized through passage of this bill with an estimated cost saving of $11.1 billion.

The Onaga Lake project was first authorized in 1944 as a flood control project under the Missouri River study. The proposed lake would be located primarily in Pottawatomie County and would cover almost 16,000 acres of land. The Corps of Engineers estimates that the Federal Government has already spent $2.1 million to date on this project, although for several years now it has been classified in the inactive category. For a project to qualify in the inactive category, it must be deemed to lack economic justification, to not adequately meet current and prospective needs, and to lack the support of local interests. I want to assure you that the Onaga Lake project in Kansas meets all these qualifying requirements.

There is no local support for going forward with the Onaga Lake project. The continued authorization of this project causes serious flaws in the land titles of property owners in the concerned area. The benefits initially estimated to be derived from this project have long been discounted and, the Kansas State water plan has excluded the Onaga Lake project from consideration.

It is my hope, and that of many of my constituents in the Second District of Kansas, that this unnecessary and unwarranted water project be deauthorized through passage of H.R. 3678. I want to thank the chairman of the Public Works and Transportation Committee [Mr. HOWARD], and the chairman of the Water Resources Subcommittee [Mr. ROE], and ranking minority member [Mr. STANGELAND] for incorporating this very important deauthorization measure in the Water Resources Development Act of 1984.

Further, I commend the gentlemen and the members of committee for their diligent work in coming up with a way to reduce the deficit.

Mr. STANGELAND. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. PETRI], a member of the committee.

Mr. PETRI. Mr. Chairman, the bill before us today is needed. There are many water projects around the country that deserve to be authorized and constructed. As other speakers have pointed out, we have not had a Corps of Engineers water projects authorization bill passed and signed into law since 1976, and we have not had one of the same scope as the present bill since 1970. So, we can use a bill.

Moreover, the Committee on Public Works has made a number of useful reforms in overall water policy, even including higher levels of local cost sharing in many cases. Unfortunately, I do not believe the committee has gone far enough in its reform efforts, either to get the bill passed and signed into law or to produce a workable program if it does become law.

Mr. Chairman, there are reasons why we haven't passed a water projects bill for 10 years. The traditional approach is to pour enough projects into one bill to ensure that a

majority of members have a stake in it. The result is a bill that is too expensive, includes too many questionable projects, and provides no assurance that the good projects will be built and the bad ones won't.

In the present case, the price tag on H.R. 3678 is in the range of $18 billion. I would suggest that all of my colleagues know that price tag is just too high. There is no way we are going to spend that kind of money on water projects in the coming years. In fact, already the corps has a list of hundreds of so-called "active" projects for which funding, some $10 billion worth, is not available.

Now what happens if we add $18 billion of new projects to that list? Everyone knows we have a massive budget problem in this country. How do we decide which projects to fund? The answer, I am afraid, is one word—"politics." Not economics, not local support, not environmental soundness, not analysis of alternatives—just politics.

I would like to suggest that there is a basically simple reform that would go a long way toward solving both the problems I have mentioned: both the excessive overall price tag and the difficulty of deciding which projects get portions of a limited pot of money. That reform is substantial local cost sharing required up front during the period of construction. I think we would find that a lot of so-called vital projects would become less necessary the moment we ask the beneficiaries to help with the expenses. With local cost sharing required up front, projects that are the worst economic turkeys won't command enough local support to come up with the local cost share. They will be discarded by a simple market process, and the way will be cleared for justified projects to receive funds.

This is not a new idea. The General Accounting Office, the Congressional Budget Office, the 1973 National Water Policy Commission, President Carter's Water Policy Task Force, and various environmental groups have all reached similar conclusions. I believe the time for this idea has now come.

I also have a simple message for those of my colleagues who have worthwhile projects for their districts in this bill. Those projects will have a far better chance of seeing the light of day if local cost-sharing reforms are adopted than if they are not. In the first place, the bill is far more likely to become law. In the second place, if the bill does become law, worthwhile projects will have a far better chance of receiving funds if they are not competing against projects that are economic pygmies but political giants. Let us seize the occasion provided by H.R. 3678 to achieve a long overdue reform of our national water policy.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. Mr. Chairman, I appreciate the work of Chairman ROE. I can attest to his efforts to bring about a consensus on this myriad of projects which are involved in this legislation, to his diligence.

My purpose in speaking today is to put Members on notice of one issue which cannot be resolved by consensus and which must be resolved by a vote of the full House. The cross-Florida barge canal is a partially completed project. Its proposed route runs across my district and also those districts of Congressmen BENNETT and CHAPPELL.

The barge canal is complete except for digging that section across the ridge or crown of Florida which is known as the Summit Reach of the canal. That section which is not completed lies totally within my district.

Florida's ridge, the uncompleted portion of the canal, is a limestone strata. It has been likened to the crown, the indented crown of a hat.

□ 1600

Although it is the highest part of Florida, it is the source of most of the water supply for both north and south Florida.

Known as the Florida Aquifer, it is a porous system of caves, springs, sink holes, and underground rivers.

Its purity is essential to the future of Florida and its adequacy is potentially the single factor which ultimately will limit the growth of the State of Florida. So the proposal to deauthorize the Cross-Florida Barge Canal is essentially a proposal that cannot be resolved by consensus because it involves a choice between competing values, the value of danger to the environment which completion of the canal of danger to the environment which completion of the canal poses and the value of the marginal economic benefits which it might also pose.

Members will have 10 days to 2 weeks to consider this issue. I urge that they consider it very carefully. It is an essential issue to the State of Florida and I look forward to the opportunity to debate it. Thank you.

The CHAIRMAN. The Chair will announce that the gentleman from New Jersey [Mr. ROE] has 6 minutes remaining and the gentleman from Minnesota [Mr. STANGELAND] has 14 minutes remaining.

Mr. STANGELAND. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise today to provide well deserved congratulations to the distinguished members of the Committee on Public Works and Transportation for their successful efforts in bringing this important proposal before the House. I urge my colleagues to recognize the reasoned approach that has been taken in developing this proposal and to support its passage by the House.

While many Members will rise to detail the ample reasons for passage of this bill, I would like to limit my remarks to three issues of critical importance to the people of western Wisconsin.

The Mississippi River is an awe-inspiring natural resource. Even the most casual observer in reviewing the map of our United States, must be struck by is importance in our Nation's geography. Those of us who have been blessed to live near its banks are true benefactors of its bounty. We know it to be a great highway of water transporting great quantities of agricultural and other products in either direction from its headwaters in Minnesota to the open seas at the gulf. Its wide arms embrace and nurture wildlife and fish resources of great variety. It also provides recreational opportunities without peer.

During my short term of service in the Congress, the promotion of appropriate use and management of the river environment has been one of my primary objectives. While the scope of the resource is truely great, it is not without limit. Under wise management and careful development, alternative uses can be complimentary rather than exclusionary.

Along with other Members of this House, I have taken an active role in the development of the Upper Mississippi River system management plan. We continue to seek implementation of the key aspects of this effort through legislative proposals.

This legislation provides and historical step forward toward implementing through legislation our commitment to the concept of multiple use.

Congressional management of the Upper Mississippi River started in 1824 with authorization to remove snags and local obstructions hampering navigation. In 1878, Congress recognized the importance of navigation on the river by authorizing the development of a 4½-foot channel from St. Paul, MN, to the mouth of the Missouri River. In 1907, a 6-foot channel was authorized. With the development of a lock and dam near Keokuk, IA, in 1914, the trend toward spending for navigation improvements on the river was on.

Congress waited until 1924, however, to recognize in statute the environmental value of the river system by authorizing the Upper Mississippi Wild Life and Fish Refuge. This designation gave a mandate to the river system as a nationally important ecosystem. Unfortunately, the proud public pronouncements in favor of balance management of the river to accommodate multiple uses has never

been reflected in the allocation of funds for river projects.

This began to turn around in the 1970's with congressional attention to the importance of the river's dual capacity as a transportation artery and a significant ecosystem. Congressional authorization for studies by the Great River Environmental Action Team [GREAT] was provided in 1976. These studies focused on acceptable methods of dredge material disposal. In 1978, Congress authorized the Upper Mississippi River Basin Commission to prepare a master plan for the management of the system.

After years of careful study and development, Congress is now well prepared to provide a greater balance in the allocation of funds to environmental and damage rehabilitation programs on the Mississippi. The bill before us provides a 10-year program allocating virtually equal sums to a second lock and dam at lock and dam No. 26 and to environmental protection, monitoring, and rehabilitation programs. This program includes:

	10-yr cost
Habitat rehabilitation and enhancement	$124,600,000
Long-term resource monitoring	53,400,000
Second lock and dam at No. 26	245,000,000
Computerized inventory and analysis	8,365,000
Recreational projects	5,000,000
Assessment of econ. benefits of rec. proj	750,000
Monitoring of traffic movements	500,000

This Mississippi River legislation is the most comprehensive legislation to authorize specific projects for the balanced development of the resource that has been brought before the Congress. I applaud the foresight of the committee in providing this historical step forward in placing into action our philosophical commitment to multiple-use management of the river.

One of the important provisions of the committee amendment which will be offered to the omnibus water development bill directly relates to my desire to promote and preserve appropriate public use of the recreational advantages the Mississippi River provides. It extends existing provisions in Public Law 97-140 to ensure privately owned facilities crucial to maintaining public access to the waterway will not be subject to an arbitrary decision requiring their removal by extending the effect of the law beyond December 31, 1989.

The U.S. Army Corps of Engineers, which exercises shared authority over the management of the Mississippi River shorelands, has presented plans for land-use allocation. Unfortunately, these plans fail to recognize the importance of allowing the continued use of existing facilities crucial to public access to the Mississippi River.

The Federal Government has right of ownership over a relatively thin strip of shoreland along the banks of the Upper Mississippi River. They have announced their intent to restrict the reissuance of special permits that allow adjacent landowners to maintain docks, cabins, and other recreation-oriented structures in these areas.

Those who have been most closely involved in Mississippi River issues know of my longstanding support for the goal of public access and use. I have been convinced that the corp's announced plan ill serves this important objective. For some 45 years, these facilities have been in place and have increased public use. To restrict the placement of these structures will reduce overall public enjoyment of this resource and is not at all inconsistent with our goals in the area of transportation or fish and wildlife habitat preservation. I sincerely appreciate the willingness of the committee members to grapple successfully with this important issue.

The second issue I will discuss today relates to sections of the bill which hold the promise of relief for two Wisconsin communities that have suffered under the ravages of periodic flooding of the Kickapoo River for far too long. First authorized through the adoption of the 1962 Flood Control Act, the La Farge Lake project was designed to provide protection of life and property from flooding of the Kickapoo. Funds to initiate construction were provided in 1971. Tragically, the entire project was placed in a state of suspended animation when construction was suspended in 1975.

Developing a solution to the flooding problem plaguing this area has been a central focus of my attention for many years. My goal has been to find a resolution that is environmentally acceptable, legislatively possible, and which can garner the support of a majority of valley residents. I have consistently supported efforts to provide a solution to all the flooding problems of the valley and continue under that philosophy. Consistent with that goal, I intent to support elements of the overall project which can provide flood protection improvements now to some of these beleaguered communities.

Section 716 of the bill before us is an important step forward in this regard. It would authorize and direct the construction of a flood control levee, channel improvements, and interior drainage facilities for Gays Mills, WI. This project has an estimated cost of $4,000,000 and is a wise expenditure of public funds in the protection of life and property in this community. In addition, it authorizes the completion of a reconnaissance study of structural and nonstructural measures to prevent flood damage in Viola, WI.

The flooding threat to other communities in the valley is not jeopardized under this approach due to important legislative language which ensures that the benefits and costs of the project will continue to be included for purposes of determining the economic feasibility of completing the overall La Farge Dam project. Simply put, this vital language ensures we can accomplish needed protections for some without unduly jeopardizing further flood control projects necessary for other valley communities.

Finally Mr. Chairman, the committee amendment also includes new language that will allow the Army Corps of Engineers to study and respond to groundwater flooding in communities across the Nation plagued by this difficult problem.

Some time ago, the people of Arcadia, WI, contacted me for help in addressing the innundation of their homes, schools, roads, and commercial buildings by ground water due to a rising water table. To the people of Arcadia and to any rational observer this problem is identical to those presented by any other flood. However, unless the amendatory language proposed by the committee is adopted, this type of situation will not be subject to redress by the corps. In fact, intensive review of statutory authorities revealed to us that no Federal agency had a clear and defined role in responding to this type of flooding problem. The proposed language will repair this oversight.

The people of Arcadia need the corps' help and this language is the first step in providing that help. We believe that appropriate dredging by the corps of the Trempealeau River can effectively reduce flooding of the basements and households of Arcadia. While we seek corps' help, the community itself has a long tradition of trying to help itself. Until 20 years ago, they owned and operated their own dredging equipment. Significant investments have been made in upstream soil erosion prevention projects. However, the lack of dredging has covered drainage pipes and has resulted in a slow and relentless rising of the water table.

Today, the school has a couple of feet of water in its basement, as do many commercial facilities and homes. While this problem does not meet our current statutory definition of flooding, they are flooded, in every sense of that word, on a constant basis nevertheless.

After many meetings with local groups, State and Federal officials, the pleas for help from Arcadia have been met by the scratching of official heads. While the corps and others express an interest in helping these people, lack of clearly enunciated au-

thority has been a roadblock to progress.

The passage of the committee's amendment will ensure the people of Arcadia and other communities across the Nation with similar problems can expect clear answers and not bureaucratic mumbling as a response to their urgent requests for help.

Mr. Chairman, the bill before us has been many months in development and has received favorable review from four separate committees. I would urge prompt consideration and passage of this important measure.

Mr. ROE. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, Boggy Creek is a small, normally calm tributary that flows through the east part of the capital city of my State—and my hometown—Austin, TX. After meandering through a highly developed commercial and residential district in the low, flat southeastern part of the city it feeds into the Colorado River on its way the Gulf of Mexico. It is most times a peaceful little creek, but whenever thunderstorms move out of the hill country over Austin the people who live along Boggy must keep one eye on the sky and one eye on the rising creek, for when it rains hard in Austin, as it often does, Boggy becomes a threat to life and property.

Flooding in 1975 caused millions of dollars in damage, and we have had two severe floods since then. We would have suffered major trouble again last year—but it quit raining in the nick of time and the storm never brought its full power to bear on East Austin and Boggy Creek. This problem won't go away by itself; it will only get worse until something is done.

The city and local residents are willing to do their part. But they need help. The city has already contributed much to this project by beginning certain improvements on the Boggy Creek channel compatible with the recommended plan. The total non-Federal contribution will amount to about $5.5 million. Boggy Creek is at its meanest in the heart of southeast Austin, where its frequent flooding wrecks havoc on more than 2,000 homes and businesses. Most of the people hardest hit when Boggy comes out of its banks are blacks and Hispanics of limited financial means, people for whom it is difficult to rebuild, but who can least afford insurance or to move away to safer locations. These people have suffered for years and they find it difficult to understand why their Government is so painstakingly slow in coming to their aid; they do not want to hear explanations about the size of the bureaucracy, or all the other worthy projects, or how long it takes to prepare a preliminary environmental impact statement. They want to see results, and I regret to say that far too many of them have lost hope of ever seeing positive Government action on their behalf. They sometimes doubt that help will come because they are not a rich and powerful constituency.

With every year now we come closer to showing these people that their Government can work for them. I am determined to prove it. And, I hope the Congress will help me by avoiding any delays in this project and by authorizing the funds to continue on Boggy Creek. This work has been recommended up and down the line through more than a dozen reviews from the District Engineer, to the Civil Works Board of Engineers for Rivers and Harbors, to the Army Corps Chief of Engineers office. It is time now for the Congress to support this very important authorization bill which our committee has brought before us. This bill contains many worthy projects which would save lives and property. We cannot afford to wait another 8 years before authorizing a public works bill.

Mr. ROE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. NELSON].

Mr. NELSON of Florida. Mr. Chairman, I appreciate the opportunity for this time. I have consistently supported the chairman from New Jersey's bills and his excellent work.

However, today, I am here to speak to one of the amendments that will be offered to this legislation, the amendment offered by my colleague from Florida [Mr. MACKAY] the effect of which would be to deauthorize the Cross-Florida Barge Canal.

And in speaking in favor, during this period of general debate of the bill, I would merely mention this particular statistic: Each year I send out a questionnaire to my constituents in the 11th Congressional District in Florida. This year, we had almost 19,000 that returned those questionnaires. And of those nearly 19,000 responses, they responded to the last question on the questionnaire which is "Do you favor completion of the Cross-Florida Barge Canal?"

Only 6 percent did not respond; in other words, they were undecided. The remaining 94 percent divided up this way: On whether they favored completion of the Cross-Florida Barge Canal; only 29.7 percent said "yes," and 64.3 percent of my constituents responding said "no," they did not favor completion of that barge canal.

I think that is ample evidence, and I want to share it with the Committee at this time. Thank you.

Mr. ROE. I thank the gentleman.

Mr. Chairman, I would yield 3 minutes to the distinguished gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Chairman, I thank the chairman of the committee for yielding.

I rise to say to the Committee that, when this amendment by Mr. MACKAY is offered, I will join other Members of the Florida delegation in opposing it. First, all of us can show what is popular in our districts and I assure you that this project, the Cross Florida Barge Canal, while being unpopular in some other Members' districts, has popularity in mine.

The last time this matter was considered in a hearing before a committee of this House was in April 1977, at which time the Appropriations Subcommittee on Energy and Water Development, based upon the study and reports thereon made by the Corps of Engineers, refuted every item mentioned on this floor a few moments ago.

The Corps of Engineers witnesses testified, and the committee found, that no damage to the quality of the ground water supply would result from completion of the canal.

□ 1610

That there would be no damage to the Florida aquifer, that the water supply of south Florida would not be affected, that extensive tests conducted by the Corps of Engineers show no damage from saltwater intrusion. The Appropriations Subcommittee on Energy and Water Development further found that the report of the cost/benefit study of the Corps of Engineers was not yet complete and ordered that that study be completed and a report be made thereon.

The Appropriations Committee and this Congress have, in recent months, appropriated the moneys for the completion of that study, and for us to take this kind of action at this time would be premature.

I would urge that the House, at the proper time, vote down this amendment. I believe we can bring the necessary facts to soundly bear out that position.

I thank the Public Works and Transportation Committee for taking its position against such an amendment.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Florida.

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Chairman, in the moment or so that is available to me, I would say that certainly my district is enthusiastically for building the canal. The only controversy I have heard about this canal is with regard to a railroad interest, that you want a monopoly on the movement of coal and other things through the area.

This canal has been found to be economically justified and environmentally sound. They have had study after study of people, including the Corps of Engineers that supervise the studies.

The studies show that environmentally it has a lot of pluses to it and overall it is not negative.

It has had a political difficulty about it because President Nixon peremptorially, without any notice to anybody, halted work on the canal. It took us years to get the court to address the question of whether he had the legal constitutional authority to do it. When they finally decided, they said it was unconstitutional to do what he did.

Now we are trying to pick up the chips after they have been thrown away that way and we are not seeking any funds for the canal. So any action by Mr. MACKAY on this matter would not save a penny for the Treasury.

So it is not a positive thing that is going to help anybody in any way that I see. Certainly my district is very much for the building of the canal. I think it is sound economically and I think it is sound environmentally.

Mr. CHAPPELL. I thank the gentleman.

I would say in closing we have three alternatives. First, to complete the canal. We are not seeking that route. The second would be to deauthorize and run the risk of all kinds of drawdowns and the destruction of a very valuable national public works project, which is one-third complete. And the third would be to do nothing and have the best of both worlds—that can be accomplished by defeating this amendment.

● Mr. RAHALL. Mr. Chairman, as a member of the Committee on Public Works and Transportation I am pleased to be associated with the legislation we are considering today, H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983.

This legislation is the product of an intense series of hearings held by the Subcommittee on Water Resources, conducted under the able leadership of Chairman ROBERT ROE.

It addresses many areas of need with respect to our Nation's water resources, but I would like to discuss those matters pertaining to commercial navigation on the waterway system.

No major authorization bill for new U.S. Army Corps of Engineers construction has been enacted since 1970, with legislation passed in 1974 and 1976 primarily authorizing advanced engineering and design of projects rather than new construction. Indeed, there has been no major new construction appropriations for 5 years now.

The subcommittee found that the Nation's inland waterway infrastructure is in shambles. Many critical locks and dams, constructed over 50 years ago, are no longer adequate to accommodate larger barge tows and increased traffic. This has presented many hazardous situations, time delay, and increased costs.

There has been an effort over the years from certain quarters to impose additional user fees on commercial navigation. It must be noted that there presently exists a barge fuel tax at 8 cents per gallon which will rise to 10 cents per gallon next year. This revenue is deposited into the Inland Waterways Trust Fund to pay for a portion of new construction costs. Under H.R. 3678, one-third of the costs of new lock and dam projects will be paid for out of the trust fund—representing a 33 percent cost-sharing level by non-Federal interests.

Additional cost recovery would have severe adverse impacts not only on the inland waterway system and those who use it, but on the consumers of products transported by barge. These products include coal, steel, and grain and an increase in their transportation cost would show up in a variety of consumer products and services such as electricity, automobiles, and breakfast cereals to name a very few. User fees, in essence, are a form of indirect taxation on the American people and must be limited in scope and duration.

As we consider amendments to this bill, I would urge my colleagues to oppose any effort to impose caps on Corps of Engineers' spending and to increase the level of cost recovery for these projects.

The committee has included only those inland waterway projects in critical needs of replacement or rehabilitation. Among them is an authorization for improvements to, and an additional lock, in the vicinity of the present Winfield Locks and Dam on the Kanawha River in West Virginia. As the sponsor of this project in the committee, I am pleased that its improvement will provide for a more efficient movement of steam and metallurgical coal from southern West Virginia to markets throughout the Nation.

Another project is the rehabilitation and construction of new locks at Gallipolis, on the Ohio River about 30 miles upstream from Huntington, WV. This is the premier locks and dam project in need of improvement.

Also provided for by the bill are projects at locks and dams No. 7 and 8 on the Monongahela River in Pennsylvania and West Virginia, the William Bacon Oliver Lock and Dam on the Black Warrior River in Alabama, and a second lock at No. 26 on the Mississippi River in Illinois, and the Bonneville Lock and Dam on the Columbia River in Oregon and Washington.

This legislation also seeks to improve many of our ocean ports which have long been in need of deeper channels. Authorized for these deeper drafts would be six projects, including those at Norfork and Mobile Harbors. Cost sharing would be required for 50 percent of the incremental construction and operation and maintenance costs associated with channel depths greater than 45 feet. The imposition of user fees to achieve the cost-sharing requirement by any non-Federal interest would be limited to only those vessels which require the deeper channel drafts.

I am confident that these port-related provisions will enable the United States to become more competitive in the world market with respect to commodities such as coal.

Mr. Chairman, I commend the leadership and members of the Committee on Public Works and Transportation for bringing H.R. 3678 to the floor today. This bill certainly deserves the support of all Members.●

● Mr. HOWARD. Mr. Chairman, I rise in strong support of H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act. This bill contains project authorizations, authorizations of water-resources studies, project modifications, and general provisions affecting the overall water-resources program of the Army Corps of Engineers. It also includes a title deauthorizing over 300 unconstructed Corps of Engineers projects or portions of projects, a title relating to water-resources policies for all Federal agencies that establishes a new Board on Water Resources Policy to replace the currently authorized Water Resources Council, and a title which establishes a Federal interest in single-purpose water-supply projects and establishes a loan program for the repair, rehabilitation, expansion, and improvement of public water supply systems.

Mr. Chairman, although this is an extremely complicated piece of legislation that had taken over 3 years of intensive work by our committee to develop, our efforts have been made much easier by the bipartisan nature of the problems addressed in the bill and by the strong support of all members of our committee on both sides of the aisle. In this regard, I would especially like to commend the efforts of our ranking minority members, the gentleman from Kentucky [Mr. SNYDER]—as well as the work of the ranking minority member of our Water Resources Subcommittee, the gentleman from Minnesota [Mr. STANGELAND]. Without their support and cooperation we could never have formulated such a complex bill as this that could be unanimously adopted by both the subcommittee and the full committee, as this one was. And, of course, the greatest credit of all must go to the chairman of our Water Resources Subcommittee, the gentleman from New Jersey [Mr. ROE] for his tireless work in initially developing the legislation and in subsequently

working out the compromises which have enabled it to enjoy such wide bipartisan support.

I would also like to thank Chairman JONES of the Merchant Marine and Fisheries Committee, Chairman RODINO of the Judiciary Committee, Chairman UDALL of the Interior and Insular Affairs Committee, Chairman DE LA GARZA of the Agriculture Committee—and all the involved members of those committees—for their help and cooperation in resolving the differences between the various reported versions of this bill so that we can appear on the floor today with a mutually acceptable piece of legislation from the perspective of those committees.

The last Water Resources Development Act was signed into law in 1976, and the last true Construction Authorization Act was signed into law in 1970. Consequently, over the past 14 years, a very large backlog of vitally needed water-resources projects has accumulated. Detailed testimony and information was received on all these projects, and they have all been analyzed very carefully by our committee. As a result, this bill contains a large number of authorizations for all types of corps water projects, including navigation projects flood-control projects, shore-protection projects, fish and wildlife habitat mitigation projects, and other projects for the conservation and development of our Nation's water resources. While the total number of projects appears large, it must be remembered that they represent well over a decade of detailed planning and study of water-resources problems thoughout the Nation.

Our committee has also worked hard to ensure that this legislation is the most environmentally sensitive authorization bill we have ever developed. While the projects recommended by the corps to the committee were planned in full compliance with all existing environmental laws and regulations, the committee, in many instances, has gone beyond the recommendations of the corps to include in the authorizations for many of those projects a number of detailed provisions for the additional protection of environmental values.

Mr. Chairman, we hear far too much about the supposedly undesirable effects of water-resources development and far too little about the enormous economic and environmental benefits that are associated with such development. The fact is that a careful reading of this bill and of our committee's report—and a careful examination of the history of our Nation's water-resources program—easily demonstrates the enormously beneficial role that this program has played and will continue to play in our Nation's development.

Thank you.●

● Mr. MONTGOMERY. Mr. Chairman, H.R. 3678 contains $10 million for Sowashee Creek. Unless you live near Sowashee Creek this will mean nothing to you. However, for those folks that live in my hometown of Meridian, MS, it is a body of water that is far too familiar. The average annual flood damage caused by Sowashee as computed by the Corps of Engineers stands at $2,710,000.

The Sowashee flood plain is dense in population and includes a large commercial section of Meridian. Periodic flooding damages homes, businesses, industries as well as public facilities. There is grave concern that this continued threat will seriously thwart future development plans in the area.

The losses are indeed in need of correction. The South Atlantic region Corps of Engineers plan dated March 30, 1984, states:

> Citizens expressed a desire for the alleviation of flood damage to personal property and a desire for relief from the mental anguish and trauma which result from experiencing a flood in one's home.

I know these citizens personally. They are my constituents, and I can certainly add my own concurrence with the Corps of Engineers statement.

The Corps of Engineers report concluded that the project should be approved. They considered alternatives to Corps of Engineers structural work, and determined that none were feasible. Their recommendation was for the estimated $16.4 million project be shared between Federal and non-Federal sources of funding in accordance with congressional and Presidential policies and procedures.

I was pleased to learn that just last week the Board of Engineers for Rivers and Harbors after having reviewed the South Atlantic region report concurred with the recommendation.

The bill before us authorizes the work on Sowashee. It includes engineering, design and construction funds, land, easements, and right-of-way costs as well as the costs of relocations. The cost will be shared by the local government.

The city of Meridian is prepared to meet their obligation and are anxiously awaiting the flood relief that will result. I thank the committee for including this badly needed flood control project in H.R. 3678, and hope my colleagues will support their decision.●

● Mr. FIELDS. Mr. Chairman, I rise to express my strong and enthusiastic support of H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act.

Before highlighting several provisions which are important to my congressional district, I would first like to compliment Chairman HOWARD, Chairman ROE, Congressman SNYDER, and Congressman STANGELAND for their extraordinary leadership in bringing this critical bill to the House floor.

As a former member of the Water Resources Subcommittee, I know that this legislation is the product of hundreds of hours of deliberations and is an outstanding tribute to the dedication and perserverance of its authors.

It has been 8 long years since the Congress last approved a major water resources bill authorizing vital new water projects in this Nation and I am hopeful that this year we can enact this long overdue legislation into law.

While there are a number of important projects contained within H.R. 3678, I intend to briefly discuss several which have particular importance to my congressional district.

The first of these key provisions authorizes my bill, H.R. 1138, directing the Army Corps of Engineers to implement a badly needed flood control project on the Upper White Oak Bayou.

Mr. Chairman, the people who live in central and northwest Houston along the Upper White Oak Bayou have made every effort to protect their homes and businesses from the ravages of flooding. It is my firm and unwavering belief that the Federal Government must now do its part to assist these courageous Americans who alone cannot accomplish this vitally needed flood protection.

The Army Corps of Engineers has carefully studied the Upper White Oak Bayou for a number of years and has submitted to the Congress a detailed and comprehensive plan to eliminate its persistent flooding problems. It is a plan that has the wholehearted support of all interested parties and one which has received high priority from the Corps of Engineers on its list of nationwide projects. Upon completion, this project will provide $1.70 worth of flood protection for every $1 of Federal cost.

Mr. Chairman, clearly, this project is sound. It is an investment in America's future. It will save taxpayers money. It will create jobs. And, it will provide flood relief to these citizens who must now suffer from the personal and economic hardships of persistent flooding.

I am extremely pleased that the House Public Works and Transportation Committee has included this meritorious project within this legislation.

A second key provision involves several navigation projects along the Houston Ship Channel which I introduced as three separate pieces of legislation.

Incorporated within H.R. 3678 is language which will direct and authorize the Army Corps of Engineers to maintain a 40-foot depth at the Barbours Cut Terminal at Morgan's Point, the

Greens Bayou Channel, and the Bayport Ship Channel.

In each of these cases, private funds have been spent by the Houston Port Authority to dredge from various depths these tributaries of the ship channel to the 40-foot level.

What this provision simply does is to require that the Corps of Engineers now assume responsibility for maintaining that water depth.

This responsibility is consistent with our congressional mandate to the Army Corps of Engineers, and I am convinced that such maintenance costs will be more than offset by the creation of new jobs and other types of positive economic activity.

As the representative whose district includes most of the Port of Houston, I long have recognized the vital importance of this critical waterway. In fact, it has been estimated that $1 of every $3 in the Houston economy can be attributed to the ship channel. Directly or indirectly, the channel provides employment and livelihood to thousands of citizens in the Houston metropolitan area.

Clearly, it is in the best interests of this Nation to do whatever we can to ensure the economic vitality of our port system, and I believe these Houston navigation projects are an important ingredient in this process.

Finally, Mr. Chairman, I would like to briefly discuss a provision which is included within the substitute amendment to be offered by the distinguished subcommittee chairman, BOB ROE. This provision would allow the Port of Houston Authority to receive Federal reimbursement for the raising of a railroad bridge which the Coast Guard ruled an obstruction to navigation over Greens Bayou.

Although the actual modifications were completed in November 1980, I believe the Federal Government should provide partial reimbursement for these repairs which became necessary, through no fault of its own, because of severe land subsidence in this area.

While the Port of Houston Authority has spent in excess of $1 million to make the necessary modifications, I am pleased that under the chairman's substitute amendment, the port authority can receive up to $450,000 in the form of a reimbursement.

Mr. Chairman, H.R. 3678 is the product of 3 years of tireless work and determination by the Public Works and Transportation Committee. It has not been an easy process and I know from my own experiences in the last Congress that the Water Resources Subcommittee received testimony from hundreds of individuals on projects located throughout this country.

H.R. 3678 is a bill which deserves our wholehearted and enthusiastic support. In addition, I believe that the American people owe a great debt of gratitude to the sponsors of this proposal who have labored long and hard.

We simply cannot afford to postpone for yet another year the massive job of rebuilding our Nation's water resources system. While some may argue about individual provisions of this bill, the investment called for in this legislation is certainly justified when we weigh the benefits to the Nation which are derived from vital communities and ports with thriving industry, versus decay, which generates unemployment, saps our tax base, and generally impedes economic growth.

Now is the time to start the rebuilding process. I urge my colleagues to join with me in strongly supporting H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1984.●

● Mr. PORTER. Mr. Chairman, we have before us today a very important piece of legislation skillfully crafted by the very able chairman of the Subcommittee on Water Resources, ROBERT ROE, and the equally able ranking minority member, ARLAN STANGELAND. I want to take this opportunity to commend Representatives ROE and STANGELAND for their excellent work in this regard. I am one of the many Members indebted to them for taking on this difficult and controversial task.

H.R. 3678, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983 creates a comprehensive nationally coordinated water resources development policy. In addition, it includes authorizations for many important water resource projects across the Nation. The bill includes projects to control flooding, to improve inland waterway transportation, to repair essential bridgework, to provide for shoreline erosion protection, and to establish plans for water conservation and water supply development.

Of particular concern to me are two projects in my district to be authorized for construction upon completion of Army Corps of Engineers design and review work. They are a flood control project on the north branch of the Chicago River and an erosion control project at the Illinois Beach State Park.

The bill includes an authorization of $11.209 million for the construction of flood control basins along the north branch of the Chicago River flood water basin. My district has experienced periodic and devastating damage resulting from heavy flooding throughout this area. The construction of the Army Corps approved flood water management plan will go a long way toward alleviating the situation.

The second project is not yet in the bill but will be included as part of the chairman's package of amendments. The second project is an authorization for construction of a shoreline erosion protection project at the Illinois Beach State Park near the Illinois-Wisconsin State line based on Army Corps of Engineer criteria. The preservation of this beach, which is the only public facility along the shoreline, through the construction of this project is important for the continued economic development of the greater Waukegan region. I was extremely pleased to find that the committee agrees with me that this project has merit and has decided to include it in the package of committee amendments.

Securing an authorization for both of these projects is only the first step to actually getting them constructed. The next step is to ensure that annual appropriations are set aside through the regular appropriations process until they can be finished. I will be working through my position as a member of the Appropriations Committee to see that this goal is achieved.●

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

Mr. ROE. Mr. Chairman, I have no further requests for time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BENNETT) having assumed the chair, Mr. SAM B. HALL, JR., Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 3678, to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, had come to no resolution thereon.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3678, the bill just considered.

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

There was no objection.

DEVELOPMENT OF THE UPPER MISSISSIPPI RIVER

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

Mr. GUNDERSON. Mr. Speaker, I am taking this special order today in that I might share with Members a bit

of the history and perspectives of what has happened and what we are trying to have happen in regard to the development of the upper Mississippi River.

As my colleagues will note from the charts to my left we have had a real concern, those of us from the upper Midwestern part of this country, over what we know as the Upper Mississippi River Basin. This particular area is unique. It is unique in that it has a multiuse concept used for transportation, used for navigation, used for recreation, and used also for fish and wildlife habitat.

As these particular charts will show, however, that is not the case of the Lower Mississippi River Basin. They simply do not have the backwaters, the areas for recreation, for fish and wildlife habitat that we have in the north in the areas we so desperately want to preserve.

If one takes a historical perspective of the Mississippi River they will recognize that Congress has been involved in the management of the Mississippi River since 1824, for it was at that time that the Congress—if you can believe it or not—authorized the removal of local snags, obstructions, and other such measures from the river. Obviously the trees, the twigs, et cetera.

Navigation was recognized as a part of the role of the Mississippi River in 1878 when Congress authorized a 4½-foot channel. In 1907, we moved that up to a 6-foot channel. And, in 1914, we authorized the first lock and dam in Keokuk, IA.

In 1917, what is now known as lock and dam No. 1 was authorized and construction was begun in Minneapolis.

Therefore, the trend was on toward spending for navigation on the river.

Now we also have a concern for the environment, a concern that followed a few years later, in 1924, when we authorized the Upper Mississippi Wildlife and Fish Refuge, recognizing, as the chart on my far left shows, that we do have a fish and wildlfe refuge in that particular area.

Yet in 1930, and I suspect as part of the concern about the recession or depression at that particular time and to follow, an authorization was made for 29 different locks and dams, and an authorization was made not for a 4½-foot, not for a 6-foot, not for a 7-foot, but for a 9-foot channel.

□ 1620

And so we had two congressional mandates, some would say, counteracting each other. One was a congressional mandate calling for commercial navigation; the other was a congressional mandate calling for a national significant ecosystem.

Now, I think it has been clear to each and every one of us who has followed this legislation, who has followed the budgets through the years, that clearly the vast majority of funding has gone to improve and to promote navigation on the river, to maintain and to build those various locks and dams which are there.

In the late 1970's, however, we began to see a turnaround in this whole area. We began, as part of the environmental movement, I suspect, to recognize the importance of both mandates—on the one hand, the navigation, but also the environmental aspect as well.

In 1976, Congress authorized the great studies, known as the great river environmental action team. The purpose of those studies was to focus on the proper use and methods of dredging of the river.

What is dredging? Well, dredging is the mechanism by which the corps will come and dig out the sedimentation, to reestablish that 9-foot channel, to allow the navigation to continue.

I think everyone would agree that there were some real abuses not only in the process of dredging, but perhaps more importantly, also in the means by which the dredging was disposed.

One of the beauties of the great studies and the actions that have followed is that this was an example of where Federal, State, and local entities can work together and cooperate for the development and enhancement of the river, and that I think is followed through today.

The controversy became, should we say, more pronounced in 1978, when before this Congress was a proposal to replace lock and dam 26 at Alton, IL. Determining whether or not the Congress ought to continue on what many would suggest was quite a commitment to improving navigation, with little concern on the other side, Congress at that time authorized the Upper Mississippi River Basin Commission to develop a master plan for the furture development of the river. That master plan was submitted to this Congress in January 1982. It included some 12 different recommendations, mainly calling for a balanced multipurpose management of the river.

In response to that, in the 97th Congress we had two different legislative proposals. One proposal recognizing the interests of those in the Missouri area and elsewhere, called for the establishment of the second lock and dam at Alton, IL. Because that was 1 of the 12 recommendations, I then introduced legislation calling, frankly, for the other 11 recommendations so that we would have the opportunity to promote some kind of a balanced development of the river as the master plan called for.

Now, mine was introduced at that point in time, in February 1982 calling for a 10-year program and costing, frankly, over $1 billion.

It is fair to say that because we did not have an omnibus water bill last session, both of those particular proposals died at the end of the 97th session.

As we came back in the 98th session, this session that we are now in, we again had the proposal just for the additional lock and dam at Alton, IL, but at that time we introduced a new and revised proposal known as the Upper Mississippi Management Act. Frankly, what we wanted to do is we wanted to be more realistic than I think we were in the last session, and we wanted to allay any fears that we were only trying to promote environmental concerns and that we were trying to in some way stop or renege on the navigational role of the Mississippi River. And so we provided a proposal that called for the habitat rehabilitation, the long-term resource monitoring, the second lock and dam at Alton, IL, computer inventory analysis, recreation, allowing the States to enter cooperative agreements, economic assessment, and traffic monitoring.

The particular chart that I now put up really lays down all of those particular recommendations that are a part of that particular proposal.

You will note that we have dropped from here one of the more expensive proposals that we introduced in the last Congress, and that was the soil erosion proposal which would cost over $912 million over a 10-year period. The reason for that is, first, obviously, recognizing the cost concerns that we have to face in this Congress at the present time; and second, recognizing that realistically we are at a point where most of the needs in the conservation area and sedimentation rolling off the hills and coulees of the upper Midwest into the lakes, and into the streams, and the rivers, and creeks that run into the Mississippi River, sedimentation being one of our major problems, the language and the authority is already there to do something. All we need is the money, and we already have the opportunity when and if that money is available through the present mechanisms.

The other proposal that is different from this act and the one we introduced last session would be the second lock and dam at Alton, Ill. We wanted to, as I mentioned earlier, recognize the complete balanced development of the upper Mississippi River.

Now, the bill that is before us is a 10-year authorization, with a projected cost of about $437 million. Expensive, yes. However, less than half of the cost that we were talking about before. And, second, I think it is important to note that we have a very balanced perspective and that half of the cost of the second lock and dam to improve

navigation cost $245 million, and about $200 million is included for improving the environmental aspects of the river.

So the strategy then was to clearly emphasize the total master plan concept.

It is fair to say, without doubt, I think, that this is the most comprehensive legislation for balanced development of the Mississippi River that has ever been before this Congress. And if we can enact this into law as a part of the bill that is now in front of us, the omnibus water bill, we will indeed make history.

Let me spend a little bit of time giving some of the detail of what we are talking about in this particular proposal, because so often I am asked, "Exactly what do you mean in each of these areas?"

In the habitat rehabilitation area, really what we are trying to do is, we are trying to repair the damage that has already been done and improve the breeding and habitat for our fish and wildlife situation.

As you looked at those backwaters that were in the pictures and charts before us, you will clearly note that the expenditures in this area will go for such things as island creation, backwater dredging, side channel modification, wing dam and closing dam modification, shoreline protection, riprap, that type of thing.

Each of the States in the Upper Mississippi River Basin; Wisconsin, Minnesota, Iowa, Missouri, and Illinois; have each established their own priorities based on local conditions and needs of the river under their particular jurisdiction.

The second thing that we do is that we call for the long-term resource monitoring project. This is one of the more difficult, more complicated aspects, perhaps, of the bill, even though it may not be one of the more expensive.

With the complex problems, the number of uses for the Mississippi River, the Upper Mississippi River Basin today, it is clear that we need some scientifically sound data to determine the proper future of the Mississippi River.

The scientists, the others on the river, will tell you today that we have data that will only give us suggestions into the 1990's. We have no sound scientific evidence to go beyond that time.

So the purpose of this particular aspect, then, the long-term resource monitoring, is to collect scientifically valid and statistically sound data over time to detect site specific or system-wide changes in the river that need to receive the attention of this Congress, the corps, the Fish and Wildlife Department of the Interior, and others who are involved in the protection and maintenance of the river.

There are five elements in the monitoring project. First is the lead agency in the bill before us calls for the Army Corps of Engineers to be that lead agency, in cooperation with Interior Fish and Wildlife, and certainly the State agencies.

Second, we are talking about field stations. We are calling upon each of the five States in the Upper Mississippi River Basin to collect the data within existing facilities in each of the five States, not to get on some kind of a roadbuilding, a whole bunch of new facilities, just to carry out the importance and collection of this data.

Third, there are various components of the long-term resource monitoring project that are essential to determine what really is happening to the river and what needs to happen.

I will give you some examples. Land use, meteorology, hydrology, water and sediment, contaminants, aquatic vegetation, micro-organisms, and the list goes on.

Fourth, what we are trying to do is, we are trying to develop a systems approach, that is, that the monitoring would be done in selected pools and regions on a systems approach, where we can go in in the areas that are selected, hopefully will be representative, and, likewise, we will be able to do a comprehensive integrated study in this particular area.

Actually, the work has already been done by the people in the Upper Mississippi River Basin to select those pools. Seventeen different pools have been selected and included in that master plan developed by the Upper Mississippi River Basin Commission.

The 17 pools were selected on the basis of four different criteria: First, that the area is representative of major habitat types in the system or is important in influencing a significant portion of that system; second, that the historical data base is available; third, that the area is recognized as an important fish and wildlife resource; and fourth, that the area has the availability of the manpower and facilities necessary to do this resource monitoring.

□ 1630

Now, you will notice that the next thing on the chart is the second lock and dam at Alton, IL. I think that is pretty much self-explanatory, and I am not going into details on that.

The next issue is the computerized inventory, which costs $8.4 million over the 10-year period. Really what we are talking about here is the gathering and the story of this historical data collected in the long-term resource monitoring program. Likewise, for the proper management of the data that is collected, so frankly, it is of use. It is of use to the scientists, it is of use to the various State departments of natural resources, it is available and useful to the Fish and Wildlife Service, and most importantly, available and useful to those of us in Congress who have to determine what course we ought to follow in the river in the future.

The next area as a part of the whole proposal is the recreation projects. Presently, it is projected that existing river-related recreation projects account for over $1 billion in revenue annually to the Upper Mississippi River Basin five States. We believe that there are many opportunities to more than double that particular opportunity for recreation and the opportunity for the revenue that it will bring it. Obviously, this area alone will much more than pay for the costs that we are making in this particular investment today.

What are we talking about? We are talking about improving public access and promoting expanded use. We are talking about projects such as public boat ramps; park development, such as picnic areas, scenic overlooks, land acquisition for park expansion; development of multipurpose trails, and the restoration of some of the historical sites along the river.

The next one, economic assessment, where we are going to spend some $700,000 over 10 years, is to really determine what the economic assessment, mostly of this recreation effort is, but I suspect also of all of the uses of the river, when one considers the shipping that goes up and down the river, in the backwaters and the beginnings in Minnesota to the mouth of the river down at the gulf, it is clearly a monumental resource to this country, and we need to determine, I think, its true value in order to determine its true appreciation.

Finally, the traffic monitoring, something that you notice we have in parentheses, the reason for that is because of the legislation that is before us does not authorize a particular amount; it authorizes such sums. Frankly, we are hopeful that much of the traffic monitoring can be done by the Army Corps of Engineers under their present appropriation. What we are trying to determine is exactly what the amount of traffic is, where it is going, when it goes, what its impact is on the river, and so forth. The purpose of this is multifold. Obviously, to find ways in which we can best utilize the upper Mississippi River and all of the river for the navigation aspect, and second, to determine the impact of that navigation on the river and what must be done to minimize that impact and its adverse effect on the fish and wildlife habitat and the other ecosystems that are in front of us at this time.

How does all of this fit together? I hope it becomes quite clear that one of these compliments the other. For ex-

ample, when we talk about such things as the resource monitoring, that is what we will need to determine exactly what is happening in the river; what needs to be done. We will put that on the computerized inventory analysis so that we can have a proper means of studying and obtaining the information we have which we can use hopefully, to determine what the proper expenditure and habitat rehabilitation, what the proper efforts are in this particular area so that we can move forth and achieve whatever is necessary.

As I said before, I wish that each and every Member, I wish that each and every person in this country would have an opportunity to visit the Mississippi River from its beginnings to its mouth, but most important, the Upper Misissippi River Basin. This is a special resource, and the people of the area have a very special bond to this Mississippi River, it is something we want to preserve not only for today, but for tomorrow.

We have the beginnings in making history today, because for the first time in the history of this country, we are going to be able, as we proceed with this legislation, to incorporate the most comprehensive development, balanced development of the Mississippi River ever into the statute books of our land.

You know, there is a saying that I use at home as I am speaking around Wisconsin or other areas about exactly what is going on with the river and what we are trying to do and I say, freedom is a gift from our forefathers, our resources are a gift from our God. We have, I suspect, a moral obligation to preserve both. I cannot in any way suggest that this particular legislation will help maintain us a free and independent country, but I clearly believe that this is the kind of effort that must be made by the Federal Government in cooperation with our State and local governments to maintain one of the most valuable inland water resources that this country has.

CENSORED—FOR LIFE

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

● Mr. BROOKS. Mr. Speaker, today's Washington Post contains a lead editorial entitled "Censored—For Life." This editorial reports on a recently released GAO survey, conducted on behalf of Chairman FORD and myself, which demonstrates that President Reagan's suspension in February of his national security decision directive 1984 has, in reality, suspended very little of this administration's censorship and polygraph policies. In fact, censorship contracts, virtually identical to those proposed by the President under his directive, are currently being imposed on thousands of Government employees. In a letter to accompany its report, GAO indicates that the Departments of Agriculture, Commerce, Defense, Energy, Justice, State, Transportation, Treasury, and all the other agencies queried, are requiring many employees to sign lifelong censorship agreements. The number of employees covered exceeds well over 100,000 and will climb as new employees are brought into these jobs and forced to sign.

The Washington Post has long been a champion of the first amendment. I commend them for their recommendation that the administration should abandon its censorship policy, once and for all. Congress was left with the impression that the President had suspended the policy in February. As the GAO survey indicates, however, the suspension was so narrow and technical that it did nothing to turn aside, even temporarily, the implementation of these dangerous policy initiatives. If the administration continues to play around with these serious issues, the Washington Post suggests Congress should act.

Mr. Speaker, the administration is continuing to expand the use of polygraphs and censorship. Congress should act now. The Post Office and Civil Service Committee has scheduled subcommittee markup tomorrow on my bill—H.R. 4681—the Polygraph Limitation and Anticensorship Act of 1984. I hope it can move swiftly through the full committee to the floor so that the House can act to stop further erosion of our constitutional rights.

I ask unanimous consent that the Post editorial be included in the RECORD.

[From the Washington Post, June 18, 1984]

CENSORED—FOR LIFE

The Reagan administration's proposal to impose prepublication censorship for life on hundreds of thousands of federal and federal contractor employees appeared to have died a well-deserved death on Feb. 15. That's when the president withdrew that portion of the infamous National Security Decision Directive 84 that authorized such censorship.

Now it turns out that more work is needed to really finish off this proposal. According to a General Accounting Office report, some 119,000 non-defense and 156,000 defense employees had already signed lifetime prepublication censorship agreements by the beginning of the year. For the rest of their lives every one of those 275,000 people may have to send to the government for review anything—even an article on what they did last summer—before it can be published. The government has 30 days for review, but of course that is the beginning, not the end, of the potential for delay. These agreements aren't voluntary; some people have lost their jobs for refusing to sign them. But they might be enforced by a court, and that very possibility will discourage many people—including those uniquely qualified to comment on some issues—from exercising their rights of free expression.

And the damage is not all potential. Last year, at least (some agencies didn't report totals to the GAO) 28,364 books articles, speeches and other writings were reviewed by government censors. There may be a good argument for government review of writings of current employees exposed to the highest level of secret documents; some would argue for lifetime censorship of writings of those employed by inherently secret agencies such as the CIA and NSA. But as a general rule, this is not a business the government should be in. It allows all too easily government officials—or political operatives—to undermine freedom of expression and limit the information the public can have to what they would like it to have.

The president's retreat from this obnoxious law came through bipartisan pressure from Congress. Legislators such as Sen. Charles Mathias and Rep. Jack Brooks were appalled by these censorship agreements, and got the administration to agree not to require them for the rest of this year. But damage—the 275,000 contracts signed—remains to be undone, and to be prevented in the future.

For that purpose Mr. Brooks has sponsored legislation scheduled for markup in a Post Office and Civil Service subcommittee this week. Drafting such a law is delicate work. Legislators should make sure that, in asserting some rights, they do not by implication relinquish others. The ideal thing would be for the administration, which has said it won't force employees to sign such contracts in the future, in effect to tear up those signed in the past and promise not to seek any in the future. If it doesn't, Congress should act.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. MICHEL), for today and the balance of the week, on account of hospitalization.

SPECIAL ORDERS GRANTED

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

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

Mr. MCKINNEY, for 5 minutes, today.

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

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HAMILTON, for 20 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. MURTHA, for 60 minutes, on June 20.

Mr. GAYDOS, for 60 minutes, on June 20.

Mr. SUNIA, for 60 minutes, on June 20.

Mr. LEVIN of Michigan, for 60 minutes, on June 21.

Mr. LEVIN of Michigan, for 60 minutes, on June 25.

EXTENSION OF REMARKS

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

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

Mr. BROOMFIELD.

Mr. MICHEL.

Mr. LEWIS of California.

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

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee.

Mr. BONER of Tennessee.

Mr. MONTGOMERY.

Mrs. HALL of Indiana.

Mr. ANDREWS of Texas.

Mr. AUCOIN.

Mr. HAMILTON.

Mr. SOLARZ.

Mr. YATRON.

Mr. STARK.

Mr. NELSON of Florida.

Mr. HARRISON.

Mr. FRANK.

Mrs. LLOYD.

Ms. FERRARO.

Mr. ROE.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

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

S. 197. An act to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes; to the Committee on Public Works and Transportation.

S. 2635. An act to authorize appropriations for the Public Buildings Service of the General Services Administration for fiscal year 1985; to the Committee on Public Works and Transportation.

S.J. Res. 55. Joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities; to the Committee on Post Office and Civil Service.

S.J. Res. 270. Joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp"; to the Committee on Post Office and Civil Service.

S.J. Res. 297. Joint resolution to designate the month of June 1984 as "Veterans' Preference Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. GUNDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 19, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

3573. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the American Institute in Taiwan's proposed letter of offer to the Coordination Council for North American Affairs for defense articles estimated to cost in excess of $50 million, pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3574. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the addition of five further countries to receive antiterrorism assistance, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

3575. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of Defense's proposed lease of defense articles to Turkey (Transmittal No. 15-84), pursuant to AECA, section 62 (a) or (b) (95 Stat. 1525); to the Committee on Foreign Affairs.

3576. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed lease of defense articles to Peru (Transmittal No. 16-84), pursuant to AECA, section 62 (a) or (b) (95 Stat. 1525); to the Committee on Foreign Affairs.

3577. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the American Institute in Taiwan's proposed letter of offer to the Coordination Council for North American Affairs for defense articles and services estimated to cost $325 million (Transmittal No. 84-50), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3578. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting information on the President's decision to make China eligible to purchase and lease defense articles and defense services under the foreign military sales program; to the Committee on Foreign Affairs.

3579. A letter from the Comptroller General of the United States, transmitting a list of the General Accounting Office reports that were issued or released in May 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

3580. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting a copy of the proposed final rules for the National Estuarine Sanctuary Program, pursuant to Public Law 96-464, section 12; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. PERKINS: Committee on Education and Labor. H.J. Res. 452. Resolution recognizing the important contributions of the arts to a complete education (Rept. No. 98-844). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KINDNESS (for himself, Mr. SAM B. HALL, JR., Mr. FISH, Mr. FRANK, Mr. BOUCHER, Mr. MCCOLLUM, Mr. HUGHES, Mr. GLICKMAN, Mr. MOORHEAD, Mr. SAWYER, and Mr. SHAW):

H.R. 5883. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of California:

H.R. 5884. A bill to require a two-thirds vote of both Houses of Congress on appropriation legislation, including any conference reports, and for other purposes; to the Committee on Rules.

H.J. Res. 593. Joint resolution proposing an amendment to the Constitution to require a two-thirds vote of both Houses of Congress on bills and joint resolutions making appropriations and on concurrent resolutions on the budget; to the Committee on the Judiciary.

By Mrs. LLOYD (for herself and Mr. COATS):

H.J. Res. 594. Joint resolution designating the week beginning February 17, 1985, as a time to recognize volunteers who give their time to become Big Brothers and Big Sisters to youths in need of adult companionship; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI:

H.J. Res. 595. Joint resolution to designate the month of October 1984 as "National Spina Bifida Month"; to the Committee on Post Office and Civil Service.

By Mr. YATES:

H.J. Res. 596. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1984; to the Committee on Appropriations.

By Mr. SWIFT (for himself and Mr. THOMAS of California):

H. Con. Res. 321. Concurrent resolution expressing the sense of the Congress with respect to the adverse impact of early projections of election results by the news media; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

PRIVATE RESOLUTION

Mr. FAUNTROY introduced a resolution (H. Res. 525) to refer the bill H.R. 5869 for the relief of Naum S. Bers to the chief judge of the U.S. Claims Court, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 1880: Mr. SIKORSKI.

H.R. 4126: Mr. HORTON.

H.R. 4475: Mr. SILJANDER.

H.R. 5143: Mrs. ROUKEMA.

H.R. 5232: Mr. KOGOVSEK, Mr. DWYER of New Jersey, Mr. BEILENSON, Mr. GONZALEZ, Mr. DURBIN, Mr. SUNIA, Mr. SMITH of Florida, Mrs. LLOYD, and Mr. STENHOLM.

H.R. 5377: Mr. MOAKLEY, Mr. BROWN of Colorado, Mr. HARKIN, and Mr. BERMAN.

H.R 5511: Mrs. ROUKEMA and Mr. WILLIAMS of Montana.

H.R. 5581: Mr. FAUNTROY, Mr. DELLUMS, Ms. KAPTUR, Mr. MCNULTY, Mr. STOKES, and Mr. RATCHFORD.

H.R. 5592: Mr. PERKINS and Mr. MURTHA.

H.R. 5593: Mr. MILLER of Ohio, Mr. HAMILTON, Mr. DE LUGO, and Mr. RITTER.

H.R. 5640: Mr. FROST and Mr. MITCHELL.

H.R. 5745: Mr. CORRADA.

H.R. 5791: Mr. PRICE.

H.R. 5865: Mr. BEVILL, Mr. BENNETT, and Mr. DERRICK.

H.J. Res. 485: Mr. COUGHLIN, Mr. AKAKA, Mr. ACKERMAN, Mr. CARPER, Mr. YATRON, Mr. HAWKINS, Mr. BADHAM, Mr. KEMP, Mr. HARRISON, Mr. UDALL, Mr. VALENTINE, and Mr. DERRICK.

H.J. Res. 497: Mr. CHENEY, Mr. KOSTMAYER, Mrs. BOXER, Mr. TRAXLER, Mr. FRENZEL, Mr. BIAGGI, Mr. MINISH, and Mr. STOKES.

H.J. Res. 543: Mr. SPRATT, Mr. MORRISON of Connecticut, Mr. ADDABBO, Mr. ANDREWS of North Carolina, Mr. AKAKA, Mr. BEVILL, Mrs. BOGGS, Mr. BOSCO, Mr. BREAUX, Mr. WALGREN, Mr. DELLUMS, Mr. DONNELLY, Mr. FAZIO, Mr. FRANK, Mr. DEWINE, Mr. BOLAND, Mr. WRIGHT, Mr. HEFTEL of Hawaii, and Mr. PANETTA.

H.J. Res. 566: Mr. BATES, Mr. CROCKETT, Mr. KRAMER, Ms. MIKULSKI, Mrs. BOGGS, Mr. KOLTER, Mr. SISISKY, Mr. BONER of Tennessee, Mr. VENTO, Mr. GEKAS, Mr. DE LA GARZA, Mr. DURBIN, Mr. MCCOLLUM, Mr. BENNETT, Mr. FAUNTROY, Mr. DREIER of California, Mr. BOEHLERT, Mr. YOUNG of Alaska, Mr. FRANK, Mr. CONABLE, Mr. LOWRY of Washington, Mr. GARCIA, Mr. MILLER of California, Mr. RICHARDSON, Mrs. JOHNSON, Mr. WINN, Mr. LAFALCE, Mr. LOWERY of California, Mr. YATRON, Mr. ACKERMAN, Mr. SEIBERLING, Mr. BRITT, Mr. FOWLER, Mr. MCHUGH, Mr. COUGHLIN, Mr. SABO, Mr. MAZZOLI, Mr. MARTINEZ, Mr. OBERSTAR, Mr. BRYANT, Mr. LANTOS, Mr. COELHO, Mr. ROSTENKOWSKI, Mr. MADIGAN, Mr. EVANS of Iowa, Mr. BROOKS, Mr. DOWDY of Mississippi, Mr. WEISS, Mr. SOLARZ, Mr. MOORHEAD, Mr. UDALL, Mr. SCHEUER, Mr. DARDEN, Mr. MYERS, Mr. WRIGHT, Mr. CONTE, Mr. BARNARD, Mr. COYNE, Mr. KASTENMEIER, Mr. BILIRAKIS, Mr. YOUNG of Missouri, Mr. CLAY, Mr. LEHMAN of Florida, Mr. SPRATT, Mr. SMITH of New Jersey, Mr. THOMAS of Georgia, Mr. TALLON, Mr. ROEMER, Mr. GRADISON, Mr. CONYERS, Mr. PEPPER, Mrs. KENNELLY, Mr. HEFTEL of Hawaii, Mr. GINGRICH, Mr. DANNEMEYER, Mr. BOUCHER, Mr. SCHUMER, Mr. RODINO, and Mr. MAVROULES.

H. Con. Res. 285: Mr. DENNY SMITH.

H. Con. Res. 301: Mr. YOUNG of Missouri, Mr. KOLTER, and Mr. ANDREWS of Texas.

H. Con. Res. 302: Mr. SIMON, Mr. GEKAS, Mr. HYDE, Mr. PORTER, Mr. MARTINEZ, Mr. FROST, Mr. LAFALCE, and Mr. WAXMAN.

H. Res. 518: Mr. MICHEL.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3678

By Mr. CHENEY:

(An amendment to the amendment in the nature of a substitute.)

—Page 301, Line 3: Delete Title XII in its entirety (Page 301, Line 3 through and including Page 313, Line 17).

H.R. 5798

By Mr. LUNGREN:

—Page 18, strike out lines 22 and 23.

—Page 18, strike out line 16 and insert in lieu thereof "$2,230,228,000, of which (1) not to exceed $86,814,000".

SENATE—*Monday, June 18, 1984*

(Legislative day of Monday, June 11, 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].

PRAYER

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

Let us pray:

Beloved, let us love one another: for love is of God * * *—I John 4:7.

Father in Heaven, we live in a world that is starved for love. Children, unloved by parents, are exploited by greed. Elderly die of loneliness, forgotten and unloved. There are men and women who work here who feel that no one loves them.

God of love, help us never to forget that Thou dost love us with impartial, unconditional, eternal, perfect love. Remind us that there is nothing we can do to make Thee love us more—there is nothing we can do to make Thee love us less—for Thou art love. And Father, if we forget Thy love, help us to remember the man on the cross. In the name of Him who was incarnate love. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

LATE SESSION EXPECTED

Mr. STEVENS. Mr. President, Members of the Senate should be on notice that the manager of the defense authorization bill has indicated that we can expect a late night and perhaps an all-night session if we do not get a time certain agreement to terminate the consideration of this bill by tomorrow evening.

WOMAN AT THE TOP OF THE WORLD

Mr. STEVENS. Mr. President, I would like to bring to the attention of the Senate the tremendous effort one Alaskan has contributed to the welfare of the Native Alaskans who hunt the bowhead whale for subsistence purposes. Marie Adams is the city manager of Barrow, AK. Before taking that position she was the executive director of the Alaska Eskimo Whaling Commission [AEWC].

The purpose of the AEWC is to ensure that the needs of the Native peoples are not ignored when the International Whaling Commission [IWC] sets quotas for whaling, and to manage the actual subsistence take. Marie Adams was instrumental in convincing the U.S. Government, as a member nation of the IWC, to support a position which permitted the Native peoples to continue the subsistence hunting of bowheads.

Marie was faced with resistance from her own people, as well as from parties interested in protecting the bowhead. Eskimo men have traditionally held the predominant role during the whale hunts. Many individuals were hesitant when a woman was appointed to spearhead the drive which would eventually lead to the preservation of subsistence hunting rights. Through her diligence, Marie succeeded in convincing critics in Washington that the subsistence hunt could continue without endangering the species. She also convinced her own people that a woman could do the job.

Mr. President, I ask unanimous consent to print in the RECORD the following article entitled "Success Story: Woman at the Top of the World," which recently appeared in the March 1984 edition of Working Woman. It describes Marie's role in the preservation of the subsistence hunt, and offers a valuable insight into the importance of this facet of the native culture.

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

SUCCESS STORY—WOMAN AT THE TOP OF THE WORLD

(By Deborah Heidecker)

Marie Adams, 31, is the new city manager of Barrow, Alaska, the political hot seat of the oil-rich North Slope. Adams administers a budget of more than $1 million and oversees city projects involving additional millions. But Adams isn't the ordinary young executive fast-tracking her way to the top. Before becoming city manager, she was the executive director of the Alaska Eskimo Whaling Commission, a private, self-regulating association of Alaskan natives who rely on whale-hunting as part of their livelihood. Below, the story of that unusual job.

Like pieces of a jigsaw puzzle, the jagged ice shelf and the deep blue Arctic Ocean meet. It is late afternoon in May 1982 at the top of the world, Barrow, Alaska, about 1,000 miles from the North Pole. The sun is high and bright; it will not set again until August 2. Crowds of people from this small city (population 2,800) have rushed out to the ice so that they can watch the landing of the first whale in two years.

A few feet away, Inupiat men with white smocks over their parkas use long knives to butcher the bowhead whale. (Inupiat is the preferred term for the North Slope Eskimos.) They cut vertically, from backbone to belly. The outer black skin, with a few inches of blubber attached, is cut away first. The women waiting nearby then cut this skin, a delicacy called muktuk, into small pieces with their crescent-shaped ulu knives.

As the men cut shiny, purple "black meat" from the carcass, the whale's blood stains the ice red. Steam rises as the men work, because the blood is still warm and the temperature on the ice registers only 20 degrees above zero. A low roar signals the rising wind. Soon the warmest of Arctic gear will be penetrated by cold; with the windchill factor, the temperature on this May afternoon will drop to ten or 20 degrees below zero.

The men continue cutting the whale with amazing precision and speed. Even the young men, the teenagers who are just beginning to claim the inheritance of this rich tradition, seem to know exactly what do do. Young and old work in rhythm, grunting as they pull the heavy pieces of meat from the carcass. Within an hour, most of the 28-foot whale has been butchered. The meat will find its way into every Inupiat household in Barrow, distributed at Thanksgiving and Christmas by the captain who led the crew that caught the whale. And anyone in Barrow who needs food during the winter can count on receiving some whale meat from this catch.

Among the spectators is Marie Adams, who had been in her Barrow office, meeting with a visiting attorney from Washington, DC, when news of the whale reached the shore. She had rushed out to the ice camp in time to see her uncle, Captain Jonathan Aiken, Sr., and his crew land the whale. Although Adams appears to be just another observer, she is responsible for landing the whale as surely as if she had harpooned it herself.

Adams, a native Alaskan, is the executive director of the Alaska Eskimo Whaling Commission (AEWC), and in this position she presides over the most important of her people's traditions: bowhead whaling. Appointed in 1980 as the AEWC's first woman executive director, Adams has transformed the commission from a loosely structured organization of Inupiat whaling captains and community leaders into a formal nonprofit association that regulates subsistence whaling.

PROTECTING A WAY OF LIFE

For whaling is more than a cultural tradition to the people of Barrow—it is a means of support. While commercial whalers use large, factory-built whaling vessels and modern weaponry and sell the whale meat and some oil from their catches, subsistence whalers from Barrow and other Inupiat communities hunt from small skin boats and use traditional harpoons and turn-of-the-century Yankee shoulder guns. Their entire catch is used by the villagers; nothing is sold for profit. Most of the Inupiat whalers combine seasonal jobs with subsistence whale hunting. (Government and construction companies are the major employers in Barrow).

When Adams first took her position, Alaskan whaling was managed by the National

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

Marine Fisheries Service, a part of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). "This caused problems," Adams says. "People were nervous because they felt they were being policed out on the ice."

In 1981, a cooperative agreement between the AEWC and NOAA was signed, giving the AEWC the power to manage subsistence whaling by the Inupiat people. Each of the nine Inupiat villages involved in bowhead whaling is represented by a commissioner, and Adams and the commission have drawn up a set of hunting regulations and developed a hunt-reporting system.

During the whaling season, Adams flies on bush planes to some of these villages, from Gambell and Savoonga on Saint Lawrence Island, up the Bering Strait to Wales, which lies opposite the Soviet Union, and along the Arctic coastline of Kivalina, Point Hope, Wainwright, Barrow and, finally, Nuiqsut and Kaktovik, a village on Barter Island near the Canadian border. She also is in telephone contact almost daily with Washington, DC, keeping abreast of proposed legislation that would affect whaling in Alaska.

The AEWC holds annual meetings to discuss priorities for the coming year; in the past three years, Adams and the AEWC have given priority to raising the bowhead-whale strike quota for subsistence whaling in Alaska. [Strikes—harpoon attempts—are regulated by the International Whaling Commission (IWC), a group of 40 interested nations.] Adams also has worked diligently to make the US government, environmentalists and IWC members aware of the difference between commercial and subsistence whaling

By the end of 1983, Adams had made progress toward both goals. In 1982, the IWC passed an amendment providing that it would set quotas for subsistence whaling according to different principles than those it used when setting commerical whaling quotas—the IWC now takes the cultural and nutritional needs of the Inupiat whalers into account, for example. And in 1983 the IWC delegates set the number of Alaskan strikes for subsistence whalers at 43 over the next two years. Communities like Barrow care deeply about getting higher strike quotas because they sometimes use their allotted strikes without landing a whale.

Less than a century ago, Inupiat women like Adams had a rigid role in the superstition-steeped, ritualistic whaling events. They helped launch the boats, brought supplies to the all-male crews, who sometimes camped for months on the ice, and hauled whale meat back to the villages by sled after a catch. If a menstruating woman refused to go ashore, she was beaten severely.

Today, snowmobiles coexist with sleds in Barrow, but women seldom become crew members on the umiaks, or sealskin boats, that still are used during whaling season. Like many modern Inupiat people, Adams is a person of two worlds: the rich and sometimes brutal world of the traditional Inupiat society and the fast-paced world of Western society. Most of her Inupiat contemporaries have chosen to become homemakers, and Adams admits that few of them hold positions comparable to her own.

In addition to crossing traditional sex barriers, Adams has managed to earn respect from whaling crews and environmentalists alike. She has had to battle hard for acceptance as the woman who oversees the male world of Inupiat whaling. Says Eugene Brower, the powerful mayor of the North Slope Borough (Barrow and the surrounding area) and a whaling captain, "There was a lot of skepticism in the beginning, even on my own part. Like a lot of whaling captains who spend time out on the ice. I wasn't sure about Marie. But she's proven herself over and over."

Adams' first battle was her parents. "They wanted me to get married and have a family," she says. "After I turned 25, they just sort of accepted what I was doing. I got teased a lot for being an 'old maid,' though." She doesn't think marriage and her career are mutually exclusive; it's just that, "when men have asked me to marry them, they always expected me to quit doing things. So I said no." She admits that when she first took the executive directorship, she didn't know the implications it held for her personal life. "I didn't realize it would take over my life for at least two years," she says. What would have been free time was often spent traveling to the nine villages she represents, to Washington, DC, or to an annual IWC conference.

Adams and her five brothers and four sisters are part of a family with a long whaling history. Her mother, born and raised in Barrow, has several generations of whalers behind her. Adams's uncle, Whitlan Adams, was the captain of a whaling crew for many years, an honored position in the Inupiat culture. He has passed his generations-old Yankee whaling equipment and his blessing to Marie's brother Jake. (Adams' father, interestingly, was not a whaler but a reindeer herder.)

Adams has lived in Barrow all of her life, except for absences to pursue her education. She attended high school in Sitka, Alaska, and studied at the University of Alaska at Fairbanks, Evangel College in Springfield, Missouri, and finally, George Washington University in Washington, DC. She graduated from George Washington with honors in 1980, with a BA in education and human development. Adams says she had planned to return to Barrow to teach, but she was sidetracked by the issue that eventually became a passion in her life: the preservation of subsistence whaling in Alaska.

FIGHTING FOR HER PEOPLE

In spring 1970, while Adams was still a student, her brother Jake (AEWC's first chairman) asked her to work for the commission. Adams because a legal intern at Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, the Washington, DC, law firm that has represented the AEWC in suits against the US government. Almost ever since 1977, the IWC has proposed to ban or severly restrict bowhead whaling, and the AEWC has sought either to get the US to object to the proposed IWC bans or to regulate whaling itself instead of following IWC amendments. In the beginning, the IWC's efforts to ban bowhead whaling were based in part on fears of the whale's possible extinction: A 1977 partial count of the bowhead whales off the shores of Alaska turned up only 800 to 1,200 whales.

Adams was one of the people who pushed for better research about bowhead populations, research that eventually proved the 1977 count to be vastly understated. Howard Braham, cetacean research program manager at the National Marine Mammal Laboratory in Seattle, Washington, says that the 1977 count was never intended to be a complete population estimate, although some interpreted it as such. Later, more scientific, studies funded by the US government, the North Slope Borough and the state of Alaska have convinced many that the bowheads would not be threatened by subsistence whaling. Scientists now agree, says Braham, that there are about 4,000 bowheads.

Because of the threat of AEWC suits, the new scientific evidence proving that the bowhead whales are more numerous than once thought, and a more open attitude on the part of NOAA administrator John V. Byrne, the federal government now works more closely with the AEWC. As a result, the AEWC has decided not to pursue any lawsuits against the US. Some IWC members undoubtedly will continue to seek bans or tight restrictions on bowhead whaling, but for the moment, at least, the AEWC seems to have won US government support for its position.

Deborah Gottheil, an attorney with Van Ness, Feldman, recalls the hurdles Adams faced when she began working for the AEWC and in her early days as executive director: "In the beginning, we had to fight to get an Eskimo allowed into an IWC meeting. Adams is the only non-commissioner or non-deputy commissioner who has been allowed to address the commission, aside from scientists."

And once she was before the commission, Adams held her own. "Marie has spoken three times in the IWC forum, and she's expressed herself elegantly and forcefully," says Mayor Brower. "She's done a hell of a job fighting for her people and their beliefs," he sums up.

"She commands phenomenal respect from everyone she deals with," Gottheil agrees. During negotiations, "by the time Marie speaks, there's no more room for give. People understand that she's expressing the bottom line." As executive director, Gottheil adds, "she's had to negotiate as much with her community as with the government." Two years ago, an angry whaler from Barrow sent telegrams to President Reagan and others, saying he and his fellow whalers would defy the strike quota imposed by the IWC, because Barrow had used its three strikes without catching whales. Adams was able to convince whalers not to violate the quota; if they had done so, they would have endangered future negotiations. "During a crisis she has been able to get people off the ice when no one else could," says Gottheil.

Adams is self-contained, not given to wide gestures or emotional displays. But in her hometown, she participates in the feasts centered around whaling. Last spring, she helped her brother Jake ready his boat for launching. And at the end of the whaling season, which runs from April to mid-June, her people celebrate with a Nalukataq, or blanket-tossing celebration, in which villagers are tossed in the air, trampoline-style, from a large skin blanket held at the edges by neighbors and friends. Whale meat and muktuk are distributed at the Nalukataq, and Adams always is there to join in the festivities.

Long ago, Inupiat women poured fresh water in a dead whale's spout hole, as a sign of respect for the animal and to ensure future catches. Adams has worked toward the same end, using words instead of water.

Mr. STEVENS. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The distinguished acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for his use later in the day.

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

Mr. PROXMIRE. Mr. President, I think I have a special order. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. PROXMIRE. I will speak under that special order at the present time.

WHY SPEAK OUT EVERY DAY ON THE THREAT OF NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, for more than 2 years this Senator has been speaking on the floor of the Senate every day the Senate has been in session discussing how and why this Federal Government should take much more aggressive action to stop the nuclear arms race. I intend to continue these speeches for these reasons:

First, there is no more dangerous threat to the survival of our Nation and of civilization itself than the threat of nuclear war.

Second, the prospect of nuclear war is far more serious and likely than most Americans and most Members of Congress realize.

Third, although we have concentrated our military resources to prevent a preemptive nuclear attack on this country by the Soviet Union, such an attack represents the least likely potential origin of nuclear war.

Fourth, a more likely initiation of nuclear war might come from a breakdown in command and control that would give one side or the other a false warning of an attack. Such a false warning could precipitate a retaliation that would initiate a total nuclear war.

Fifth, by far the most likely cause of a nuclear war will come if nuclear armed nations continue to permit the spread of nuclear arms technology to other nations. U.S. military intelligence services have forecast that if we and other nations continue to follow present nuclear technology export policies within the next 16 years more than 31 nations will have nuclear arsenals. These nations include Libya and Iran. If this develops we would have virtually no chance of maintaining a nuclear peace.

Sixth, according to Dr. Carl Sagan and other eminent scientists from many countries, even a small nuclear war not involving the United States or the Soviet Union in any way could trigger a worldwide nuclear winter that would envelope the planet, pitch the entire Earth into almost total darkness for weeks and into bitter subzero cold for months. Animals and plants would die. Hundreds of millions of people would perish from starvation, including many Americans. It would be the worst environmental disaster on Earth in 50 million years. Congress has given the threat of nuclear winter no attention whatsoever. I intend to press for hearings in depth on this phenomenon and its implications for congressional policy. We will hold hearings in the Joint Economic Committee on July 11 and 12 on the nuclear winter. I hope that other Members of Congress will conduct hearings before other committees.

Seventh, there are no simple, obvious easy answers to the nuclear war threat. We cannot, and will not, and should not unilaterally disarm or destroy our nuclear weapons. On the other hand we should not continue our present policy—the policy that has been carried on through the administration of the last eight Presidents—ever since the dawn of the nuclear weapons age at Hiroshima, that is, a virtually unrestrained nuclear arms race, and the erratic, off-and-on sale of nuclear technology to other nations. It is true that deterrence has constituted a successful policy for 30 years. It may serve to keep a nuclear peace for a few more years. But by itself it will fail because it permits the nuclear arms technology to race ahead pushing both superpowers into unpredictable and sometimes unstable postures. And it aggravates the danger of proliferation.

What then is the wisest policy our Nation can pursue to give the United States and civilization the best chance to survive this nuclear weapons age? I suggest these policies:

First, vigorous pursuit of a comprehensive nuclear arms control treaty with the Soviet Union that will stop the nuclear arms race, enforced by the strongest verification program we can negotiate.

Second, a continuous followup of this comprehensive, verified nuclear arms treaty with an agreement for a drastic reduction of nuclear arms by both sides, and

Finally, most important of all: A full court press for an effective international antinuclear proliferation agreement. We should put the full force of the U.S. economic strength behind the enforcement of the treaty, including a refusal by this country to trade with any nation that bought or sold any product or material or technology that might be transferred to nuclear war purposes. Here too we should press hard for the strongest possible kind of verification procedures to stop the spread of nuclear weapons.

We must understand that even if this and other countries take each of the steps I advocate, we will still have to live with nuclear weapons in a cruelly dangerous world. But these steps will at least give us and our children and grandchildren a fighting chance to survive.

So Mr. President, I intend to continue these speeches in the months ahead in the earnest hope that somehow we can find our way through this terrible minefield with nuclear catastrophe threatening our future as mankind's future has never been threatened before.

THE HORROR OF THE HOLOCAUST ON FILM

Mr. PROXMIRE. Mr. President, the U.S. Holocaust Memorial Council, the American Film Institute, and the Congressional Arts Caucus will be presenting on Tuesday the first American showing of an important film on the Holocaust.

This film, supervised in part by Alfred Hitchcock, was abandoned just 1 month after the end of World War II on the orders from the British and American Governments due to its ghastly content. It was screened for the first time in February of this year to a select audience at the Imperial War Museum in London. That group felt they just witnessed the most terrifying movie ever made.

The film has no name. The footages used to compose it were extracted from German archives. It is alleged that the master of horror on the screen, Hitchcock, could not bring himself to watch the film. It was so terrible.

This film presents the reality of the Jewish Holocaust—no acting, no special effects. It serves as a reminder to us that our work is not complete in preventing this crime from occurring again.

Mr. President, none of us can possibly understand or even begin to understand the fear, helplessness or anger that the 6 million men, women, and children must have felt at that time—even if we view live footage of this massacre.

No Jew was exempt. The young and the old, the strong and the weak, the males and the females were all forced to die.

But, Mr. President, no one expects us to fully understand what they went through. We are just required to know that it did happen and to try to prevent it from recurring. It was in this context that the Genocide Treaty was conceived.

In December, 1946, the newly created United Nations, appalled and shocked at detailed reports of Nazi atrocities, unanimously adopted a resolution declaring genocide a crime under international law. Two years later the General Assembly gave its

unanimous approval, 55 to 0, to the text of the Genocide Convention.

The United States, playing a key role in drafting and formulating the Genocide Convention, signed it 2 days after its approval by the General Assembly. It was transmitted to the Senate on June 6, 1949. It has been reported by the Foreign Relations Committee to the floor of the Senate four times. It has never passed. Six Presidents—Democratic and Republican—have strongly endorsed the treaty, but the Senate has failed to act on it.

I earnestly hope, Mr. President, that at long last we can act. It is my understanding that the administration is now considering very seriously supporting the treaty, and I think with the support of this administration, we have a particularly strong chance of getting enactment of this Genocide Convention at long last.

Rarely is it given to a single treaty the near unanimous support that this one has received throughout the years. Yet, we have repeatedly failed to hear this call.

Let us hear this call today. Let us heed the silenced voices of 6 million persons who were victims of this crime.

Let us, in the Senate, ratify the Genocide Convention.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. DURENBERGER). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 10 minutes each.

IN SUPPORT OF THE FAIR AND SIMPLE TAX

Mr. KASTEN. Mr. President, my good friend JACK KEMP and I have introduced the fair and simple tax plan (H.R. 5533/S. 2600) as a much needed tax reform for the American taxpayers.

FAST is a flat tax, but is carefully designed to overcome the negative features of a pure flat tax. It will raise roughly the same amount in revenue as current law, but without shifting the tax burden from the upper income to low- and middle-income taxpayers. It also maintains important provisions for the working poor, families, homeowners, savers, and small businesses.

And yet, as a flat tax, FAST solves many of the problems of a progressive tax system, such as the marriage penalty for a family with two income earners, the disincentives of increasing marginal tax rates as earnings increase, and bracket creep.

Since its introduction, our plan has received attention—and favorable response from many quarters. One such pat on the back comes from Patrick Buchanan. In his column of May 11, 1984, he puts it very simply: "Kemp-Kasten tax law a must." I appreciate his good words, and commend the article to the attention of my colleagues. I ask unanimous consent that it be printed in the RECORD at this point.

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

KEMP-KASTEN TAX LAW A MUST

(By Patrick Buchanan)

In 1983, the Reagan recovery created more jobs than Europe did in 10 years.

Francois Mitterand, the French socialists who came to power at the same time as Ronald Reagan, with similar economic problems, made his hegira to Silicon Valley to learn how Yankee entrepreneurs are paving the way to the future.

While the German economy stagnates, with 10 percent unemployment, the U.S. economy, we are told, is in danger of "overheating," and needs to be restrainted by Paul Volcker, who has shown previous aptitude for such work.

With the strongest recovery since World War II, with his philosophy of sound money and lower taxes vindicated, Ronald Reagan, one would think, would be leading the victory parade, announcing to his troops, plans for even deeper tax rate reductions, even better times, if they will help him win another term.

Where, however, is the troubadour of private enterprise to be found? Home from China, he is building support for the fourth major tax increase in 20 months, acquiescing in congressional cuts in the rearmament program that was to be part of his presidential legacy.

One understands the senior Republicans recidivist to the core; they needed little prodding to return to the business of raising taxes to "balance" budgets unbalanced by their Democratic colleagues' procilivity for spending what they do not have.

But apparently Reagan has suffered a lapse of faith.

How explain it?

During 1982, the most difficult of times, when the Democrats were blaming the president for the "worst recession since the Great Depression," the president remained chipper. The ideas are valid, he insisted; the program will work.

Work it did. But even as the Democrats have ceased talking about economics and begun focusing on more fruitful matters such as Ed Meese's cufflinks, Reagan himself seems to have lost faith, or lost interest. Just as the political pot is to be raked in, the president is throwing away a winning hand.

Currently, he is about to accept some $45 billion in tax hikes and commensurate cuts in his defense buildup in exchange for increasingly vague promises of cuts in social spending. It is the same pig in a poke he was sold in the summer of 1982.

Meanwhile, the younger Democrats, having been flanked and routed by Reagan on the issue of tax cuts, have picked up in the ideas and the themes that helped Ronald Reagan win the presidency.

Sen. Bill Bradley of New Jersey and Rep. Richard Gephardt of Missouri are lining up broad support within their party for steep cuts in the marginal tax rates—from 50 percent to a maximum of 30 percent—in exchange for closing tax loopholes and ending tax perferences. Bradley-Gephardt has been on the table for a year and has the endorsement of Gary Hart.

Unwilling to wait on the White House, younger Republicans led by Rep. Jack Kemp (N.Y.) and Sen. Bob Kasten (Wis.) have come forward with an idea of their own—the Fair and Simple Tax, or FAST.

Personal exemptions would be doubled to $2000. Deductions would be pretty much limited to IRAs, interest (including mortgage), charitable contributions and real property taxes. The poor would pay nothing. A single working man would not begin paying until his income reached $5,875 (currently he starts paying at $3,800). A family of four would not begin paying federal income taxes until $14,875 (roughly $9,000 under current law). The flat rate on all wages and salaries above these figures would be 25 percent.

The superiority of Kemp-Kasten over Bradley-Gephardt lies in the lower tax rate, greater simplicity (the K-K tax form fits on a single page) retention of the capital gains differential—and retention of indexation, the working class' insurance against inflation.

With more and more Americans enraged at the complexity and unfairness of the existing code, with the middle class paying at rates intended for the Mellons, with tax revolts brewing in a dozen states, reform and the "flat tax" are ideas whose time has come. Where is the Leader?

A TRIBUTE TO REV. ROBERT C. MORGAN

Mr. HEFLIN. Mr. President, today I rise to pay tribute to a very special Alabamian, a fine pastor with a lifelong commitment to serving God and his fellow man, Robert C. Morgan of Birmingham.

Robert Morgan was born and educated in Birmingham, graduating from my alma mater of Birmingham-Southern College. He received a master of divinity from Emory University and returned to Birmingham-Southern to be honored with the doctor of divinity degree. In 1957, Bob became an ordained United Methodist minister. He now serves as senior pastor of Vestavia Hills United Methodist Church in Birmingham.

During his years of church service, Robert Morgan's ability and devotion have placed him in positions of leadership in both community and religious roles. Presently, Bob serves as a member of the board of trustees of Birmingham-Southern College and as a member of the board's executive committee. In addition, he is a member of the Board of Ordained Ministry and a past member of the Board of the Methodist Children's Home and the Wesley Foundation of the University of Alabama.

In the past, Bob Morgan has served the church as district superintendent of the Tuscaloosa District for 5 years. He has also participated in preaching missions in Central and South America, and in a pulpit exchange program with the World Methodist Council.

Around a year ago Dr. Morgan visited the Nation's Capital. I was impressed that he spent a considerable amount of time with his son, explaining historical sites and scenes to him. He obviously is a caring father, interested in historical values which must be instilled in our youth if this Nation is to continue to be "the land of the free and the home of the brave."

Mr. President, Bob Morgan is an outstanding example of the type of individuals who have given our country its strong religious heritage. He has a warm heart, clarity of vision, overriding compassion and has, time and time again, demonstrated that he is an outstanding religious leader. I am pleased to be able to share his story with my colleagues.

Thank you, Mr. President.

POPULATION AND WORLD ECONOMIC DEVELOPMENT

Mr. DENTON. Mr. President, during the last several days, there have been press reports about a White House policy paper on population policy and international economic development. Reporters and columnists have quoted freely from it. Organizations seem to have copies, both to praise and to oppose. Some Members of Congress, it is reported, have received copies through the courtesy of two former Members, Senators Robert Taft and Joseph Tydings, who have worked closely on this matter with the Population Crisis Committee.

In short, everyone seems to have information on the controversy except the taxpayers, who annually are billed one-quarter billion dollars just for the population account at the Agency for International Development.

I think that it would, therefore, be appropriate to have the administration's proposed policy paper on population and world economic development appear in the RECORD. In my opinion, it is quite good, but I will welcome the judgment of others.

To assist us all in assessing the document, I submit along with it copies of three documents that take a different position:

An alternate policy statement prepared at the Department of State;

An alternate policy paper prepared at the Agency for International Development;

A "Critique of the White House Draft Position Paper" prepared by Peters Willson of the Alan Guttmacher Institute.

Those documents, Mr. President, will form the basis, during the next several days, for one of the most important decisions our Government will make this year. It could turn out to be an extremely expensive decision for the taxpayers, if it results in the expenditure of still more money for population control.

The alternatives to the White House policy paper raise more than financial questions. Why, for example, do some in the State Department still speak about "terminating unwanted pregnancies."

Moreover, on the basis of what evidence did some in the State Department ascertain that "violent demonstrations and mass riots over food or sectarian causes in the recent past" in various large cities are manifestations of growing demographic pressures?

Both the State paper and its AID counterpart stand in stark contrast to the policy statement developed at the White House. That statement sounds so much like our President—candid, optimistic, humane, sensible, unafraid to challenge time-worn shibboleths—that it may already bear the imprint of his hand, as it surely reflects his head and heart.

So that we all may compare these sharply distinct, and even divergent, documents, I ask unanimous consent that they be printed in the RECORD.

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

WHITE HOUSE: DRAFT STATEMENT

For many years, the United States has supported, and helped to finance, programs of family planning, particularly in the less developed countries. This Administration has continued that support but has placed it within a policy context different from that of the past. It is sufficiently evident that the current exponential growth in global population cannot continue indefinitely. There is no question of the ultimate need to achieve a condition of population equilibrium. The differences that do exist concern the choice of strategies and methods for the achievement of that goal. The experience of the last two decades not only makes possible but requires a sharper focus for our population policy. It requires a more refined approach to problems which appear today in quite a different light than they did twenty years ago.

First and most important, in any particular society today, population growth is, of itself, a neutral phenomenon. It is not necessarily good or ill. It becomes an asset or a problem only in conjunction with other factors, such as economic policy, social constraints, need for manpower, and so forth. The relationship between population growth and economic development is not a negative one. More people do not mean less growth; that is absurd on its face. Indeed, both in the American experience and in the economic history of most advanced nations, population growth has been an essential element in eocnomic progress.

Before the advent of governmental population programs, several factors had combined to create an unprecedented surge in population over most of the world. Although population levels in many industrialized nations had reached or were approaching equilibrium in the period before the Second World War, the baby boom that followed in its wake resulted in a dramatic, but temporary, population "tilt" toward youth. The disproportionate number of infants, children, teenagers, and eventually young adults did strain the social infrastructure of schools, health facilities, law enforcement and so forth. It also sustained strong economic growth and was probably critical in boosting the American standard of living to new heights, despite occasionally counterproductive government policies.

Among the less developed nations, a coincidental population increase was caused by entirely different factors, directly related to the humanitarian efforts of the United States and other western countries. A tremendous expansion of health services—from simple inoculations to sophisticated surgery—saved millions of lives every year. Emergency relief, facilitated by modern transport, helped millions to survive flood, famine, and drought. The sharing of technology, the teaching of agriculture and engineering, the spread of western ideals in the treatment of women and children all helped to drastically reduce the mortality rates, especially infant mortality, and to lengthen the life span.

The result, to no one's surprise, was more people, everywhere. This was not a failure but a success. It demonstrated not poor planning or bad policy but human progress in a new era of international assistance, technological advance, and human compassion. The population boom was a challenge; it need not have been a crisis. Seen in its broader context, it required a measured, modulated response. It provoked an overreaction by some, largely because it coincided with two negative factors which, together, hindered families and nations in adapting to their changing circumstances.

The first of these factors was governmental control of economies, a pathology which spread throughout the developing world with sufficient virulence to keep much of it from developing further. As economic decision-making was concentrated in the hands of planners and public officials, the ability of average men and women to work toward a better future was impaired, and sometimes crippled. Agriculture was devastated by government price fixing that wiped out rewards for labor. Job creation in infant industries was hampered by confiscatory taxes. Personal industry and thrift were penalized, while dependency upon the state was encouraged. Political considerations made it difficult for the economy to adjust to changes in supply and demand or to disruptions in world trade and finance. Under such circumstances, population growth changed from an asset in the development of economic potential to a peril.

The worst consequence of economic statism was that it disrupted the natural mechanism for slowing population growth in problem areas. The world's more affluent nations have reached a population equilibrium without compulsion and, in most cases, even before it was government policy to achieve it. The controlling factor in these cases has been the adjustment, by individual families, of reproductive behavior to economic opportunity and aspiration. Economic freedom has led to economically rational behavior. As opportunities and the standard of living rise, the birth rate falls.

That historic pattern would already be well under way in many nations where population growth is today a problem, if shortsighted policies had not disrupted economic incentives, rewards, and advancement. In this regard, localized crises of population growth are evidence of too much government control and planning, rather than too little.

The second factor that turned the population boom into a crisis was confined to the western world. It was an outbreak of an

anti-intellectualism, which attacked science, technology, and the very concept of material progress. Joined to a commendable and long overdue concern for the environment, it was more a reflection of anxiety about the unsettled times and the uncertain future and disregard of human experience and scientific sophistication. It was not unlike other waves of cultural anxiety that have, over the centuries, swept through western civilization during times of social stress and scientific exploration.

The combination of these two factors—counterproductive economic policies in poor and struggling nations and a pseudo-scientific pessimism among the more advanced—provoked the demographic overreaction of the 1960's. Doomsday scenarios took the place of realistic forecasts, and too many governments pursued population control measures that have had little impact on population growth, rather than sound economic policies that create the rise in living standards historically associated with decline in fertility rates. It was the easy way out, and it did not work. It focused on a symptom and neglected the underlying ailments. For the last three years, this Administration has sought to reserve that approach. We recognize that, in some cases, immediate population pressures may make advisable short-term efforts to meliorate them. But this cannot be a substitute for the economic reforms that put a society on the road toward growth and, as an aftereffect, toward slower population increase as well.

Nor can population control substitute for the rapid and responsible development of natural resources. In responding to certain Members of Congress concerning the previous Administration's Global 2000 report, this Administration in 1981 repudiated its call "for more governmental supervision and control. Historically, that has tended to restrict the availability of resources and to hamper the development of technology, rather than to assist it. Recognizing the seriousness of environmental and economic problems, and their relationship to social and political pressures, especially in the developing nations, the Administration places a priority upon technological advance and economic expansion, which hold out the hope of prosperity and stability of a rapidly changing world. That hope can be realized, of course, only to the extent that government's response to problems, whether economic or ecological, respects and enhances individual freedom, which makes true progress possible and worthwhile."

Those principles underlie this country's approach to the United Nations Conference on Population to be held in Mexico City in August. In accord with those principles, we reject compulsion or coercion in family planning programs, whether it is exercised against families within a society or against nations within the family of man. The United Nations Declaration of the Rights of the Child (1959) calls for legal protection for children before birth as well as after birth; and the United States accordingly does not consider abortion an acceptable element of family planning programs and will not contribute to those of which it is a part. Nor will it any longer contribute directly or indirectly to family planning programs funded by governments or private organizations that advocate abortion as an instrument of population control. Efforts to lower population growth in cases in which it is deemed advisable to do so must, moreover, respect the religious beliefs and culture of each society. Population control is not a panacea. It will not solve problems of massive unemployment. Jobs are not lost because there are too many people in a given area. Jobs are created by the conjunction of human wants and investment capital. Population growth fuels the former; sound economic policies and properly directed international assistance can provide the latter. Indeed, population density may make the latter more feasible by concentrating the need for both human services and technology. But as long as oppressive economic policies penalize those who work, save, and invest, joblessness will persist.

Population control cannot solve problems of unauthorized migration across national boundaries. People do not leave their homes, and often their families, to seek more space. They do so in search of opportunity and freedom. Reducing their numbers gives them neither. Population control cannot avert natural disasters, including families provoked by cyclical drought. Fortunately, world food supplies have been adequate to relieve those circumstances in recent years. Problems of transportation remain; but there are far deeper problems as well, in those governmental policies which restrict the rewards of agricultural pursuits, encourage the abandonment of farmland, and concentrate people in urban areas.

It is time to concentrate upon those root problems which frequently exacerbate population pressures. By focusing upon real remedies for underdeveloped economies, the United Nations Conference on Population can reduce demographic issues to their proper place. It is an important place, but not the controlling one. It requires our continuing attention within the broader context of economic growth and of the economic freedom that is its prerequisite. Most of all, questions of population growth require the approach outlined by President Reagan in 1981, in remarks before the World Affairs Council of Philadelphia: "Trust the people, trust their intelligence and trust their faith, because putting people first is the secret of economic success everywhere in the world." That is the agenda of the United States for the United Nations Conference on Population this year, just as it remains the continuing goal of our family planning assistance to other nations.

State Department Draft U.S. Scope Paper for the International Conference on Population

INTRODUCTION

A demographic watershed occurring in many Third World countries of vital concern to U.S. interests has critical implications for political stability, economic development, and health and humanitarian concerns. For this reason, international population policy is of high priority to U.S. foreign policy.

The International Conference on Population (ICP) offers the U.S. an opportunity to strengthen the international consensus on the interrelationships between economic development and population which has emerged since the last such conference in Bucharest in 1974. Our primary objective will be to encourage developing countries to adopt sound economic policies and, where appropriate, population policies consistent with respect for human dignity and family values. As President Reagan stated, in his message to the Mexico City Conference:

"We believe population programs can and must be truly voluntary, cognizant of the rights and responsibilities of individuals and families, and respectful of religious and cultural values. When they are, such programs can make an important contribution to economic and social development, to the health of mothers and children, and to the stability of the family and of society."

1. NATIONAL SECURITY CONCERNS

Conservative projections indicate that, in the sixty years from 1950 to 2010, many Third World countries of strategic or economic importance to the U.S. will experience four-, five-, or even sixfold increases in the size of their populations. Even under the assumption of gradual declines in birth rates, the unusually high proportion of youth in the Third World means that the annual additions to the populations of many of these countries will continue to grow larger for the next several decades.

Population growth—of such dimensions and over such a relatively short timeframe—is contributing to unusual economic, social, and resource pressures which threaten to undermine U.S. initiatives for peace, economic progress, and human dignity and freedom in many areas throughout the world. Intelligence analyses identify four destabilizing aspects of population change and demographic pressures that can be exploited by communism and extremist movements which breed on frustrated aspirations.

(a) Fast-growing youth populations.—The numbers of youth requiring jobs, education, and housing are growing faster than most developing countries can absorb them. For example, even with an anticipated decline in the birth rate, the number of young men in Egypt in the 15-to-24 age group will rise from 4.6 million in 1980 to 7 million by 2000; most of these men are already born. It is men in this age group, increasingly frustrated and angry, ready recruits for a cause, who have fueled unrest in Kenya, India, Lebanon, the Philippines, Iran, and elsewhere.

(b) International migration.—International labor migration, legal or illegal, and refugee movements, are creating growing political and social tensions in Africa, the Near East, Asia, and Central and South America.

(c) Explosive growth of cities.—The combination of rural poverty and high birth rates is bringing unprecedented growth to cities in the Third World. If present trends continue, Mexico City may surpass 25 million by the end of the century; Tehran, Karachi, and Cairo may reach 11-13 million; and places like Lagos and Kinshasa, which contained 200-300,000 people as recently as 1950, are headed toward over 9 million. The combination of overcrowding, unmet expectations, and different ethnic, religious, and social groups makes a politically volatile mix. Violent demonstrations and mass riots over food or sectarian causes in the recent past in cities as varied as Tunis, Bombay, Sao Paulo, Cairo, Rabat, Karachi, and Rio de Janeiro, are manifestations of these growing pressures.

Ethnic tensions.—Shifts in ethnic and religious composition are an actual or potential destabilizing influence in many developing countries.

Although rapid population growth is only one factor contributing to rising dangers of social unrest, political instability, and potential international conflicts over land, water, or resources, its influence should not be ignored. Moreover, the next few years will see many more people entering their child-bearing ages than leaving: the number of young

adults in the 20-to-39 age category will increase by 20 million in the North between 1980 and 2000—in the Third World, the increase will be 600 million, all of them already born. Thus, unless birth rates decline rapidly, demographic pressures in many countries will cumulate in the coming generations.

2. POPULATION, DEVELOPMENT, AND ECONOMIC POLICIES

Sound economic policies and a market economy are of fundamental importance to the process of economic development. Rising standards of living contributed in a major way to the demographic transition from high to low rates of population growth which occurred in the U.S. and other industrialized countries over the last century.

The current situation of many developing countries, however, differs in certain ways from conditions in 19th-century Europe and the U.S. The rates and dimensions of population growth are much higher now, the pressures on land, water, and resources are greater, the safety-valve of migration is more restricted, and, perhaps most important, time is not on their side because of the momentum of demographic change.

The problem is not the population growth in itself is bad. The problem is that rapid population growth compounds already serious problems faced by both public and private sectors in accommodating changing social and economic demands. It diverts resources from needed capital investment to consumption, and increases the costs and difficulties of economic development.

Population and family assistance policies and programs alone will not achieve economic miracles. They are no substitute for sound economic policies. Nevertheless, the governments of many developing countries now believe that rapid population growth has itself become, in many cases, an obstacle to the economic progress which should in time lead to smaller family size and slower population growth. A broad international consensus has emerged since the 1974 Bucharest World Population Conference that economic development and population policies are mutually reinforcing. This is why even LDC's with relatively sound, market-oriented economies have found it important to pursue voluntary programs to moderate population growth as part of their overall development strategy.

3. HEALTH AND HUMANITARIAN CONCERNS

Perhaps the most poignant consequence of rapid population growth is its effect on the health of mothers and childern. Especially in poor countries, the health and nutrition status of women and children is linked to family size. Maternal and infant mortality rises with the number of births and with births too closely spaced. In countries as different as Turkey, Peru, and Nepal, a child born less than two years after its sibling is twice as likely to die before it reaches the age of five, than if there were an interval of at least four years between the births. Complications of pregnancy are more frequent among women who are very young or near the end of their reproductive years. In societies with widespread malnutrition and inadequate health conditions, these problems are reinforced; numerous and closely space births lead to even greater malnutrition of mothers and infants.

The World Population Plan of Action, adopted at the Bucharest Conference in 1974, states: "All couples and individuals have the basic human right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so; the responsibility of couples and individuals in the exercise of this right takes into account the needs of their living and future children, and their responsibilities towards the community;"

Yet, throughout the world, hundreds of millions of families lack the information and means to exercise this right to have the number of children they desire. Because of the unprecedented and growing numbers of people moving into and through their childbearing years, the need for information and assistance is great. Even now, there is unmet demand for such services, and requests from developing countries for assistance from the U.S., UN, and other donors exceed current budgets (population assistance is currently less than two percent of worldwide Official Development Assistance). Because of the demographic momentum and the numbers involved, delays in offering voluntary programs may result in desperate governments resorting to measures which infringe upon human rights and dignity.

It is an unfortunate reality that in many countries abortion is used as a means of terminating unwanted pregnancies. This is unnecessary; voluntary family assistance programs can provide a humane alternative to abortion for couples who wish to regulate the size of their family, and evidence from some developing countries indicates a decline in abortion as such services are expanded.

4. U.S. POPULATION ASSISTANCE

It seems clear that ignoring demographic realities or delaying practical responses to these conditions runs the risk of perpetuating poverty and human degradation and undermining the stability of the family and of society. Hence, the U.S. has considered population to be one important component of a balanced development assistance strategy.

The basic objective of all U.S. assistance, including population programs, is the betterment of the human condition, improving the quality of life of mothers and children, of families, and of communities for generations to come. For we recognize that people are the ultimate resource—but this means happy and healthy children, growing up with an education, finding productive work as young adults, and able to develop their full mental and physical potential.

U.S. aid is designed to promote economic progress in developing countries through encouraging sound economic policies and freeing of individual initiative. Thus, the U.S. supports a broad range of activities in various sectors, including agriculture, private enterprise, science and technology, health, population, and education. Population assistance, while important in concept, amounts in monetary terms to only about ten percent of total development assistance.

As population factors had been neglected in early aid programs, the U.S. has in recent years taken an international leadership role in encouraging other donors and and international organizations to support voluntary population programs, as an important, cost-effective component of development aid. There is now substantial evidence, from countries with widely varying economic, social, and religious backgrounds, that relatively inexpensive family assistance programs can improve maternal and child health, bring down birth rates, and contribute to economic development.

Under this Administration, U.S. support for population programs abroad aims at strengthening family life and enhancing the freedom of couples in the exercise of responsible parenthood by expanding access to a side range of safe, effective, and acceptable family planning methods. The emphasis is on voluntarism, education and informed choice, and individual responsibility.

U.S. policy in this area is guided by certain basic ethical precepts:

Aid will be provided in ways which are sensitive to human dignity and local cultural values;

U.S. funds will not be used for abortion or abortion-related activities, for involuntary sterilization, or for population activities involving coercion;

U.S. development aid will never be conditioned on a country's acceptance of any particular population policy;

U.S. population assistance will be provided only in the context of an overall development program.

5. THE U.S. AT MEXICO CITY

Because nearly all major LDC's have themselves adopted positions on population matters advanced by the U.S. and its Western allies over the past twenty years, the U.S. delegation need not be out front in Mexico City. Other countries will, however, look for our support in strengthening the broad consensus on population and development that has emerged over the past several years.

Based on the above discussion, the following principles should be drawn upon to guide the U.S. delegation at the ICP.

1. Population factors merit serious consideration in development strategy, although they are not a substitute for sound economic policies which liberate individual initiative through the market mechanism.

2. Population policies and programs should be fully integrated into, and reinforce, appropriate, market-oriented development policies; their objective should be clearly seen as an improvement in the human condition, and not merely an exercise in limiting numbers.

3. Access to family education and services needs to be significantly expanded, expecially in the context of maternal/child health programs, in order to enable couples to exercise responsible parenthood. Consistent with local values and customs, the U.S. favors offering couples the widest practicable variety of medically approved methods, including natural family planning.

4. Respect for human life is basic, and any attempt to use abortion, involuntary sterilization, or other coercive measures in family planning must be rejected.

5. National and international resources addressed to population issues should be commensurate with the growing dimensions of the problem.

6. The status, education, and employment of women should be strengthened.

7. There should be higher international priority for biomedical research into safer and better methods of fertility regulation, including natural family planning, and for operations research into more effective service delivery and program management.

8. Issues of migration should be handled in ways consistent with both human rights and national sovereignty.

9. Problems of aging populations also merit international attention.

10. The U.S., in cooperation with other concerned countries should resist intrusion of polemical or non-germane issues into Conference diliberations. In particular, a draft recommendation on disarmament and the arms race, proposed by the Soviet

Union, should be rejected, although we can accept suitable language on the need for peace and disarmament in an appropriate preambular clause.

A.I.D. POSITION PAPER FOR THE INTERNATIONAL CONFERENCE ON POPULATION, MEXICO CITY—AUGUST 5-13, 1984

For many years, the United States has supported, and helped to finance, family planning programs in less developed countries. This Administration has continued support for population assistance, but has placed it within a policy context based on the development experience of the past twenty years.

The world's rapid population growth is a recent phenomenon. Only several decades ago, the population of developing countries was relatively stable, the result of a balance between high fertility and high mortality. There are now 4.5 billion people in the world, and six billion are projected by year 2000. Such rapid growth places unmanageable pressures on government when out of equilibrium with productive capacities. The problem is not that population growth, as such, is "evil." Population pressures become a problem only in conjunction with other factors such as: economic policies which constrain economic growth; social and institutional arrangements which prevent individuals or groups from utilizing their full capabilities; and environmental and natural resource limitations. In this context, the world is experiencing unprecedented population growth in precisely those countries which are already struggling to feed and educate even their current populations.

U.S. support for family planning programs is based on two fundamental principles: enhancing human dignity and strengthening family life. These principles are reflected in our emphasis on voluntarism and informed consent in the acceptance of family planning methods. Our objectives are to enhance the freedom of individuals in the exercise of responsible parenthood and to encourage population growth consistent with the growth of economic resources and productivity.

In our view this will be accomplished when couples are able to decide freely the size of their families. Since surveys show that only 40 percent of the population of developing countries has access to acceptable contraceptive information and materials, families now find it difficult to make their personal choice. Our goal is to enhance personal choice. As a by-product, given accessible, acceptable and affordable services and adequate information and education, the aggregate result of such individual family decisions will be a declining birth rate.

Thus, our goals are increased accessibility of safe, effective and affordable family planning methods, goals we believe will result in a population growth that places less demands on the economic resources of developing nations. The focus, however, remains on individual choice.

Thus, the Administration has defined the strategic goal of our population program as working for 80% of the population to have access to a wide range of acceptable contraceptive methods. By this phrasing, we emphasize that our focus is on individual voluntary decisions.

During the 1979s, A.I.D. supported fertility surveys in 42 developing countries, representative of nearly one and a half billion people—an initiative that showed that nearly half of all couples wanted no more children, and a much larger percentage wanted family planning services. The rapid population growth being experienced in many developing countries has had significant impact on the lives of families, and it is the family unit which is at the core of every society.

(President Reagan remarked before the World Affairs Council in Philadelphia in 1981 "Trust the people, trust their intelligence and trust their faith, because putting people first is the secret of economic success everywhere in the world." U.S. family planning assistance is built around this idea. In the 1960s and early 1970s, before most government programs were initiated, A.I.D. was assisting family planning efforts by private institutions to meet the family planning needs of couples and individuals.)

ECONOMIC DEVELOPMENT AND POPULATION PROGRAMS

Population growth and economic development are closely interrelated. One of the contributing factors to current rapid population growth in developing countries has been declining mortality resulting from health interventions supported by both LDC governments and donor agencies. A tremendous expansion of health services—from simple inoculations to basic preventive health care education—saved the lives of millions of children each year. Also, increases in LDC food production and improved nutrition contributed to the decline in mortality. Emergency relief, facilitated by modern transport, helped millions survive flood, famine and drought. The sharing of technology, agricultural and technical education, the expansion of women's rights and education all helped reduce mortality rates, especially infant mortality, and to lengthen life spans.

Resulting rapid population growth requires heavy investments in schools, health care facilities, and other infrastructures, thus imposing major demands on resources needed for investment; and provides a challenge which was perhaps not foreseen and addressed early enough as part of an integrated development strategy by LDC governments and donors alike.

The impact of the current rapid population growth is to sorely strain the resources of LDC's which could be used for investment for economic growth, but are needed for basic infrastructures and services for burgeoning populations. The economic resources of a country, however, are not finite. The economic policies espoused by many governments have hindered economic growth making the rapidly increasing populations an even greater burden on the assets of those countries.

Slowing population growth is no panacea for the problems of social and economic development. It is not offered as a substitute for sound and comprehensive development policies. Without other development efforts and sound economic policies which encourage a vital private sector, it cannot solve problems of hunger, unemployment, crowding or social disorganization.

Population assistance is but one essential ingredient of a comprehensive program that focuses on the root causes of development failures. The U.S. program as a whole, including population assistance, lays the basis for well-grounded, step-by-step initiatives to improve the well-being of people in developing countries and to make their own efforts, particularly through expanded private sector initiatives, a key building block of development programs.

By helping developing countries slow their population growth through support for effective voluntary family planning programs, in conjunction with sound economic policies, U.S. population assistance contributes to stronger saving and investment rates, speeds the development of effective markets and related employment opportunities, reduces the potential resource requirements of programs to improve the health and education of the people, and hastens the achievement of each country's graduation from the need for external assistance.

The U.S. will continue its long-standing commitment to development assistance of which population programs are an integral part. We recognize the importance of providing our assistance within the cultural, economic and political context of the countries we are assisting. We do not and will not condition development assistance on the adoption of particular population programs.

THE PRIVATE SECTOR'S ROLE

A distinctive feature of U.S. family planning assistance is its success in engaging private sector U.S. institutions to work with private sector organizations in developing countries to meet family planning needs. U.S. assistance demonstrates the effectiveness of non-profit and market/oriented private institutions to make family planning services available to people who are beyond the reach of public sector delivery systems, providing services that respect their preferences, and gaining their financial support for the services. The ultimate achievement of self-reliant national service delivery networks is in large part dependent on the extensive growth of these private sector family planning activities.

At the same time, the U.S. will also continue well-designed bilateral assistance programs with governments that request family planning assistance and are ready to make effective use of our assistance. The United States welcomes the responsible leadership of governments such as those of Egypt, Indonesia, Kenya, and Mexico in making family planning services available to their people as an integral part of public health programs. Thus, public sector programs and complementary private sector programs will continue to receive U.S. support.

TECHNOLOGY AS A KEY TO DEVELOPMENT

The transfer, adaptation, and improvement of modern know-how is central to U.S. development assistance. People with greater know-how are people better able to improve their lives.

Population assistance ensures that a wide range of modern technology related to demographic issues is made available to developing countries and that technological improvements critical for successful development receive support.

The efficient collection, processing, and analysis of data derived from census, survey, and vital statistics programs, contributes to better planning in both the public and private sectors. A wide range of modern family planning technology has been developed with U.S. assistance and made available to developing countries together with operations research that improves the effectiveness of family planning delivery systems. U.S. assistance also helps countries to acquire the technical capacity for contraceptive manufacture.

(The U.S. statement at the Conference should give concrete examples of the variety of technology transfer supported by the U.S., including the African census program and follow-up efforts to ensure the availability of needed software for data collec-

tion and analysis, research to improve natural family planning methods, and technology related to improved family planning management.)

INSTITUTION BUILDING IN LESS DEVELOPED COUNTRIES

A primary thrust of the U.S. program is strengthening local institutions so that less developed countries have the capacity within country to implement population programs. Lessening reliance on external support, both technical and financial is a goal of the U.S. This is particularly important since the population programs of developing countries must be designed and implemented within their own political, cultural and economic context and therefore should be established and maintained by local entities, either private or public.

ACCOMPLISHMENTS OF THE REAGAN ADMINISTRATION

This Administration has emphasized two program areas which represent valuable means of extending the accessibility and acceptability of voluntary family planning in developing countries.

The first program, Contraceptive Social Marketing (CSM): involves the use of market distribution methods for family planning and has grown to about 10 percent of our population program. Typically, condoms and pills are introduced at the wholesale level at low cost so they can be distributed through the retail system of a country for ultimate consumer purchase. This means of distribution, using market mechanisms, ensures that the consumer has a choice of what to purchase and also extends the availability of contraceptives by increasing the number and coverage of outlets to serve those not adequately reached by other private or public sources.

The U.S. has experienced great success using market distribution channels for contraceptives. In Bangladesh, for example, subsidized condoms and pills are available in over 50,000 retail locations throughout the country and sales of subsidized condoms in that country now exceed 80,000,000 a year and is the most rapidly growing family planning program in the country. In fact, market channels can serve remote rural areas more efficiently than government programs. This method, which actually reduces the effective cost to governments of distribution, enhances voluntarism since the essence of a market sale is choice.

The second area of emphasis has been natural family planning (NFP). It has increased ten-fold in this Administration. It is especially useful where cultural and religious values make other methods of family planning unattractive to larger parts of the population. Since the Bucharest Conference, substantial scientific progress has been made in NFP. The U.S. continues to sponsor research designed to further enhance our understanding of the process of human reproduction and is currently giving increased attention to the field delivery of natural family planning methods.

NFP is an important component of worldwide population assistance since it provides a method which is consistent with the cultural and religious values of many individuals throughout the world. We believe that inclusion of these methods will enhance the effectiveness of the family planning programs we support because they will be able to serve a wider group of people with varying cultural and religious values.

ABORTION

U.S. policy prohibits U.S. government support for abortion-related activities in other countries. In fact, we believe that voluntary family planning services are an effective, humane alternative to abortion.

(While abortion is legally permitted, in some degree, in the great majority of the countries taking part in the Conference, none of the draft recommendations before the Conference encourage abortion as a method of family planning. One Recommendation—13(e)—urges assistance "to help women avoid abortions, and, whenever possible, to provide for the humane treatment and counseling of women who have had recourse to illegal abortion.")

(The U.S. supports Conference approval of Recommendation 13(e). Urging couples to avoid abortion minimally implies that abortion is not encouraged as a method of family planning and that government funds should not be used to provide abortion services. The proposed Recommendation puts a UN intergovernmental population conference on record for the first time as not favoring abortion, a position fully consistent with U.S. policy. Securing an explicit Conference condemnation of abortion, on the other hand, is unlikely because of the legally approved status of abortion, in most countries. The U.S. should therefore seek to limit debate on this issue to ensure necessary support for the draft Recommendation.)

(The draft statement provides: " . . . and will not contribute to those (programs) of which (abortion) is a part. Nor will (the U.S.) any longer contribute directly or indirectly to family planning programs funded by governments or private organizations that advocate abortion as an instrument of population control.")

(By focusing on what an organization advocates, as contrasted with what it does, the statement will be extremely, and in our view unnecessarily, controversial. We agree that it is important for the U.S. to stand witness for its position on abortion and to make it clear that AID funds must be separate from assistance to abortion-related activities.)

U.S. STRATEGY FOR IMPLEMENTATION OF POPULATION ASSISTANCE

The implementation of U.S. family planning assistance is based on four policy cornerstones.

First, we are working with developing countries to establish policies and programs that are supportive of smaller families and the spacing of births, including:

Increasing schooling for girls;

Increasing employment opportunities for women;

Lowering the high levels of infant mortality that perpetuate the vicious cycle of high fertility, poor maternal nutrition, low birthweight babies and high infant mortality.

Second, we are helping to strength institutions in developing countries themselves so that they can deliver the basic services which their citizens need.

Third, we support the development of promising new technologies and methods of family planning, including natural family planning. We also support research to improve the safety and effectiveness of family planning under actual developing country conditions.

Fourth, we are building on the strength of the private sector by providing a relatively large proportion of our assistance through United States and indigenous private and voluntary organizations. We are also encouraging the private sector in developing countries to become involved in family planning service delivery, contraceptive research, and the commercial marketing of contraceptives.

CRITIQUE OF THE WHITE HOUSE DRAFT POSITION PAPER FOR THE MEXICO CITY CONFERENCE

GENERAL

The paper does not repudiate U.S. support for international family planning aid. However, because of the way it is written, the draft virtually dismisses the importance of family planning. Instead of discussing the enormous unmet need for family planning services around the world, the paper focuses exclusively on the need to deregulate developing nations' economies. It leaves the reader with the impression that if only developing nations would encourage free market economies, they would experience rapid economic development that would take care of their population growth.

In addition to de-emphasizing family planning, the paper also would stop U.S. government funds to family planning programs that use non-U.S. government monies (private funds or contributions from other governments) to pay for abortion-related activities. Current law and policy do not do that.

In short, the paper leaves itself open to interpretations that clearly conflict with U.S. foreign aid law and the Reagan administration's own policies on population assistance. It seeks to pre-empt Congress, which for 20 years has spelled out U.S. policy on population aid, and it threatens to spark confusion and controversy at the Mexico City Conference.

QUOTES FROM THE PAPER

The following quotes from the paper illustrate the problems it could create:

"The relationship between population growth and economic development is not a negative one. More people do not mean less (economic) growth." (p. 2)

While the paper is correct in suggesting that population growth, in and of itself, is neutral, it leaves the impression that the very rapid population growth of developing nations today is not a problem. However, the U.S. Agency for International Development's 1982 policy paper on population aid states: "Continued high rates of population growth significantly increase the cost and difficulty of achieving basic development objectives by imposing burdens on economies presently unable to provide sufficient goods and services for the growing population."

"That historic pattern (the gradual decline in population growth that accompanied the industrialization of Europe would be well under way in many nations where population growth is today a problem, if short-sighted policies had not disrupted economic incentives, rewards, and advancement. In this regard, localized crises of population growth are evidence of too much government control and planning, rather than too little." (p. 4)

The paper gives the impression that the historical experience of Europe, whose population growth rate gradually declined over the past two centuries of modernization, is comparable with the demographic situation in developing nations. Yet, today's developing nations are experiencing rates of population growth far greater than ever experienced in Europe, with far less time and capital to generate economic development on a massive scale. Between 1830 and 1930, the world's population increased from 1 billion

to 2 billion. In contrast, during the next 16 years the world's population is expected to grow by 1 billion, and 90 percent of that growth will occur in the developing nations. At current rates of growth, some of those countries are experiencing growth that could double their populations every 20 years or less.

". . . Too many governments pursued population control measures that have had little impact on population growth, rather than sound economic policies that create the rise in living standards historically associated with decline in fertility rates. It was the easy way out, and it did not work." (p. 5)

While it is true that not all nations' commitments to population and family planning have been equally effective, it also is true that family planning programs, well integrated into larger efforts to improve the economic opportunity and well-being of people, have proven to be effective. The U.S. Foreign Assistance Act makes this point explicitly in Sec. 104: "Large families in developing countries are the result of complex social and economic factors which change relatively slowly among the poor majority least effected by economic progress, as well as the result of a lack of effective birth control. Therefore, effective family planning depends upon economic and social change as well as the delivery of services . . . voluntary population planning programs can make a substantial contribution to economic development, higher living standards, and improved health and nutrition."

". . . the United States . . . does not consider abortion an acceptable element of family planning programs and will not contribute to those of which it is a part. Nor will it any longer contribute directly or indirectly to family planning programs funded by governments or private organizations that advocate abortion as an instrument of population control." (p. 6)

Currently, U.S. law and policy prohibit the use of U.S. population aid to pay for abortions, abortion research, or lobbying for abortion. They do not deny funding to family planning programs that use non-U.S. government funds for abortion-related activities. The 1981 conference report on the Foreign Assistance Act made this point by saying the existing abortion funding prohibition "effectively sets necessary limits on U.S. support for international population planning programs with respect to concerns about adequate directives against promotion of abortion-related activities."

THE BEST PATH TO DEFICIT REDUCTION

Mr. KASTEN. Mr. President, this week House and Senate conferees will continue meeting to resolve the differences in their deficit reduction plans. This comes after many months of wrangling over deficits, spending cuts, and tax increases.

Unfortunately, it's the tax increases in each of the plans that are sailing through Congress. The spending cuts are the problem. This shouldn't be.

Our goal of a balanced budget needs to be achieved at a low level of spending and taxes. And, just raising taxes to cover our ever-increasing spending is wrong. It's only with a balanced approach of spending cuts and economic growth that we will ever achieve a balanced budget.

This essential argument is the heart of Wendell Wilkie Gunn's article—"'Balancing Down' and Breaking Free." Mr. Gunn is a special assistant to President Reagan for policy development, and has written a piece that embodies the essence of the President's economic policy. Although it appeared in the Wall Street Journal in April, it is relevant to the on going deficit reduction debate in Congress this week. I commend it to my colleagues, and ask unanimous consent that it be included in the RECORD at this point.

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

[The Wall Street Journal, Apr. 25, 1984]

"BALANCING DOWN" AND BREAKING FREE

(By Wendell Wilkie Gunn)

"The real question America must face is not whether we should work toward a balanced budget, but how. As we look to the future, we can 'balance up' with tax increases and lock ourselves into economic bondage, or we can 'balance down' with lower tax rates and spending, permitting our economy to break free." These were the words of President Reagan in his March 27 speech to the Independent Insurance Agents of America. It is a clear statement of the budget strategy he has chosen for 1984 and beyond, i.e., a determined adherence to the strategy he initiated in 1981. It is called "balancing down."

Balancing down embodies the notion that a vital part of the goal of a balanced federal budget is the goal of achieving balance at a low level of taxes and spending. More specifically, it is a rejection of the idea that balancing up achieves any real benefits at all. Balancing up stifles economic activity. Balancing down permits it to break free.

Those who oppose the president on this issue come from both ends of the political spectrum. Liberal economists and politicians have always believed that deficit spending has a beneficial, stimulative effect on the economy, boosting aggregate demand and employment. But opponents also include conservative economists and politicians who have always decried budget deficits.

The political argument made by the liberals is that anyone who insists upon a balanced budget at the expense of "human" programs is inhumane, totally lacking in compassion. Needless to say, the conservatives have consistently lost the political fight against spending increases and concluded after each round that the only prudent thing to do under the circumstances is to increase taxes to finance them. The irony is that the conservatives put themselves into the awkward position of financing the spending that they opposed in the first place, all the while advancing their own reputation as austere and uncaring. That reputation persists. The most important result, however, was the upward spiral in spending and taxes that we have witnessed over the past 50 years.

For the taxers, particularly the conservatives, there is no way to reverse this destructive trend. For example, Fed Chairman Paul Volcker told the Senate Finance Committee in September 1979 that it was a shame that we had allowed tax rates to reach "such a high level that economic growth and productivity are stifled." Yet later, in response to a question, he said, "we cannot afford to cut tax rates substantially because the resulting increase in the deficit will fuel inflationary expectations." The implication is that the U.S. is permanently trapped. Increasing taxes produces stagnation; reducing taxes creates inflation. Balancing down embraces the first half of this notion but soundly rejects the second half.

Balancing down seeks to reverse this tend, while preserving the essential improvements in our national security without which no economic policy can produce its intended benefits. Of course, the taxers, presuming incorrectly that balancing down is simply a call for spending cuts, say that they, too, would rather reduce spending than increase taxes. But because they think that it is politically impossible to achieve significant additional spending reductions at the present time, they conclude that the only prudent thing to do is to increase taxes.

Thus the president's refusal to consider tax increases is regarded as "a lack of concern" about deficits. This is not the case. The reason the president insists upon balancing down is that he knows that the deficit itself is not the problem, but merely the reflection of a larger problem. The problem is that the government, through its spending activities, is diverting an excessive amount of resource away from private productive enterprise, a malady that cannot be corrected by increasing taxes. In fact, tax increases would serve only to mask the problem at best.

Balancing down recognizes that there are two financing sources for the government's spending—current taxes and future taxes (borrowing)—and the difference is important. We can increase current tax rates beyond their current high levels, then hope that we actually collect the increased revenues. This would surely slow down the recovery and abort any significant expansion of the tax base. We might even balance the budget in the process (although that is unlikely)—but a very high level of spending and taxes.

On the other hand, we can give the tax base room to grow by reducing the tax barriers that stand between entrepreneurial dreams and real economic activity. Balancing down chooses the latter course. The Economic Recovery Tax Act of 1981 was its beginning, declaring that tax-rate cuts would lead the way. The ERTA tax-rate reductions were a signal to investors and workers that this administration's preferred method for generating tax revenues is growth. At the same time, that fraction of the government budget called the deficit was left exposed as a reminder that our budget work was not yet finished. Of enormous importance, too, was the innovative tax-indexing provision, telling low-income and middle-income taxpayers that, in the future, if the government uses inflation to rob them, they won't also automatically be punished for it by being pushed into higher tax brackets. The economic recovery is clear evidence that the strategy is working, and it must be permitted to continue.

Then comes phase two of balancing down, as the climate of growth and expanding opportunities provides our first real hope for developing the political support necessary for achieving serious and substantive reductions in government spending. This will begin as people who previously depended for subsistence upon government support programs find what they wanted in the first place—productive opportunities in the mar-

ketplace—and government dependents become taxpayers. Balancing down reverses the cruel policies that, however well-intended they were, have served to destroy opportunities for people to improve themselves by their own efforts. It is therefore the most humane and compassionate policy of all.

Through balancing down, the president is simply helping us to discover again what made America great in the first place—economic freedom, pure and simple.

THE 1984 HEALTH FAIR PROGRAM

Mr. THURMOND. Mr. President, as President pro tempore, I had the privilege of sponsoring the 1984 Health Fair Program. For years, I have taken a lead role in promoting this important program because I strongly believe in its purpose—to provide the public with free health screening and education services without any cost to the Government.

On March 20, the 1984 kickoff ceremony of National Health Fair Week took place in the Senate Caucus Room. I am pleased that my colleagues, Senators STEVENS and LAXALT, joined me in sponsoring this event, and the Senate Health Fair that occurred on June 12 and 13. The kickoff ceremony proved to be a celebration of the success and effectiveness of the Health Fair Program. Joining us on this occasion were Vice President BUSH, representing the executive branch; Department of Health and Human Services Secretary Margaret Heckler, who delivered an excellent keynote address; Defense Secretary Caspar Weinberger, representing the men and women of the Armed Forces; and other congressional leaders dedicated to promoting Health Fair Week—the largest health promotion program in American history.

Mr. President, there is good reason to celebrate the accomplishments of health fairs. From March 21 to mid-June, over 100,000 volunteers provided nearly 1 million Americans in more than 3,000 locations, with almost $200 million worth of free health screening and education services. All this was achieved through the cooperative efforts of the news media, and corporate, nonprofit, and community groups.

I want to take this opportunity to recognize those organizations which made the 1984 Health Fair possible.

Corporate sponsors providing valuable financial resources were Chevron, U.S.A., and Pfizer Pharmaceuticals. The American Association of Retired Persons and the American Red Cross were two of the volunteer sponsors who also played a vital role in promoting health fairs across the country. The American Broadcasting Co., Gannett, and lifetime cable television network contributed much as media sponsors for this worthwhile effort.

Mr. President, in addition to these sponsors, there were many individuals and organizations which worked diligently to make the Senate Health Fair last week the best ever. Special recognition is in order to the Capitol Hill Hospital, which provided numerous medical professionals to administer the various tests at the Health Fair. Indeed, the 1984 Health Fair could not have been such a great success without their tremendous assistance. I commend each staff member of this excellent hospital for demonstrating their commitment to quality health care through this benefical program.

Also, I want to thank Jane Mayfield of the National Health Screening Council for Volunteer Organizations for the outstanding work she did as the chief coordinator for the Capitol Hill Health Fairs. Mrs. Mayfield, a capable medical professional in her own right, performed her administrative duties with exceptional skill, and she may take great pride in knowing that her yeoman efforts have gone a long way in meeting some of the fundamental health care needs of our staff members.

Organizing an event of this magnitude requires hundreds of hours of planning and preparation, and I am particularly pleased to commend Michael Schick of my staff for his dedicated service as Senate liaison for the Health Fair. For the past 3 years, Mr. Schick has worked closely with the sponsors and Senate staff office to ensure that this service produces maximum results for Health Fair participants.

Mr. President, without the vision and initiative of one man, the Health Fair would not exist. That individual is Dr. John Brensike, founder and chief executive officer of the National Health Screening Council for Volunteer Services. Dr. Brensike, an accomplished practicing physician, established health fairs 9 years ago, and continues to devote countless hours of his own time to expand and stregthen this worthwhile health care service. I know my colleagues in the Senate would want to join me in congratulating Dr. Brensike and the Screening Council staff for the remarkable service they provide the American public.

Without question, Health Fairs are a shining example of volunteerism, and prove that many of the public's most fundamental needs can best be met through community involvement. Through a spirit of cooperation, and with a shared concern for the well-being of others, underscored by a deep sense of compassion, we can ensure a healthier America through health fairs.

BOYS HOME OF THE SOUTH AND ITS FOUNDER, CHARLES W. AIKEN OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to pay tribute to an outstanding South Carolina institution, the Boys Home of the South, and its founder, Mr. Charles W. Aiken, who recently received the prestigious Jefferson Award for outstanding public service from WYFF-TV in Greenville, SC, and was nominated for a national Jefferson Award. He earned these important distinctions because of his sacrifice and dedication to the youth of America.

Mr. Aiken, who received the Purple Heart while serving in the U.S. Army Air Force in World War II, vowed to do something to help young children if he returned safely to South Carolina. He kept his promise by opening the Boys of America Home, as it was first called, in 1959, with only two boys. Today, the Boys Home of the South has a capacity of 40, and since its founding, has cared for almost 2,000 dependent boys from throughout the Southeast and as far away as California.

The home serves as a refuge for orphaned, abused, and neglected boys between the ages of 6 and 18. These special young men are provided a family atmosphere where they receive the love, care, and attention they desperately need. Each boy lives with nine others in cottages supervised by houseparents. This homelike environment allows the boys to develop healthy and harmonious relationships through daily interaction. The home receives no financial aid from any institution or organization, and operates entirely on voluntary donations.

In addition to his leadership at the Boys Home of the South, Mr. Aiken has also been highly involved in other community activities by serving as a board member on such organizations as the Palmetto Unified Schools; Missionaries of the Sacred Heart in Aurora, IL; and the board of visitors of the Methodist Home in Orangeburg, SC. He also serves as a district representative of the National Guard and Reserve.

Mr. President, Charles Aiken's life and service to South Carolina and to the youth of this country serve as an inspiration to many. South Carolina owes him a tremendous debt of gratitude for his compassionate and effective contributions in helping young men to become responsible and productive citizens.

I know my colleagues join me in congratulating Charles Aiken on receiving the Jefferson Award and in wishing him continued success in the future. In order to share more about this outstanding individual and the Boys Home of the South, I ask unanimous

consent that the following information appear in the RECORD following these remarks.

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

CHARLES AIKEN IS RECOGNIZED INSIDE BOYS HOME OF THE SOUTH

Charles W. Aiken, founder of Boys Home of the South, recently was the recipient of a Jefferson Award Medallion from WYFF-TV in Greenville. Along with four other recipients from this area, he has been nominated for a national Jefferson Award.

During his World War II days in the U.S. Army Air Force, Aiken was a gunner on an A-20 attack bomber flying missions over Germany, Belgium and France.

"I vowed in my heart that if I returned safely to South Carolina, I would do something to help young children," Aiken recalls.

He did return safely and he remembered his promise. Although there were many obstacles and discouragements to overcome, Boys of America Home (as it was first called) opened in early 1959 with two boys, whom Aiken describes as being "pretty emaciated." The Home occupied an old school building about 22 miles from Greenville in the Easley area.

Today Boys Home occupies a 127-acre campus on Highway 25 about 23 miles south of Greenville. Since its founding, the Home has cared for more than 1,500 dependent boys. The present capacity is 40 boys.

Aiken is quick to give credit to individuals who played a big role in the Home's success.

He praised the contributions of Mrs. Cora Stewart, who served as director for the first six years.

"Cora—as I did—believed in discipline, but we also believed in fairness. And Cora's day-to-day activities reflected a great Christian desire to serve."

Aiken says that in those early days he would sometimes go out to the Home twice a day—"if Mrs. Stewart was having trouble with the potbellied stove or if the water pipes froze," he explains.

"She was just a grand lady and director. She held her head high and people respected her. She did a great deal to stimulate interest in Boys Home . . . I can't really say enough about her."

When the old school building became a bit cramped, Jack Greer, then owner of Texize, Inc., donated the land on which the Home is now situated. He calls Greer "a great friend to Boys Home for many years."

Aiken believes the boys are "the main thing . . . We should almost consider ourselves as aircraft carriers. The aircraft are the main reason we are out there. We're there to care for the boys."

He credits the Home's success to "a lot of fine people who assisted with their time and money." Aiken believes "anything can be done if you don't really care who gets the credit."

The founder recalls the wonderful financial help given the Home in past years by Apple Tuck of Greenwood and the late Frank Outlaw, former Bi-Lo Stores board chairman. He considers these men to have been "godsends" in times of special need.

One other individual who Aiken says did a great deal for the Home was singer Jim Nabors (Gomer Pyle, USMC), whose appearances on behalf of Boys Home, raised more than $45,000.

Although his business—Aiken Bros. Auto Supplies in Greenville—keeps him busy, he untiringly devotes time and energy to the work of the Home.

Born on the family farm between Piedmont and Pelzer where his parents still live, Aiken is a graduate of Rock Hill High School. His wife is the former Evelyn Suber of Piedmont. The Aikens have a daughter, Cathey, who lives in Orangeburg, and a son, Charles, Jr., who lives in North Vernon, Ind.

FACTSHEET ON BOYS HOME OF THE SOUTH

BOYS HOME OF THE SOUTH

Mailing address, Route 3, Box 115, Belton, SC 29627; located on Highway 25 about 23 miles south of Greenville, SC; a home for orphaned, abused, and neglected boys between the ages of 6 and 18; founded in 1958 by Charles Aiken, who while a gunner on an A-20 attack bomber flying missions over Germany in World War II, vowed to do something for children needing a good home if he returned safely to South Carolina; Aiken returned home, remembered his vow, and in 1958 started the Home; since then, in the last 26 years, close to 2,000 boys from throughout the Southeast—and some from even as far away as California—have lived in the home.

ABOUT THE HOME

Boys live on a 127-acre campus; they live in a pastoral setting, raising 40 head of beef cattle, chickens, goats, pigs, and horses; they grow vegetables—beans, peas, melons, strawberries, okra—both for consumption by the Home residents and for selling at their roadside produce stand on Highway 25.

Boys live in cottage-type arrangement in which eight boys live with their houseparents in each cottage. Boys live two to a room. There's no institutional flavor here.

Boys all are expected to share in the work at the Home. Home's philosophy is that the discipline of having a task to complete contributes to building of character.

A full-time activities director heads programs that gives boys plenty of physical activity: softball, running, swimming, football, basketball, fishing, etc.

With their houseparents, families of boys are regular attendants at church services in nearby Honea Path, S.C. The Home believes the spiritual development of the young men is essential.

Boys are mainstreamed into public schools. One young man, Gary Gravley, who has lived in the Home for six years, was the captain of the Woodmont High School football team in 1983 and was voted by his classmates to be the Outstanding Senior in the graduating class of 1984. Another young man, Robert Callison, as a freshman, was named the Most Valuable Member of the Woodmont High School cross-country team.

SUPPORT OF THE HOME

The Home is not underwritten by any religious organization, denomination or other organization. It does not solicit nor does it accept financial aid from the federal, state, or local government. Revenue for operating the Home comes from donations of individuals, businesses, foundations, and other community organizations. Founder Charles Aiken has always felt strongly that the work should be supported by the community on a voluntary basis. In addition to the revenue from donations, several fund raising events are held each year, including an airshow (in 1983 the U.S. Air Force Thunderbirds performed; in 1984, the U.S. Navy Blue Angels performed); an antique and classic car show; a horse show; a golf tournament; and an auction of new merchandise contributed by the business community.

In December, 1983, the public relations director of the Home ran 235 miles in six days from Charlotte, NC, to Augusta, GA, via Spartanburg, Greenville, Greenwood, and Aiken, to raise money for a 62.5 horsepower tractor that was badly needed by the Boys Home farm operation.

In the winter of 1984-85—exact date still pending—LA Dodger Manager Tommy Lasorda will speak in Greenville at a fundraising dinner for the Home.

Several years ago Jim Nabors (Gomer Pyle, USMC), raised more than $45,000 in appearances for the Home. The chapel at the Home was erected from funds raised by Nabors.

PUBLICIZING THE HOME

Recently a public service announcement featuring former NBC newsman Frank Blair was run coast-to-coast on the Cable News Network as well as on numerous TV and radio stations in the Carolinas and Georgia.

Inside, a news publication of the Home, is sent free to whoever requests it.

Public relations director speaks extensively upon invitation of service clubs, churches, and other organizations.

EXPANDING THE HOME

Founder Charles Aiken is seeking support for construction of two more cottages that would enable Home to accommodate 16 more boys. Cottages will cost about $100,000 each. He also seeks an additional $14,000 a year in support to employ social worker to serve as liaison between Home and child's home, with the goal being to improve child's home environment to the point where child may return to his own natural parents.

ABOUT THE FOUNDER

Charles Aiken, owner, Aiken Bros. Auto Supplies, Greenville, SC. Born on family farm between Piedmont and Pelzer, SC. Graduate of Rock Hill High School.

Veteran of U.S. Army Air Force, flying 38 missions in European Theatre, World War II; winner of Air Medal with six clusters, Purple Heart.

Married to Evelyn (nee) Suber of Piedmont, SC; son Charles, Jr., of North Vernon, Ind.; daughter Cathey, of Orangeburg, SC.

Board Member, Palmetto Unified Schools (Division of Dept. of Corrections). Board Member, Department of Interior (National Parks). Board Member, MIVA (Missionary Vehicles for the World). Board Member Missionaries of the Sacred Heart, Aurora, IL. Board Member, Board of Visitors, Methodist Home, Orangeburg, SC. Fourth Congressional District Representative of National Guard and Reserve. Member, St. Matthews Methodist Church, Greenville, SC.

SOVIET SABOTAGE OF THE INTERNATIONAL MAILS

Mr. JEPSEN. Mr. President, I join with many other Senators today as cosponsor of Senate Concurrent Resolution 121, aimed at curtailing the Soviet sabotage of the international mails.

While this issue has attracted little publicity in the press unfortunately, it has become a major topic of conversation by just about every ethnic group in this entire Nation.

I know that Congressman GILMAN of New York has held three hearings thus far, in an effort to document ef-

forts of the Soviet KGB, the secret police, to interfere with the international mails.

Over on the House side there is a safe containing upward of 2,500 exhibits of forgery of return receipt requested forms that have obviously been forged, along with many other obvious postal violations. The Subcommittee on Investigations of the Post Office and Civil Service Committee is to be commended for an exhaustive effort, in which documents were obtained not just from the United States, but 16 other countries as well.

In the State of Iowa, congressional investigators turned up the case of one individual in Des Moines, who served as chairman of a committee of concern for human rights in the Soviet Union. The group had mailed over 5,000 letters, but received a response from only one.

They found many of their return receipt cards had been forged. That occurred, in calendar years 1982-83, and if memory serves correct, came into the hands of the congressional investigators on or about September 19, 1983. It is logged as exhibit 1,275.

If any Senator here today has any questions as to the depth of evidence, I invite them to contact me and we both can examine the investigative files together. Exhibit 1,306 pertains to price gouging by Soviet-licensed parcel agencies operating here in the United States. The U.S. Postal Service said they knew nothing about them, until congressional investigators found a victim, once again in the State of Iowa.

Over in Ubandale, IA, investigators turned up a witness who had to pay a surcharge on a package he mailed to the Soviet Union. He had to pay the U.S. Postal Service $27.60 in surcharges on two small packages that were intercepted and returned. The $27.60 surcharge on the return was, of course, in addition to the original mailing cost. Thus, the U.S. Postal Service was turned into the tax collector for the Soviets.

Those exhibits, for your information, are contained in exhibits 1,308 and 1,309.

I understand from the investigators with whom I have been working that the Soviets are using their international mail racket as a prime source for receiving hard Western currency, which they badly need. Investigators tell me that the total take is approximately $20 million per year.

We have a great ethnic mix in the State of Iowa and many Jewish people, Christians, Penticostals, Baptists, Lithuanians, Latvians, Estonians, Ukrainians, and many, many others have been involved in this investigation. I'm very proud to have worked with those involved in this investigation. There is no question in my mind but that the Soviet KGB is cutting the lifeline of communications between its citizens and their friends and relatives on the outside.

I think it is reprehensible that this is going on. I think there is a need for clear, decisive action on the part of the United States. I plan to request hearings in the Midwest, so that some of my constituents can testify as dozens have already in the House hearings in Washington, Chicago, and New York City.

In the meantime I am seeking additional exhibits from my constituents and I should like to request that the following article from the New York Post be accepted into the RECORD at this time.

Passage of Senate Concurrent Resolutions 121 by the Senate comes at a very appropriate time: Some 16 countries are seeking to oust Israel from the Universal Postal Union Congress, which started this week in Germany.

Documents of the U.S. Congress will prove that, far from being an offender, Israel is indeed an aggrieved party at the UPU. For contained among those 2,500 exhibits are some from Israel, indicating the Soviets have been intercepting letters and packages from that country as well.

Accordingly, Mr. President, I urge my colleagues to join our current cosponsors in support of this important measure.

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

[From the New York Post, June 12, 1984]

KREMLIN PLOT TO BLOCK U.S. MAIL

(By Amy Pagnozzi)

The Kremlin's campaign to sabotage U.S. mail to the Soviet Union has reached such proportions that many Americans have been cut off from relatives there.

"The Soviets are involved in a sophisticated, calculated attempt to cut the lifeline between Soviet citizens and their friends and relatives on the outside," Rep. Ben Gilman (R-N.Y.), said yesterday.

"To date, we have over 2,300 exhibits showing how this international con game has been operated for the benefit of the Marxist ideology—and the bank accounts—of the Soviets."

The Rockland County congressman, who has led a yearlong investigation into the matter by the House postal subcommittee, presided at a regional hearing at 26 Federal Plaza yesterday.

Various witnesses testified about disappearing letters and packages, KGB-forged receipts, and a Soviet scam to get millions of dollars of Western currency through Soviet-licensed U.S. package services.

Former state Assistant Corrections Commissioner David Eno, who conducted the probe, estimated that the Russians net $20 million a year in American money with their parcel scheme.

"It can cost as much as $450 or more to send a $50 package to the Soviet Union—if you even succeed in getting it delivered," said Eno.

When a package is returned, the sender must pay a surcharge and handling fee to the Soviet Union to get it back.

Mail sent through the package services has a higher chance of reaching its desitnation—but Gilman said the companies often gouge $150 to $300 per parcel, most of which ends up in Moscow banks.

Soviet Jews, Catholics, Baptists and Pentecostals as well as political prisoners are particularly unlikely to receive their parcels.

And those Russians who are licky enough to get their packages must pay exorbitant duty.

"It would take the average Russian a month and a half to pay the duty on a single pair of jeans," said Eno.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. TOWER. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Morning business is closed.

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 2723, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3229

(Purpose: To express the sense of the Congress regarding armaments cooperation with NATO member countries)

Mr. TOWER. Mr. President, it is my understanding there are no amendments pending on the bill at the moment.

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself.

Mr. NUNN and Mr. GLENN proposes an amendment numbered 3229.

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

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

The amendment is as follows:

On page 27, after line 14, add the following:

POLICY ON ARMAMENTS COOPERATION WITH NATO MEMBER COUNTRIES

Not later than December 1, 1984, the Secretary of Defense shall prepare and transmit to the Congress a report setting forth a comprehensive plan by which the United States and NATO member countries may achieve the objectives of section 1122(b) of the Department of Defense Authorization Act, 1983.

Mr. ROTH. Mr. President, I ask unanimous consent that the distinguished Senator from Georgia [Mr. NUNN] be shown as a principal sponsor of this amendment.

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

Mr. ROTH. Mr. President, 2 years ago, the Senate overwhelmingly endorsed the Roth-Glenn-Nunn amendment on NATO defense industrial cooperation. That amendment was introduced for two primary reasons:

First. Weapons costs. The cost of advanced weaponry is rising and, in all likelihood, will continue to rise as the sophistication of our weaponry increased. However, those costs must be stabilized if hi-tech weaponry is to be procured. This necessary stabilization can be achieved only through a dramatic broadening of our weapons manufacturing base such as will enable us to achieve reasonable economies of scale and long production runs. Thus, it is economically vital that the United States move swiftly to team its defense-industrial efforts with those of its European allies.

Second. The current status of NATO's conventional defenses. Gen. Bernard Rogers already has pointed out that NATO's so-called defensive strategy of flexible response has little basis in reality. Currently, NATO's conventional posture is so weak that, in the event of a confrontation with the Warsaw Pact, a relatively swift escalation of the conflict to the nuclear level would be almost unavoidable.

Neither the people of the United States nor of Western Europe wish to contemplate the horrors of nuclear war. Consequently, it is essential that NATO improve its conventional posture in order to lower the so-called nuclear threshold.

NATO's military leadership is fully in accord with this position and, consequently, has committed itself to a new, deep strike convention strategy for the defense of Europe. This strategy seeks to capitalize upon NATO's technolgical advantage over the Warsaw Pact by building a new generation of smart weaponry derived from emerging technologies which will effectively prevent the forces of the Warsaw Pact from exploiting their broad numerical superiority on the battlefield in the event of conflict.

It should come as no surprise to any of us when I say that this new generation of hi-tech conventional weaponry will prove extremely expensive. In fact, if the United States tries to manufacture these systems alone, it is doubtful whether the Congress will be willing to procure them in sufficient numbers for the new strategy to be implemented. Certainly, our European allies will prove unwilling to procure such expensive items if they are not allowed to partake in any of the economic benefits associated with their manufacture. In short, NATO's new deep strike strategy cannot be conceived outside the framework of a meaningful, NATO-wide, defense-industrial cooperation effort. If we fail to make progress in the cooperation field, we will fail to make progress in improving NATO's conventional defenses and we will continue to live with the horror of the "nuclear trip wire."

Consequently, I urge the Department of Defense to treat arms cooperation as a matter of the highest priority. Granted, the Secretary of Defense has made some initial proposals in the field of emerging technologies and some progress has been made in the area of NATO's air defenses. However, time is not on our side and such piecemeal progress cannot substitute for an overall plan of action which can be discussed by the Congress and, hopefully, placed before the political leadership of our European allies. Therefore, I have introduced this amendment requiring the Secretary of Defense to submit a plan for the implementation of the Roth-Glenn-Nunn amendment, to the Congress, no later than December 1, 1984. I hope that my colleagues will join with me in supporting this effort which is so vital for the future security of both NATO and the United States itself.

Mr. President, I yield back the floor.

Mr. NUNN. Mr. President, I congratulate the Senator from Delaware for offering this amendment. The Roth-Glenn-Nunn amendment last year and other amendments that Senator ROTH has worked on to try to further coordinate procurement practices in NATO I think are enormously important. I think they are particularly important when we are in a period of time where we do have a chance for a real conventional defense, a viable conventional defense in NATO if we work together. We are as an alliance outspending the Warsaw Pact and the Soviet Union each year. We simply are not getting our money's worth. We have enormous duplication. In my view, we have enormous waste in NATO expenditures because of that duplication. I think the amendment of the Senator, as his previous amendment, is a very strong signal from this Senate as to our intention both to the American administration and to our NATO allies. I support the amendment, and I hope that it will be accepted on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. TOWER. Mr. President, I have long been an advocate of defense industrial cooperation between and among the NATO allies.

I think we are bound to observe that our NATO allies spend a great deal more in the United States on military hardware than we spend in NATO. This tends to militate against the political cohesion of the alliance. It tends to militate against rationalization, standardization, and interoperability, and I think it presents us with a whole set of problems that cry for solution.

I commend the Senator from Delaware on his initiative and the Senator from Georgia on his continuing interest in this matter.

On behalf of the majority on the committee, I am prepared to accept the amendment of the Senator from Delaware, cosponsored by the Senator from Georgia.

The PRESIDING OFFICER (Mr. KASTEN). Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3229) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. TOWER. 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. GOLDWATER. 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. GOLDWATER. Mr. President, if Senator BRADLEY should come to the Chamber before I complete my remarks, I will ask that the rest of this material be printed in the RECORD.

Mr. President, during this particular time of the year, when we are engaged in debate over the armed services budget, we occasionally read things in magazines that express, in a most appropriate way, some of our general feelings.

Mr. President, I should like to read an article published in National Guard magazine, the June 1984 issue, by Maj. Gen. William E. Ingram:

FINANCING A STRONG NATIONAL DEFENSE

In this election year, we will not find many politicians who do not say they support a strong national defense. However,

many such candidates, when asked about their defense-spending views, will answer you with something like, "I believe in a strong national defense, but . . ." That "but" can cover a lot of territory, and usually means the politician doesn't support President Reagan's and Secretary of Defense Caspar W. Weinberger's idea of what constitutes a strong national defense.

Critics of Weinberger's $305 billion fiscal year 1984 defense-spending proposal respond in a variety of ways when confronted with the question "Where would you cut if you don't like what the President and Defense Department have proposed?"

One. They want to get at fraud, waste and abuse. Few would suggest there is no waste in a $305-billion spending proposal. However, what is usually heard in this regard are tales of $400 claw hammers and $916 stool caps. The reason these incidents occur is not because huge sums are expended in this way, but rather because the item like the stool cap is procured infrequently. That doesn't mean the Air Force should have been paying $916 for it, but neither does it mean the Air Force is paying $916 apiece for thousands of stool caps.

Two. Another frequent response from defense-spending critics is to say they fully support a strong national defense, but they oppose such weapons systems as the B-1 bomber, the MX missile, the M-1 tank and the AH-64 attack helicopter because they are too expensive. This is generally a prelude for the argument to buy more weapons cheaper. There are two things wrong with this argument.

First, the easiest thing in the world is to single out one expensive weapons system for criticism and cancellation without explaining how its elimination would affect a coherent defense program. President Reagan sometimes is criticized for "buying everything" without the critics noting that it requires more than one weapons system or even a handful to make a coherent, worldwide, superpower defense work. Just as an example, it doesn't make much sense to have a number of rapidly deployable light infantry divisions stationed in the United States if the Air Force doesn't have the airlift capability to deploy them.

Second, what many critics of specific systems ignore is that much of the spending for things like the MX and the M-1 tank is for modernization. Just as businesses don't use computers nor motorists drive cars designed in the 1950s, neither can the military rely on intercontinental ballistic missiles nor main battle tanks designed 25 years ago. They provide no deterrence and little ability to survive and prevail in combat, if need be.

Three. When one peels back the layers of criticism of defense spending, one frequently finds isolationism of the type that was popular in the 1930s. Another name for this is "Fortress America."

There can be little doubt that if the United States adopted a foreign policy of only "defend our shores," our requirements for defense spending would plummet. One such proposal was published recently by Dr. Earl C. Ravenal, professor of international relations at Georgetown University in Washington, D.C. He suggested that $176 billion could be saved by withdrawing our forward-deployed forces in Korea and Europe and $47 billion could be saved by scrapping the U.S. Central Command in its mission of keeping the Persian Gulf open to shipping and defending the Persian Gulf nations from attack.

What isolationists like Ravenal do not usually explain*—he did not in his newspaper articles—are the assumptions that underlie such a proposal. They assume a 180-degree turn in U.S. foreign policy as we know it today and as we have known it since World War II. That turn would include a vast restructuring of the world and its alliances, allegiances and friendships. It would assume a Western Europe that was neutralist at best and probably pro-Soviet in part. Many small, weak European countries would believe they had no choice but to make a deal with the Soviets if they lacked strong U.S. support and defense.

Such a Fortress America foreign policy would mean some, though not all, Latin American countries would be under Fidel Castro's domination. Mexico could become an unfriendly neighbor. It could mean a Middle East and Persian Gulf region under the domination of governments that might or might not be friendly to us. What is certain is that Persian Gulf oil would be available to western nations at the sufferance of our foes—and probably only if we acted mighty polite toward them.

This is not the posture of a superpower. It is the posture of a supplicant, the kind of supplicant the United States has not been since President Thomas Jefferson decided to fight the Barbary Pirates rather than send them tribute, which, no doubt, would have been less expensive.

Freedom is not cheap. Delaware Governor Pierre S. du Pont IV commented on this to a small group of Guardsmen the day of the arrival home of some of the bodies of the victims of the Marine massacre in Beirut: "Freedom has a price, and sometimes that price has to be paid."

That price is composed of both dollars and lives. We'd like to suggest that the easiest part should be the dollars needed for a strong national defense. Perhaps by paying these dollars, difficult though that is, we can avoid some of the human costs associated with a weak national defense that is vulnerable and inviting to attack.

Mr. President, I read that because no one has shown up to offer an amendment, and if there is anything that gets boring, it is silence in this vast Chamber, and I do not like to have that happen.

This piece that I just read was written by Maj. Gen. William E. Ingram (Ret.), who is president of the National Guard Association of the United States, and appeared in the National Guard magazine.

Mr. President, I read it because almost daily we hear in this Chamber, "Oh, I support national defense. I am all for national defense."

And then the next thing you hear is a long amendment that would destroy a part of national defense, or most all of it, and sometimes all of it.

Mr. President, the American public knows that defense is expensive. Defense has never been cheap. We are paying about 6.6 percent or 6.7 percent of our gross national product for national defense. And that, I might suggest, is precisely the sum that George Washington spent in the last years of the Revolution, a Revolution that was of extreme importance to us.

It established America. It established our Constitution and our heavenly concept of freedom. And believe me, Mr. President, it was nearly ruined. We nearly lost that conflict for the same reason that we are temporarily but dangerously affected by people in this body and the other body who say, "I am all for national defense but."

Mr. President, we cannot have Congress injecting itself as strongly as we have had it in the efforts to cut down national defense at a time when at the very best we should be sustaining our national defense. We should be backing up these men and women who are now wearing the uniform of our country, and I might say after nearly a lifetime devoted to it I have never seen the quality of men and women in our services to the extent of excellence that they are today.

So, Mr. President, as time grinds on on this bill, that takes forever to pass, and we do have moments of silence, I might just get up and read something that does not seem to be of particular application to the moment, but nevertheless, the result of what you have to read when you have nothing to do in travelng from here to Arizona and back on an airplane. It is probably the only way a lot of magazines ever get read. But, nevertheless, sometimes you come across a good one.

I have another one here I am not going to read now, but it is a beauty, and when there is a little silence, I will take it up.

Mr. President, I yield the floor.

Mr. NUNN. 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. NUNN. 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. NUNN. Mr. President, some time this afternoon or tomorrow morning or at least during the course of this debate on this bill I plan to send an amendment to the desk which will have as its goal major collective improvements in NATO's conventional defense capabilities. I am hoping that amendment will be known as time goes by, whatever that outcome here in the Senate this week, as "The NATO Conventional Defense Improvements Amendment" and not "The NATO Troop Withdrawal Amendment."

Let me begin by quoting an assessment by Gen. Bernard Rogers, NATO's Supreme Allied Commander, Europe, of the nature of conventional defense in Europe. I quote:

> Allied Command Europe's current conventional posture does not provide our nations with adequate deterrence and it leaves the nuclear threshold at a disturbingly low level.
>
> Thus, NATO's deterrence is jeopardized by our current heavy reliance on the early

use of nuclear weapons to stop a non-nuclear attack. The remedy is for NATO to strengthen its conventional forces which will also raise the nuclear threshold.

There are a number of shortcomings in NATO's non-nuclear forces that put us in the predicament I describe. However, the fundamental cause is a low level of sustainability. ACE is simply unable to sustain its conventional forces in combat for long with manpower, ammunition and war reserve material to replace losses and expenditures on the battlefield.

This quote was from General Rogers testimony before the House Armed Services Committee, March 6, 1984.

Mr. President, we cannot continue to paper over such serious and dangerous military problems in NATO. Here we have the highest military leader of the alliance stating bluntly that NATO's current conventional posture is little more than a delayed tripwire for early resort to nuclear escalation. The alliance has spent hundreds of billions of dollars for the common defense to this point.

A great sum of money has been spent by the United States in the last 5 years in trying to improve NATO's conventional defenses.

During the decade of the 1980's and beyond we need more than a military posture that, to quote General Rogers again, would require:

The release of nuclear weapons fairly quickly after a conventional attack. And I'm talking about in terms of days not in terms of weeks or months.

The citizens of both this Nation and Europe will, and should, question why their hundreds of billions in defense investment buys such a limited conventional defense that NATO must relay on the untenable military strategy of early resort to nuclear weapons.

This policy might have been sufficient in the 1950's when we had strategic nuclear advantage. It may have been sufficient in the 1960's when we had advantages with what we would call theater nuclear weapons.

I contend that it is totally untenable in a period of strategic nuclear parity and a period of NATO theater nuclear disadvantage, and that is where we are today.

Some would argue that the Europeans want it this way; they do not want more robust conventional defenses and are content to rest deterrence of Warsaw Pact conventional attack on the threat of rapid nuclear escalation.

Others suggest another theory which may be plausible. They suggest that it is a matter of economics, that while a nuclear tripwire may be less than desirable, it is the best that can be obtained for the funds that the Europeans are willing to spend on defense.

Still others have another explanation for our current dilemma. They suggest the Europeans have merely recognized a soft touch, that they know the United States will continue to cover their gaps by spending the money for all our forces in NATO, for six POMCUS division sets, for many hundreds of tactical aircraft, for airlift and aerial tankers to move these assets to Europe in a crisis, and for munition stocks substantially above those of most of our allies. They figure that as long as the United States will spend over 30 percent of our annual budget, $90 billion, in support of NATO, and I reference that figure to Secretary Weinberger's June 1984 report entitled "U.S. Expenditures in Support of NATO," the $90 billion—and I will be using this during the debate that will ensue on this amendment a good many times and it should be clarified, and I will clarify it further later and give the incremental costs—the $90 billion is for the U.S. European-deployed forces and those U.S. based forces we have pledged as early reinforcements; in other words, the forces we have there now on the ground and in the air and the forces that would be Rapid-Reinforcement Forces to join the battle in the early stages thereof.

The third explanation is that the Europeans figure as long as the United States will spend over 30 percent of our annual budget, approximately $90 billion, in suport of NATO, why should they spend more?

Mr. President, at this point I ask unanimous consent that a DOD transcript showing the range of U.S. costs in supporting NATO be printed in the RECORD.

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

THE RANGE OF NATO COSTS

The following is a verbatim unclassified transcript from page 9 of the June 1984 Secretary of Defense's Report to Congress on "United States Expenditures in Support of NATO."

The Range of NATO Costs.—As noted in the preceding section, estimates of the cost of the United States' commitment to NATO can vary widely, depending on the categories of forces and the types of expenditures being evaluated. The following examples illustrate a range of possible estimates (expressed as total obligational authority for fiscal year 1985), along with the assumptions that were made in developing them:

(a) The incremental operating costs incurred by stationing U.S. forces in Europe rather than in the United States (about $2 billion);

(b) The incremental operating costs associated with maintaining European-deployed U.S. forces in the active force structure (about $15 billion);

(c) The total cost of European-deployed U.S. forces (about $55 billion);

(d) The total cost of European-deployed U.S. forces and those U.S.-based forces that we have pledged to contribute as NATO reinforcements in the early stages of a conflict (about $90 billion);

(e) The total cost of European-deployed U.S. forces and all of the U.S.-based forces that we have pledged to contribute as NATO reinforcements over the course of a conflict (about $177 billion);

(f) The total cost of all U.S. conventional forces (about $227 billion); and

(g) The total cost of all U.S. forces (about $306 billion).

Mr. NUNN. Mr. President, this chart shows an incremental cost of operating forces that are stationed in Europe rather than in the United States. It shows the incremental operating costs associated with maintaining European-deployed U.S. forces in the active force structure. It shows the total cost of European-deployed U.S. forces, which is about $55 billion.

It shows the total cost of European-deployed U.S. forces and those U.S.-based forces that we have pledged to contribute as NATO reinforcements in the early stages of a conflict, about $90 billion. It shows the total cost of European-deployed U.S. forces and all of the U.S.-based forces that we have pledged to contribute as NATO reinforcements over the course of the conflict. This includes not just the rapid forces that would be there in the early days, but also those that would take considerably longer time to arrive. That figure about $177 billion.

So the $90 billion figure is certainly not all we are doing for NATO.

The total cost is also shown of all U.S. conventional forces; and that is about $227 billion. And that includes, of course, those that are designated for NATO and those that are designated for other areas of the world.

And the total cost of U.S. forces is about $306 billion.

Mr. President, I hope this table will appear in the RECORD as indicated. I think if my colleagues would examine the table, and also, if they have time, the report of Secretary Weinberger that is available in the Armed Services Committee, I think Senators would benefit from reading that.

Mr. President, I do not know which reason or combination of reasons can explain the current situation, but I do know that it is high time—indeed, past time—to put the issue of European intentions to a reasonable and responsible test. That is what I propose to do with the amendment that I shall introduce later.

Our NATO Ambassador to Europe, Dr. David Abshire, is a very qualified and a very dedicated Ambassador to our NATO council. He has contacted me. I will say at the outset that he does not favor this amendment. I can list all sorts of people who do not favor the amendment. I am sure Senator TOWER, during the course of this debate, will call that to our attention.

But let me state from the very beginning that Ambassador Abshire does not favor this amendment. General Rogers does not favor this amendment. I am sure our Defense Department does not favor the amendment. I am sure the State Department does not favor the amendment. I am sure

the President, when he is notified, will not favor the amendment. And I am certain our allies in Europe will not favor the amendment.

So I am not here pretending to my colleagues that this is in any way endorsed by this administration, because it certainly is not endorsed by this administration.

I have been involved in NATO matters for a long time. If there is one thing that is absolutely certain it is that the status quo in NATO is what every administration always seeks. This amendment will require a very substantial departure, if it passes, from that status quo.

I would at this point like to put into the RECORD a letter from Ambassador Abshire, which goes into his view at this point in history of our European intentions regarding conventional defense. I ask unanimous consent that the letter from our Ambassador, Dr. Abshire, be printed in the RECORD.

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

DEPARTMENT OF STATE,
Washington, DC, June 15, 1984.

Hon. SAM NUNN,
Committee on Armed Services,
U.S. Senate.

DEAR SENATOR NUNN: Ambassador Abshire has asked that the following letter be delivered to you:

DEAR SAM: Secretary Weinberger has relayed your request for a letter outlining my personal observations on the attitude of NATO allies toward conventional defense improvements. During your visit to Brussels last January and on other occasions, we discussed how in the past some Europeans have in effect wanted only an "extended trip wire" and really did not believe in filling out the conventional leg of NATO's flexible response triad.

Like you, I was skeptical about this when I came to NATO last July. But I have been deeply struck by the altered attitudes of our alliance colleagues.

I can assure you that a significant change of attitude is taking place in Western Europe. It is especially manifest at the level of Defense and Foreign Ministers.

Since my arrival I have attended six meetings of Foreign and Defense Ministers. With the initial INF deployments successfully behind us, ministers are now most concerned about improving conventional forces. They are motivated in part by a realization that European public opinion is increasingly worried about the nuclear risk and, consequently, ready to devote greater attention to conventional defense.

At the 1983 December Ministerial, Secretary Weinberger did indeed take the lead in pointing out that such improvements could be achieved in the shorter term by increased ammunition stocks, reserve mobilization and other measures to improve sustainability, and in the longer term by exploitation of Emerging Technologies. In the discussions that followed, other Ministers are equally convinced of the urgent need to move forward toward these objectives. I recall Italian Defense Minister Spadolini emphasizing the obligation of all NATO governments to make every possible effort to safeguard the credibility of the conventional component of the deterrent. The German and British Defense Ministers and those of several of the smaller countries argued along similar lines. They all reflected heightened concern about Warsaw Pack conventional improvements and the need to do something in response.

The communique reflected this concern. The allies, it stated, "will meet their legitimate security requirements with the conventional and nuclear forces necessary. They will devote resources and energy to the modernization of conventional forces, seeking a more effective and balanced trans-Atlantic armaments cooperation."

The May 1984 Defense Ministers' meeting re-emphasized the critical need for conventional improvements. Ministers stressed it heavily in their communique: "While NATO has made considerable progress in modernization, the growing offensive strength of Warsaw Pact forces means that NATO nations must improve their current forces . . . in order to enhance the flexibility and therefore the credibility of NATO strategy, Ministers reaffirmed their determination to strengthen the conventional capabilities of the Alliance."

At the spring 1984 meeting of Foreign Ministers in Washington, Secretary Shultz addressed the importance of conventional force improvements. He was followed by the Norwegian Foreign Minister who made a very forceful intervention stressing the urgency of this challenge. Secretary General Luns, in his official appraisal to the Washington Ministerial, also argued strongly that the Alliance must make conventional improvements its highest priority.

The most recent report of the Conference of National Armaments Directors (CNAD) shows that, among many positive developments, allied nations have agreed to stress seven key programs that should make especially important contributions to improved conventional defense. Beyond the work of the CNAD, the increased activity of the EUROGROUP and the Independent European Program Group (IEPG) has been sparked in large part by the European desire to find more effective and more efficient ways to develop better conventional weapons systems.

Moving from the ministerial and official level, I would also note a great change in public attitudes. In short, improving conventional defense is no longer a taboo subject for debate.

Last month I participated in a conference in the Hague attended by an interesting cross-section of European parliamentarians, almost all of them chairman of, or members of, their Parliaments' Defense or Foreign Affairs Committees. Statements made at the conference demonstrated the parliamentarians' broad interest in converting the heightened nuclear concern among European publics, following the "Year of the Missile," into conventional improvements which reduce the nuclear risk. This attidue was especially striking among parliamentarians of the left, including British and Dutch laborites.

Other examples include the British Atlantic Committee report, the Bundestag hearings and conclusions of the European contributors to the CSIS series on Nato in the Times of London.

You are correct in saying that in the past part of the problem was an attitudinal one. I think we have won that battle. The problem now is quite different. It is how to finance the improvements on which NATO has indeed agreed. I am not addressing this second issue in this letter, but did want you to know the attitudinal battle has been won. I do indeed hope you can share this view of mine with your interested colleagues.

That, I believe, is where we stand. The effort to achieve an improved conventional defense will require vigorous leadership on both sides of the Atlantic and will need steady congressional support. This change of attitude reflects a critical step.

Sincerely,

DAVE.

Sincerely,

W. TAPLEY BENNETT, Jr.
Assistant Secretary, Legislative and Intergovernmental Affairs.

Mr. NUNN. Mr. President, we must begin, however, not to measure just intentions. And that is what we are inclined to debate in NATO—What do they intend to do over the next 5 years? What do they intend to do over the next 10 years? It is time for us to start measuring programmatic progress and not just intentions. If the allies are not prepared to make modest efforts to improve conventional defenses in the remainder of this decade, while the United States plans to spend many hundreds of billions of dollars on our NATO commitment—if the allies really want, or will continue to settle for, a nuclear tripwire, then I believe the United States should recognize this at some point and adjust our own military commitment and our defense priorities.

We can provide for a nuclear tripwire—or even what some call an extended tripwire—with far fewer conventional forces and personnel than the United States currently has stationed in NATO. And, I might add, without the expense of massive reinforcements, all at significantly less cost than we now incur. I do not favor that course.

Mr. President, I want to make abundantly clear that I do not favor the withdrawal of American forces. I do not favor an alliance posture of going to an early use of nuclear weapons. I do not favor a tripwire policy. I do not favor an extended tripwire policy. I am against all of those. But that is where we are now and I think we have to recognize it and begin to deal with it accordingly.

If that is where we are going to stay, then I am in favor of making some very substantial adjustments and I am also in favor of the European leaders basically informing their public that that, indeed, is the policy of NATO and is going to continue to be the policy of NATO, as reflected in their defense budgets.

Then, if the European public is satified to continue to have a policy based on the early use of nuclear weapons, and if the American public is satisfied to continue to have a policy that basically says, when the first tanks come across the border after a few days, we are going to start popping theater nuclear weapons in Europe, and who knows from there, if that is what we

want, then we are going to be in a position to at least know that that is what we, indeed, have. I do not think that is what we want. I do not believe, after thoughtful analysis, that is what the Europeans want. But somebody still has to put it to a test. Perhaps, as my colleague from Texas, I am sure, will argue, perhaps this is not the appropriate time. I have been trying to sort back over my 12 years in the Senate, trying to determine what would be the appropriate time during the last 12 years. I have not come to a conclusion that any time is better than the present.

There always are different advantages of timing, with elections and democracies in a very complex world, with the Soviet Union; all timing is a subjective judgment. So I am not going to argue that this is precisely the best time, looking at a 25-year sweep of history. This is a judgment all Senators will have to make for themselves when they vote on this amendment. But I am saying that if you wait for a time that is appropriate and to deem it be appropriate, we will be waiting forever and we will be endorsing the early use of nuclear weapon strategy that we now have in NATO.

Mr. President, I consider myself a longstanding and strong supporter of the NATO alliance. I have written three reports to the Senate on the subject of NATO defenses, starting with the first report in 1974, 2 years after I got to the Senate. I have sponsored various legislation over the years to improve NATO's defense capabilities. I was a leader in the floor fights in the mid-1970's to defeat the Mansfield amendments to cut U.S. forces in NATO unilaterally. I still would oppose that approach. I would not favor cutting our forces in 1985. I do not favor cutting them in 1986, even. My amendment will reflect that.

But I do favor putting the test to our allies and this test will be revealed during the course of this debate.

I want to emphasize one point at the outset. Although my amendments calls for sizable troop reductions in the late 1980's if our European allies do not show a willingness to improve conventional defense capabilities, this amendment is not intended either as blackmail or as punishment. I am realistic enough to know that someone will label it such. But that will be a label that in no way reflects the intent of the author. I am hopeful that no troops will ever be withdrawn by reason of this amendment. It is merely a recognition that continued, even redoubled, U.S. sacrifices to improve conventional defenses and to raise the nuclear threshold in Europe are to no avail without similar allied efforts.

We must move forward and improve the alliance in tandem. We must head for these goals on a bicycle built for two—the United States can have the front seat but it takes someone pedaling behind as well. That has not been forthcoming.

In an era of well-recognized NATO disadvantage in theater nuclear weapons, at a time of rough strategic nuclear parity between the United States and the Soviet Union, it is, in my view, unrealistic and dangerous to rest the fate of the alliance on a strategy of deliberate, early nuclear escalation. Yet what General Rogers has described in clear testimony is a situation in which, in the event of a major Warsaw Pact conventional attack on NATO, the alliance leaders would be faced with choosing "in terms of days, not weeks" between capitulation or NATO being the first to use nuclear weapons. Even if the Soviets limit their attack to conventional means, NATO will be forced to escalate the conflict into a nuclear exchange, an area of alliance disadvantage.

As I mentioned a few minutes ago, we are in a fundamentally different era than we were in the 1960's and 1950's. The threat of nuclear escalation giving an advantage has some credibility, even though it would be horrible to contemplate. It has some credibility, but when your own alliance recognizes and acknowledges that your theater posture is in one of disadvantage, I must ask the fundamental question: What is the credibility of a threat to escalate into an area where you have even more pronounced disadvantage?

We cannot continue this posture.

Mr. President, the United States is pledged to ship to Europe, within the first 10 days of such a war, a total of 6 Army divisions and 20 tactical fighter wings as early reinforcements to the 4 divisions and 7 wings we already have over there. Yet if this huge early reinforcement nonetheless leads only to "days, not weeks" before nuclear weapons are used, I question the soundness of the basic plan under which we, in America, are spending hundreds of billions of dollars.

If NATO is going to have to surrender, then six more U.S. divisions added to the four already there more than doubles our "Dunkirk problem." If instead, NATO is going to resort to early nuclear escalation, our additional divisions will be irrelevant by the time they arrive there.

Indeed, Mr. President, General Rogers addressed this situation, too:

> Because of the failure to meet commitments in the conventional area by all nations and through trying to buy Alliance defense on the cheap by relying on nuclear weapons, we have mortgaged our defense to the nuclear response.

To his considerable credit, General Rogers has done everything in his power to correct this militarily untenable situation. Now the U.S. Senate and the Congress of the United States must lend a helping hand. It is apparent that this status quo situation is not going to change in the next 4 or 5 years based on all the reports that we have from the allies' planning documents. It is not going to change unless we do something about it. Make no mistake.

The quiet approach of spending more and more U.S. dollars on NATO defense that we have undertaken since the 1970's, and greatly intensified in the 1980's, based on leadership has thus far failed. It is not working. If I saw any sign on the horizon that it would work, then I would not be here today with this amendment. I also was one who hoped that that kind of approach would work. We cannot permit the bulwark of Western defense—NATO—to continue this situation endlessly into the future. If it does, the alliance has no real future. It will be one of constant erosion. The problems we have seen today that are emerging more and more between the alliance I do not believe are incidental. I think they directly reflect the growing perception of the public in Europe—and also the public in this country—that our military strategy in NATO is not being implemented. I think it reflects the trends in that direction.

Mr. President, we can debate why we are in this untenable military trap today and there are many sides to this argument. It is very complex. I do not want to over simplify it. However, two things are clear—first, we must improve conventional defenses; and, second, NATO is not currently planning to make these improvements.

It is time for us to recognize too that the U.S. defense budget, no matter what it has in it, for NATO cannot unilaterally cure the problem in our NATO conventional defense. That is one fault I have with this administration. They seem to believe, or they have in the past, that we can simply cure the NATO problems within our own defense budget. I do not believe that is correct. I know there are many people in this administration who do not agree with that view. I do not say that as the direct formal view, but too many times we act as if as a part of alliance we can cure the problems ourselves. That simply cannot be done, as General Rogers makes very, very clear in all of his testimony. These two inevitable realities that we must improve our conventional defenses—and NATO currently has no such plans—is the case we faced despite alliance agreements in principle year after year, starting in the late 1970's, to implement specific measures to improve NATO's conventional defense capability.

From a major set of alliance meetings in 1977 and 1978 emerged the following agreed goals which are still in effect today:

The pledge to increase defense spending in each country by at least 3 percent per year in real terms;

The pledge to acquire a 30-day supply of conventional munitions within 5 years in the center region;

If that had been pledged, carried out, we would now have that capability.

The agreement on what ultimately became the rapid reinforcement plan.

These goals have been agreed to in NATO ministerial guidance and have been reaffirmed at their annual meetings. The rapid reinforcement plan constitutes the commitment by the United States to move a total of six Army divisions and roughly 20 tactical fighter wings from the United States to Europe within 10 days to reinforce our forces already there.

Now, Mr. President, as noted, the United States has been spending many billions of dollars on Army combat equipment to go into the six pre-positioned overseas materiel configured in unit sets [POMCUS] sites, so that we can fly only the troops from the United States to Europe and have them match up over there with their equipment. This means we have to buy two sets of equipment—one here to train with, one there to fight with. We have been spending many more billions to acquire the 20 wings of tactical aircraft for rapid deployment. We have been spending still more billions of dollars on airlift and tanker support, in order to carry out these time-urgent deployment plans. We have been spending billions for U.S. stocks of munitions in Europe, which are well above the 30-day NATO goal and climbing. Keep in mind that this $52 billion figure that we plan to spend according to our defense guidance over the next 5 years on NATO munitions.

We plan to spend $52 billion on munitions for our NATO forces over the next 5 years to increase this sustainability level even higher.

In return for all this, the allies agreed to do two things. First they agreed to provide host-nation support in wartime—the provision of some of their reservists and equipment—and to provide rear-area support for our reinforcing combat divisions. To give our allies their due there has been some progress in this wartime host-nation support area. The chairman of the Armed Services Committee and I have led the fight in Congress to back up these agreements. Second, the allies also agreed to fund critical facilities and aircraft shelters for our reinforcing aircraft.

I see the Senator from Arizona on the floor. I know he is acutely aware of how important it is to have minimum essential facilities in Europe available for those aircraft that number approximately 1,500 or 1,600 that will go over in the early days of the war. I know the Senator also recognizes the importance of having the shelters there for those aircraft if they are to survive. No one has been more active in making sure that our Tactical Air Force stays ahead than the Senator from Arizona. He is to be commended greatly for that.

Finally, we have carried out our 3-percent pledge every year in the process of implementing all of these activities. The Secretary of Defense has just reported to Congress that we have exceeded our 33-percent goal every year since 1979 and that the total cost of European-deployed U.S. forces and those U.S. based forces that we have pledged to contribute to a NATO reinforcement in the early stages of a conflict is about $90 billion of the fiscal year 1985 budget, or over 30 percent of the entire budget. The Secretary's report also indicates that the total cost of all the U.S. NATO deployed forces and reinforcements planned over the course of a NATO conflict is $177 billion in this year's budget and will be growing each and every year.

Now, Mr. President, let me briefly recount what our allies have done to meet their commitments:

They have not achieved the goal of a 3-percent increase after inflation, on average, in any year since the pledge was made; indeed the size of their increases has gotten smaller each year. The more we have done, the less they have done. For fiscal year 1983, DOD estimates that the average allied increase will be 1.9 to 2.1 percent; for fiscal year 1984, 1.2 to 1.7 percent. The United States, however, has met the goal every year and continues defense spending that is substantially above 3 percent real growth. Starting with 1980, our increases have ranged from 4.9 to 9 percent.

The second interesting thing about our allies' participation. No allied country has reached the agreed goal of a 30-day supply of munitions. Allied sustainability is uneven at best; some kinds of munitions are close to the goal but others are in critically short supply, measured in days, not weeks. These critical munitions are what our generals call war stoppers, and when that term is used it means that when they give out, when we give out of those munitions, so far as the scenario that is most realistic is concerned, the war has been stopped. Most allies have indicated that they plan little or no progress toward the 30-day goal in their current 5-year projections. During the same period, the United States will be spending $52 billion to increase its stocks which are already substantially larger.

In other words, we have much more sustainability in NATO than our allies do. We are planning on spending about $52 billion over the next 5 years to increase our sustainability to a much greater degree. Our allies do not even plan to do anything appreciably to affect or alter the status quo. Is that not a sad state of affairs?

Secretary Weinberger has summarized this situation well in his May 1984 report to Congress on "Improving NATO's Conventional Capability." He stated:

> The lack of adequate capability to sustain combat operations for long with . . . munitions . . . is one of NATO's most critical and persistent shortfalls. In war, such shortages would force commanders to curtail operations to avoid running out . . . and the price of such rationing would be measurable directly in lives and kilometers lost." Secretary Weinberger added, "History records that of all the reasons given for military defeat, running out of ammunition ranks near if not at the top.

The Secretary also stated:

> The current situation is sufficiently serious that the need to increase munitions stocks is important enough to give that effort a higher priority than other national force improvements.

The situation isn't much better in terms of the facilities and shelters the Allies are to provide on their air bases for U.S. reinforcing tactical aircraft. Our own U.S. main operating bases in Europe are so crowded with our 7 wings already there that most of the roughly 20 U.S. reinforcing wings will be scattered across many European air bases operated by other NATO countries. Those bases are called colocated operating bases, or COB's; they have enough space to accept our arriving aircraft. However, these COB's do not have extra minimum essential facilities, such as fuel and ammunition storage adequate for 7 days' operations, extra emergency operating facilities such as control towers and maintenance facilities and extra semihardened aircraft shelters to protect our reinforcing aircraft. Without these facilities and shelters that the allies have agreed to provide, the arriving $50 billion worth of U.S. aircraft are unlikely to survive, let alone be able to operate effectively.

Fifty billion dollars' worth of aircraft that we will send over there in the first stage of a war will probably fly only one time. That is not because they are shot down, although some unfortunately will be, but because they do not have any place to be maintained, to have refueling capability, or to have any chance of surviving because they do have shelters.

Where are we specifically in terms of the facilities and shelters to support our early reinforcement aircraft?

Today—6 years after the agreement—there are minimum essential facilities in place for less than 20 percent of our reinforcing aircraft. There still are virtually no hardened aircraft shelters for any of these reinforcing aircraft.

Twenty percent minimum essential facilities and no aircraft shelters.

In other words, only a relatively few aircraft will have fuel and ammunition available and they will be unsheltered, in the open, in the middle of World War III. Now, we learned as long ago as the 1973 Middle East war that unsheltered aircraft really are sitting ducks. Yet, year after year, we renew in the defense planning questionnaire our commitment to deploy over $50 billion worth of the finest and most modern U.S. fighters to become sitting ducks.

I might add, we will have some of our finest young airmen manning these planes and they, too, will be sitting ducks.

These aircraft have little chance to survive since our NATO allies have been unwilling to provide the roughly $1 billion extra to fuel, arm and protect these aircraft. That is right—the total cost to the allies to provide minimum essential facilities, emergency operations facilities and hardened shelters for our $50 billion worth of aircraft is about $1 billion more than currently planned. It is incomprehensible that $50 billion of sophisticated aircraft would be virtually useless because our allies refuse to provide an additional $1 billion to house them.

Mr. President, unfortunately, we could continue this sorry tale. Let me give only one more pertinent example. The NATO force goals, which are developed every 2 years by the NATO military commanders and cover 6 years, are considered an expression of the forces and facilities necessary for the accomplishment of NATO military commanders' assigned missions. These goals are designed to challenge each nation to meet these critical missions.

It should be no surprise to anyone that the performance toward these goals has been less than satisfactory for the most part.

In fact, General Rogers recently said that NATO was "running in the wrong direction" in terms of the force goals:

> When we figured out the force goals—not the one we just approved earlier this month but the previous one approved in 1982—we figured that they would require a 4-percent real increase in defense spending per year, per nation for each of the 6 years from 1983 to 1988 to fully meet those force goals. New force goals have just been approved for the years 1985 to 1990. Now we calculate that to meet those force goals fully, it's only going to cost a little over 3 percent. So you see we're running in the wrong direction. We're going down to 3 percent to meet those force goals. Those force goals, even if fully implemented, won't give us the kind of conventional capability that I've talked about.

General Rogers is pessimistic that the NATO allies will even meet these lower force goals:

> When you ask the question do I think its logical that they're going to be able to meet it, the answer is no.

Mr. President, it is my belief that it is time to challenge our European allies to begin to make good on longstanding commitments like those I have described.

Nothing in this amendment reflects any goal that has not been signed off on not once but over and over and over again by our NATO allies.

Without achieving these goals, a more robust conventional defense of Europe is virtually impossible. It is time to turn our attention to raising the nuclear threshold by improving NATO's collective conventional defenses.

It is time to put to a reasonable and responsible test the proposition of whether the Europeans want to continue a nuclear tripwire posture or seriously want to improve conventional capability. The long and short of it is: it is shapeup or shipout time for NATO.

Let me briefly describe how my amendment is designed to test this proposition. The test will be comprised of two optional paths: one based on input goals; the other based on output goals.

First, the amendment extends and makes permanent the troop ceiling on U.S. ground forces stationed in NATO at a level of 326,414. This is a cap at exactly the level DOD has requested for the end of fiscal year 1985. The Department does plan over the next 5 years to request additional increases. Given the current situation and the lack of any major indication that the allies are moving forward, it makes no sense, in my view for us to increase our forces beyond the fiscal year 1985 level at this time. Since 1977 U.S. forces in NATO have increased by almost 45,000 personnel while allied force levels have remained essentially static. Interestingly enough, 1977 was the year the United States began to have serious discussions with our allies on improving conventional defenses.

In other words, Mr. President, as I shall explain in my amendment in a few minutes, if all the tests fail in the amendment and if total cuts are made between now and 1989 as indicated in the amendment, we shall have only 48,000 less troops there than we had in 1977. If half the tests are met and we only reduce by half the 90,000 that is called for in the amendment over that 3- or 4-year period, then we shall be at the 1977 level; we shall essentially be holding our own in terms of where we were in 1977, which is about where our allies are now so they have not improved significantly since 1977.

The second intent of the amendment is to establish a 5-year period during which the NATO allies will be expected to meet certain goals related to improving conventional defense. All of these goals have been formally agreed to by the alliance, but the allies may need a year, if this amendment passes, to discover America is finally ready to fish or cut bait on conventional improvements. The amendment works as follows: The allies would have 1 year to get ready. It would be a little over a year, considering the balance of 1984 and all of 1985. These are calendar years, not fiscal years.

Then they would have 3 years of performance which would be measured—the first performance measuring year would be 1986; the second performance measuring year would be 1987; the third would be 1988. Serious deficiencies would be corrected at a rate of 20 percent a year in those 3 years. I have divided the total needs of categories that are part of this amendment into five parts. That means 20 percent each year, but the measuring years cover only 3 of those 5 years. So we shall measure by 20 percent a year. We will not require one-third performance each year, but rather, one-fifth performance each year under these goals. By requiring performance over only 3 of the 5 years needed to make up 100 percent of the deficiencies in the designated areas, Congress will have an opportunity for a midterm review and to make adjustments should unforeseen circumstances arise.

The amendment ties future U.S. troop strength in NATO to progress—or lack of it—by the allies in improving conventional defense capabilities in certain specified areas.

As I have mentioned, Mr. President, the input-oriented test is the NATO agreed target of a 3-percent average increase in defense spending, after inflation, by the non-U.S. NATO allies. This goal, first established in 1979, has just been reaffirmed by the NATO Ministers. If the non-U.S. allies reach this goal, no troop reductions are required—nothing; not one. As indicated, this would be adequate for the allies to achieve the current force goals, although, as General Rogers indicated, current force goals in his view are not adequate.

However, if in any year the allies fail to meet the 3-percent test in any year, the amendment offers an output-oriented path for the allies to forestall the U.S. troops reductions, by meeting a set of three other goals in specific areas of longstanding deficiency. Each should be considered a war stopper in its own right.

What we are essentially asking the Allies to do is to take one of two paths—either meet the longstanding 3-percent increase pledge or move down another path: First, to increase systematically over 5 years their munitions sustainability to reach the 30-day goal, at the rate of 20 percent of the shortfall each year. These increases would require the six center region allies collectively to spend less than $1 billion per year. While these allies together would have to spend about a billion a year more to get to 30 days, the United States is spending $6.2 billion this year on our NATO munitions

and plans to spend $52 billion over the next 5 years to increase our stocks which are already substantially higher than theirs.

In other words, we are spending $6.2 billion this year on our munitions in NATO and we already have substantially more munitions than our allies have.

The second part of the second test, or path, is to commit to an infrastructure funding level adequate to provide over 5 years the roughly $1 billion extra needed from the allies to build the facilities and shelters to give the $50 billion we have invested in U.S. reinforcing tactical aircraft a fighting chance; the needed facilities and shelters also must be committed to construction at the rate of 20 percent of the shortfall per year. To meet this test, the allies would have to agree to contribute about $600 million more to the NATO infrastructure fund during the 3-year measuring period; $1 billion is needed to completely close the gap.

To close the gap completely over a 5-year period would require approximately $1 billion. That would be of allied funds. Interestingly enough, the United States makes a substantial contribution to that infrastructure fund and I am using figures that will only relate the allied portion thereof.

The third test, under part 2: To make significant progress in lengthening the interval between onset of a conventional attack by the Warsaw Pact and the time at which nuclear release would have to be requested, as determined and certified to the Secretary of Defense by the SACEUR, General Rogers.

This third test would be a subjective test and it would be up to our Supreme Allied Commander to make that assessment, considering not just the two items I have enumerated as a part of this amendment, but meeting other parts of our conventional force structure and posture that needs improving.

If, upon reflection and with 2 years in which to plan and begin responses, the allies are nonetheless unwilling to make these essential and agreed-upon improvements, the United States will have a clear indication of allied intent. It will be evident that the allies are content with nothing more than a tripwire, and we can begin to reduce the number of our forces stationed in NATO and also begin to reduce our related NATO expenditures.

Mr. President, I repeat: If this happens, I think it will be very bad. It will not, however, be a change in the status quo. That is where we are now. I hope we can change.

Let me now describe the reductions. If the allies do not make the first path of 3 percent, let me call it the No. 1 test, and if they also fail to meet any of the three goals under path two, then the ceiling will be reduced by 30,000 per year. If, however, the allies meet one of the three goals under path two, the ceiling would be reduced by only 20,000; if two out of three under path two, by 10,000, and if they meet all three, or if they meet the 3 percent test under path No. 1, there would be no reduction.

I repeat, either of the compliance paths offered, the 3-percent growth path or the specific goals path, is both realistic and affordable. Moreover, for the second path, the spending is entirely in Europe on European goods and services, and produced by European labor. Indeed, in the case of facilities and aircraft shelters at European bases, the United States will also pay more than one-fourth of the total bill as its share of common infrastructure funding. Moreover, Mr. President, nothing in this amendment forces the allies to do anything that has not been agreed to previously—indeed, agreed, and agreed again. All that has as been missing is performance on the agreements.

Thus, Mr. President, if NATO's de facto strategy really is a conventional tripwire with early resort to nuclear weapons, the last thing the United States should be planning is to send six more divisions and about 1,500 more tactical aircraft into Europe just as the alliance is ready to escalate to nuclear weapons.

Indeed, if that is the strategy the Europeans want, I believe that a far smaller commitment of U.S. stationed forces than those we now maintain in peacetime would be called for. That is why I regard as wholly appropriate the troop reductions called for in this amendment, if the allies are not serious about improving conventional capability.

Mr. President, there are two other parts of this amendment that I think deserve careful attention:

This amendment also requires the Secretary of Defense to submit an annual report outlining U.S. defense expenditures in support of NATO. This report would provide a direct link between our defense spending and our formal commitment to NATO as reflected in the NATO defense planning questionnaire response. This is an annual document in which the member nations commit forces to NATO. Congress will be able, using this report, to determine just what this commitment costs.

This reporting will also include as assessment of Allied performance in meeting the following—and it is important to recognize that none of these areas are covered by the amendment. This is only a report. They are not covering areas that are not capable of precise measurement—

First. Increasing overall defense spending.

Second. Increasing sustainability as well as support for U.S. reinforcing tactical aircraft.

Third. Improving airbase defenses.

Fourth. Meeting NATO force goals.

Fifth. Increasing NATO infrastructure funding.

Sixth. Increasing trained manpower levels, particularly reserves.

Seventh. Increasing war reserve material.

Eighth. Improving initial defense capability.

Ninth. Improving NATO's ability to neutralize enemy follow-on forces, particularly through the use of emerging technologies.

Tenth. Improving mine/counter mine capability.

Eleventh. Improving offensive counter air capability.

When we have this assessment, each year Congress will be able to look at U.S. expenditures in support of NATO and how the Allies are performing in certain key areas. Congress can then make judgments on whether or not the U.S. expenditures should be approved in the annual authorization process or whether they should be reduced.

In my judgment, this is an appropriate way to link Allied performance to our own commitment to NATO. If the Europeans simply shift their priorities and resources to meet these formal tests, abandoning other agreed goals, we will soon recognize this shift.

Finally, Mr. President—and I hope that particularly our European friends and the European media will take notice of this part of the amendment. I know that Senator ROTH has already talked about this on the floor this morning, but I think it is an enormously important part of our NATO alliance. I note that this is one area where the United States clearly has not done enough over the years and that is making a two-way street in armaments cooperation work. Chairman TOWER and I have been strong supporters of the emerging technology initiative in NATO, and I welcome the recent tangible progress in this area. Nonetheless, our European allies spend a great deal more on U.S. weapons systems and components than we do in acquiring European-developed systems. While some of that can legitimately be justified on the grounds that our worldwide commitments sometimes impose requirements beyond those typically considered by European manufacturers, I am inclined to believe that much more of that stems from U.S. industry and our own military's reluctance to buy somebody else's product rather than being involved from the very beginning.

However, Mr. President, I say that if we are ever to get to the point where NATO's resource inputs, which are larger than those of the Warsaw Pact,

are efficiently transformed into a larger defense output, it must be because we have done a better job of mutual planning, cooperative development, and equitable sharing of production. Therefore, I have included in the amendment a provision to encourage the side-by-side testing, by the Secretary of Defense's Office of Test and Evaluation, not by the services themselves, of systems and subsystems of European manufacture against those developed by our military establishment. This is but a small step toward greater transatlantic cooperation in armaments, but I hope it will mark an important new start, and help persuade European governments that we do not want troop cuts, we want more effective conventional defenses, and we are willing to look closely at what they have to offer in terms of military procurement.

In summary, Mr. President, the United States cannot continue to expend billions and billions to prepare for the conventional war that our allies are not prepared to fight. These precious resources are better applied for other purposes, to meet our other worldwide interests and commitments.

I am under no illusions about the ability of the Senate or indeed the entire legislative branch of our Government to influence or certainly to dictate the actions of other nations. Also I am under no illusions about the many obstacles to improved conventional defense capabilities that would remain even if the allies fully comply with the goals of this amendment. This amendment is not designed to cure all of NATO's defense problems. I do not believe they can all be codified in an intelligible way. It is not a panacea but it is a beginning. This is a modest test of whether the vitality of the alliance is still capable of being energized. If such movement and such energy is evident over the next few years this amendment will have a significance far beyond its modest scope.

In my judgment, the citizens of the Western democracies will not long sustain nor support large defense establishments that can only provide a military posture that has as its end result either capitulation or resort to early use of nuclear weapons. In an era of pronounced NATO theater nuclear disadvantage and rough strategic nuclear parity between the United States and U.S.S.R., this status quo makes no sense.

I will urge my colleagues at the appropriate time to take a look at the amendment very carefully. I will have the amendment printed. It will be available for my colleagues, and at the appropriate time I will send the amendment to the desk, but I will carefully coordinate with my colleague from Texas so that we can both have ample time to debate the amendment and our colleagues will have a chance to consider the amendment in depth.

Mr. President, again, the purpose of this amendment is not to withdraw forces, although that could result. The purpose is to improve NATO's conventional capability over a 5-year period within defense spending levels that are readily achievable. Mr. President, I yield the floor.

(Later the following occurred:)

Mr. NUNN. Mr. President, I will send my amendment to the desk and ask that it be printed in the RECORD. I also ask unanimous consent that it appear right after my remarks in the RECORD. This is the NATO amendment. At a later time I will offer the amendment.

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

The text of the amendment follows:

On page 128, between lines 12 and 13, insert the following new section:

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

SEC. . (a) The Congress finds that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the time period that Western Europe can be defended adequately by conventional forces without the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country. The Congress further finds that increasing defense spending, improving conventional sustainability, and providing support facilities in Western Europe for rapid reinforcements from the United States are crucial to accomplishing that objective.

(b) After September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any subsequent Act may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(c) Beginning on December 31, 1987, and ending December 31, 1989, the permanent ceiling prescribed in subsection (b) shall be reduced effective December 31 each year by 30,000 unless, during the previous calendar year, member nations of NATO, other than the United States, have increased their defense spending by an aggregate average of at least 3 percent, after inflation, as measured in the annual report of the Secretary of Defense on the allied contribution to the common defense required by section 1001.

(d) The Secretary of Defense may waive the reduction required by subsection (c) for any calendar year if he certifies to Congress in writing that, during the previous calendar year, member nations of NATO (other than the United States) have accomplished the following objectives:

(1) Those member nations of NATO (other than the United States) who have committed forces to the Center Region have placed on firm order, or accepted delivery of, an increase in the supply of air and ground munitions so as to reduce, on an average, 20 percent of the gap between the goal, as established in NATO Ministerial Guidance, of 30 days supply and the level of such munitions available in the Center Region of NATO as of January 1, 1985.

(2) Member nations of NATO (other than the United States) have increased the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe so as to reduce, on an average, 20 percent of the gap between the number of such facilities and shelters available on January 1, 1985, and the number required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft in the previous year's Defense Planning Questionnaire (DPQ) Response. Such reduction in the gap must be accomplished by real increased spending and may not be met by reallocation within existing spending levels of infrastructure funds.

(3) The Supreme Allied Commander in Europe has certified to the Secretary of Defense in writing that in the previous calendar year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity which contributes to lengthening the time period between an armed conventional attack on any NATO country and the time the Supreme Allied Commander would have to request the release and use of nuclear weapons.

(e) If the Secretary of Defense is unable to certify to the Congress that member nations of NATO (other than the United States) have met all three objectives of subsection (d) in any calendar year, but is able to certify that some of those objectives have been met, the permanent ceiling prescribed in subsection (c) shall be reduced as follows:

(1) If the Secretary certifies to the Congress that one of the three objectives has been met, the permanent ceiling shall be reduced by 20,000.

(2) If the Secretary certifies that two of the three objectives have been met, the permanent ceiling shall be reduced by 10,000.

(f) Whenever a reduction in the permanent ceiling is required to be made under this section in any year, such reduction shall be in addition to any reduction in the ceiling required to be made under this section in any previous year.

(g)(1) Not later than March 1 in each of the calendar years 1985 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semihardened aircraft shelters completed or under constuction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) The measures taken to accomplish the objectives of subsection (d)(3).

(2) The March 1985 report shall establish the baseline for measuring the annual performance of member nations of NATO (other than the United States) in meeting the objectives established in subsections (d)(1) and (d)(2); the March 1986 report shall describe and employ, on a trial basis, the methodology to be used.

(3) The report required by this subsection shall also include an assessment as to whether the reduction of the gaps in:

(A) air and ground munitions was accomplished by reallocation of funds within existing or planned spending levels, and

(B) minimum essential and emergency operating facilities, and semi-hardened aircraft shelters was accomplished by real increased spending or by reallocation within existing spending levels of infrastructure funds.

(4)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by subsection (g)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(h)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116 (a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed $50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(i)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

Mr. TOWER. Mr. President, while I appreciate Senator NUNN's motivation in offering this amendment, and whereas there are many matters that he has touched on in his address that I could agree with, I would reluctantly have to strongly oppose his amendment. I understand the objective of Senator NUNN, and I think we all share that objective. Let me say that we can right now make a stipulation, as the lawyers say—at least I think that is what they say. I only have 1 year of law school and it is said I know just enough law to be dangerous, but the fact is I think we all agree that we are not satisfied with the current level of NATO burden sharing. We are not satisfied with it. We do not believe that our allies are doing what they should do or what they are capable of doing given their resources. This is not at issue in this debate. There is no point in debating this. There is no point in repetition of what they are not doing as justification for this amendment. What the debate must focus on is would this amendment cure the problem, would it lead us toward a solution to the problem, or could it conceivably exacerbate the problem. That is the point. I think the proponents of this measure are going to have to make a convincing argument that this will indeed move our allies in the direction we want them to go. My own view is that there is strong evidence to the contrary. This amendment will be opposed by the administration. Very, very strong réclamé has come back from our Ambassador to NATO, and I think that these arguments must be very carefully considered. I will not at this moment engage in debate on this issue. There are many points to be made. Should I begin a rejoinder now, it would take some time. But there are many points that should and must be made which I intend to make, and I am sure others who are in disagreement with the amendment will attempt to make them during the course of this debate.

I believe we all want substantial and significant improvement in the level of burden sharing of our allies, but I do not think any of us want to wittingly act favorably on an amendment that might be counterproductive, as I strongly suspect this amendment would be. So more will be said on the matter later.

Mr. President, we still have a number of amendments to dispose of in this bill, and I hope Senators who have amendments to offer to this bill will offer them. The leadership expressed the intention Thursday, when we finally decided to permit Members to get at least a half-night's sleep, that we would attempt today to get an agreement which would set a time certain for conclusion of the debate on this bill and final passage of it. It was also suggested that we may attempt to limit amendments to those that are at the desk at the time the consent agreement is arrived at.

Mr. President, we have already disposed of some 49 amendments to this measure. We are now in the 8th day of debate on the authorization bill. We have covered a lot of territory. As I say, we have disposed of 49 amendments. There were only 47 amendments pending to the bill last Monday, when we were in the 3d day of debate, and there are approximately 30 amendments now left to go.

The longer this bill hangs around, I think the more inclination there is on the part of people to think up amendments to add to it. But I serve notice on the Senate that it is certainly my intention, if the leadership will permit it, to spend long hours today and tomorrow on this bill, until we have completed it. We must complete it. We must get to conference and complete work on a conference report before we go out for the Fourth of July recess. It is a matter of absolute necessity, because we will be holding up the appropriations process otherwise, and we will not finish our work on defense authorization and appropriations in a timely fashion this year.

If we have to go into a continuing resolution, as we have had to do in past years, that will mean that we will get less percent for the dollar. We spend our money less efficiently when we do this, and we bilk the American taxpayers.

We can find a lot of fault with the Defense Department itself, what we believe to be some of its deficiencies and unnecessary expenditures. We can find fault with defense contractors. The fact is that if we do not complete our work in a timely fashion, we have become part of the problem; and the American people should understand that we, then, are a party of those who cause defense to cost more.

So I say to my collegues that it is my intention—again, the leadership willing—to work hard on this bill, long hours, to try to complete it tomorrow night.

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

Mr. TOWER. I yield to my colleague from Idaho.

Mr. SYMMS. I thank the distinguished Senator for yielding.

Mr. President, I say to the distinguished chairman of the committee that he has displayed a great deal of patience.

We have watched these amendments that have been coming up. Judging from many of the amendments, it ap-

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pears that what we are doing is establishing a kind of dangerous trend, that some Members in the other body and in the Senate are almost advocating the abandoning of control of our weapons systems over to the Soviets.

It seems to me that we need to move this bill. I think the chairman has had far too much patience. I wish he would call for third reading right now, and let us get this bill passed before anything else bad has an opportunity to happen. So far as I am concerned, I wish the chairman would go ahead and move the bill. If Senators are not here, that is too bad. We have had ample notice of being here today, ample notice that there would be votes today. If no Senator wants to offer an amendment, I urge the chairman to move to third reading.

Mr. TOWER. Mr. President, I appreciate the remarks of the Senator from Idaho.

We will have record votes today. We will have them during the afternoon, and we will have them tonight.

I know that some Senators will not be back until perhaps midafternoon, and they might miss two or three votes. They will have an opportunity to vote tonight.

It occurs to me that if we do our work on these bills during the daytime, we will not have to stay so late at night. Very often, Senators say: "My stars, we should not be compelled, when we are tired and working hard all day, to work late at night."

I suggest to my colleagues who feel that way that if we start functioning better in the daytime, we will not be here late at night.

Mr President, I believe that the Senator from New Jersey will be prepared to offer an amendment shortly, and pending his arrival on the floor, 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. NUNN. 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. NUNN. 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. SYMMS. 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. SYMMS. Mr. President, as I mentioned a moment ago to the chairman of the Armed Services Committee, I have been somewhat concerned in recent weeks as we have witnessed the alarming beginning of what I think is a very dangerous trend with respect to our defense policy.

To people outside this land of ours, it would almost appear that many Members of the House and some in the Senate are advocating an abandoning of control over our weapons systems deployment and research and development programs to the Soviets.

This year's Defense Authorization Act has been the target of numerous amendments which make action on U.S. weapons systems conditional upon Soviet arms control and negotiating positions. This approach to unilateral disarmament is not new, but its acceptance certainly is.

In December 1981 an amendment was offered in the Senate to the Department of Defense Appropriations Act of 1982 which would have expressed in the sense of Congress that the United States should take no action "in connection with its defense programs which would undercut existing strategic arms limitation agreements" unless Congress was informed by the President that the Soviet Union "was no longer exercising the same restraint." In 1981 the Senate had sufficient wisdom to defeat this motion. We knew then, as we know now, that the Soviet Union has never exercised such restraint.

This year, though, we seem to have lost the resolve to conduct our own affairs. The House-passed Department of Defense Authorization Act for fiscal year 1985 states that the United States may acquire not more than 15 MX missiles, and these only after April 1, 1985. The United States, says the House bill, may field more MX missiles only if the President can certify that the Soviet Union is not willing to take action to further the control and limitation of types of strategic nuclear missile weapon systems. Thus, only if the Soviets fail to exercise their veto power over our MX program by failing to express interest in arms control, can we proceed with the modernization of our land-based nuclear deterrent force. In my opinion, this approach is absurd.

The House did not stop with the MX. The House bill contains a Russian approval caveat to our testing of antisatellite weapons also. The House declared that no funds may be used for testing of the space defense system—antisatellite weapons—against an object in space unless the President certifies that the Soviets have conducted such tests after the date of enactment of this act. In my judgment this is a foolhardy approach and it ignores the fact that the Soviets have already tested and have already had deployed for 13 years an operational ASAT system. Why would we want to give the Soviets a veto over our belated ASAT program?

The other body has, in my opinion, been irresponsible, but the Senate is not blameless. We are on the verge of compounding the follies of the other body. Many amendments have been proposed to this year's Defense Authorization Act which would greatly weaken our Nation's defenses if they were adopted. The Senate ASAT amendment places unnecessary and illogical limits on our testing of this technology.

We cannot, as this amendment requires us to do, allow our research and development efforts to be contingent upon arms control negotiations with a country which already has an ASAT system, which has walked out of all strategic nuclear arms control negotiations, and which is violating all major arms control agreements in force today. We have been doing the Soviet's work for them. I think Senator GOLDWATER said it best the other day when he said that sometimes when he looks at these amendments he is surprised that he does not see Chernenko's name on the amendment as a cosponsor. But we are in fact doing their work for them; we have been unilaterally weakening both our force strength and any bargaining position which we might choose to take in future arms control negotiations. The opponents of ASAT, the MX missile, the strategic defense initiative, and other weapon programs, constantly claim to be seeking mutual, verifiable arms control agreements with the Soviets. Why can they not realize that there is no incentive for the Soviets to negotiate anything if we have unilaterally deprived ourselves of our capabilities to deter war and defend ourselves?

We must present a strong, united front to the Soviets. We must seek the most effective defense which we can produce. And, above all, we must make our decisions, based upon what is best for the security and defense of the United States.

Mr. President, in view of that I think what we need to do is to pass amendments, if there are to be amendments to this defense authorization bill, that would strengthen the position of the United States, not weaken it.

We in this country are blessed with a free press. We are blessed with free elections. We are blessed with an opportunity to have the right to free assembly. None of those things are present in the Soviet Union. The dictators in the Kremlin do not have to answer to an electorate. They do not have to answer to people who might assemble and demonstrate for a reduction in the Soviet war machine. They do not have to answer to a free press. They have a controlled news media in that country and in no way do they have the same policy or attitude that we might have with respect to this.

In summary, Mr. President, last week, the week of June 11 through 15,

was a very ominous one. Several very dangerous events occurred, weakening American national security:

First, the U.S. Senate required that arms control negotiations with the Soviets must begin before the United States can even test an antisatellite space weapon. The Soviets, in contrast, have had an operational ASAT weapon for 13 years, and have three other ASAT weapons systems either operational or under development.

Second, the Senate rejected a measure which would allow the President to protect U.S. national security.

Third, deployment of the MX ICBM was almost defeated by the Senate, save for the tie-breaking vote of the Vice President.

Fourth, while President Reagan confirmed that there had been "outright violations" of arms control treaties by the Soviets, he flatly rejected his 1980 platform goal of military superiority over the Soviets.

Finally, Senate leaders and the press demanded that the President seek a summit meeting with the Soviets, and President Reagan was forced to agree to pursue such a meeting.

These events demonstrate quite clearly the weakness of America, and the now rampant tendency to appease the Soviets in their attempt to dominate the world. Soviet strategic and overall military superiority is plain for its effects on American political will to be visible.

AMENDMENT NO. 3231

(Purpose: Amendment to reaffirm U.S. Policy Toward Cuba)

Mr. SYMMS. Mr. President, in view of my assessment of the Soviet threat and the need to demonstrate U.S. political will, it is my intention to send an amendment to the desk at this point and I send the amendment to the desk and ask that the clerk state the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendent numbered 3231.

Add at the end of the bill the following new section:

"SEC. . Resolved by the Senate of the United States of America in Congress assembled, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled 'A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba,' passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697) as follows:".

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

AMENDMENT NO. 3232

(Purpose: Perfecting amendment to Symms et al. amendment)

Mr. SYMMS. Mr. President, I then send a perfecting amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 3232.

Add at the end of the Symms amendment the following:

"Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety", and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and

Whereas the Foreign Ministers of the Organization of American States of Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union", and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

Mr. SYMMS. Mr. President, on this amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. 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. TOWER. Mr. President, I ask unanimous consent that the amendment in the first degree of the Senator from Idaho [Mr. SYMMS] be temporarily set aside so that the Senate might proceed to the consideration of an amendment to be offered by the Senator from New Jersey [Mr. BRADLEY] and that on the disposition of the amendment of the Senator from Idaho.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object; if the Senator's unanimous-consent agreement is agreed to, after we dispose of the Bradley amendment what will then be the pending business?

The PRESIDING OFFICER. The pending business will be the amendment of the Senator from Idaho.

Mr. NUNN. The Senator from Idaho has two amendments. Which one will be the pending business?

The PRESIDING OFFICER. The first- and second-degree amendments both will be before the Senate.

Mr. NUNN. And a rollcall has been ordered on the first-degree amendment but not on the second-degree amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. I have no objection.

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

The Senator from New Jersey.

AMENDMENT NO. 3233, AS MODIFIED

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. SASSER, Mr. LAUTENBERG, Mr. GLENN, and Mr. RIEGLE, proposes an amendment numbered 3233.

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

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

Mr. BRADLEY. Mr. President, this is a very simple amendment. It is an amendment that expresses the sense of the Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from unwarranted and disruptive international politics

that have plagued the games in recent years.

Mr. President, this does not specify where that site shall be. My own preference has often been stated to be Greece, but this simply calls on the International Olympic Committee to establish a permanent site for the Olympic games. I think if there were a permanent site in 1980 or 1984 that you would have seen neither the pullout of the United States in 1980 nor the pullout of the Soviet Union in 1984.

The PRESIDING OFFICER. If the Senator will withhold, the Chair must inform the Senator from New Jersey that his amendment is out of order because the amendment contains a preamble and a resolving clause as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BRADLEY. 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. BRADLEY. Mr. President, I have modified my amendment. Is it now in order?

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

Mr. BRADLEY. Yes.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the amendment of the Senator from New Jersey.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Jersey formed the modification to strike the preamble and the resolving clause. Consequently, the amendment is now in order.

The amendment (No. 3233), as modified, reads as follows:

Since the Olympic games, which were begun more than 2,000 years ago in Greece to foster peace and goodwill among the city states, have more and more frequently become an arena not for sport but for nations to further their own political goals;

Since it is the athletes who suffer when nations use the Olympic games for propaganda purposes;

Since when nations boycott the Olympics it deprives the participating athletes from pitting their strength, skill, and endurance against all of their competitors to determine the best in the world;

Since the participants in Olympic games form friendships that cross political and geographic borders and lead to better world understanding;

Since many millions of people across this Nation believe that the Olympic games should be insulated as much as possible from politics: Now, therefore, be it declared, That it is the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from the unwarranted and disruptive international politics that have plagued the games in recent years.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, as I was stating, the amendment calls on the International Olympic Committee to select a permanent site for the Olympic games and the permanent site should be at a place that, as much as possible, takes politics out of the games so that the Olympic games themselves could be fulfilling their original purpose, which is to promote mutual understanding among the world's youth.

Since Olympic games first began, they have been buffeted by politics. That is clear. To see this, one does not have to point only to the Nazi Olympics in 1936, nor the withdrawal of the Swiss or Dutch in 1956, nor the assassinations of 1972, nor the withdrawal of 28 Third World countries from the Montreal Olympics in 1976. I remember when I participated in those games in 1964 being awakened in the middle of the night as the North Koreans were pulling out of the games in Tokyo for yet additional political reasons.

I think, therefore, it is time that we go on record saying very clearly that we believe that the Olympic games serve an international purpose. That purpose should be the promotion of mutual understanding among nations; and that a permanent site would remove the games from much of the politics that buffets them as they are moved every 4 years to yet another site, not that the games will ever be free of politics as long as nations are represented as nations. But I think that a permanent site will at least prevent the moving-target phenomenon where every 4 years the problems that are associated with the individual country all come to the fore in generating a political furor around where the games are held, and among those people that might be opposing the country which that year is hosting the Olympic games.

Mr. President, that is the thrust of the amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Texas.

Mr. TOWER. Mr. President, that amendment is not germane to the defense authorization bill that is before us. However, although I do not view nongermane amendments favorably ordinarily, I will not object on those grounds to give the Senate a chance to express its will on this particular amendment. I might say, however, that the Senator from New Jersey some days ago indicated his desire to offer this amendment. I would certainly discourage any other nongermane amendments that might pop out of the woodwork sometime today. So this is the last nongermane amendment that I will be inclined to have an equitable attitude toward. I hope to not get more nongermane amendments.

I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, is the Symms amendment germane in the Senator's opinion.

Mr. TOWER. I cannot comment on the germaneness of the Symms amendment. It is probably not germane, but I think we will get some other foreign policy-type amendments that are not germane, but that have been pending for some time. What I am saying is I hope no more will surface than have already surfaced because I think we have some that have been pending for some days that are nongermane.

Mr. NUNN. Mr. President, I have no objection to the Bradley amendment. I share the Senator's frustration with the current status of the Olympic games. I am hopeful that the Olympic Committee would consider this resolution. I know there are arguments on both sides of this, but obviously the status quo of rotation is not working very well right now with all of the international atmosphere of problems and politics. So I think the Senator is on the right track. I support the amendment.

● Mr. LEVIN. I have spoken to Senator BRADLEY, the sponsor of this amendment, regarding the reference to "unwarranted and disruptive international politics."

He assured me that the words do not refer to the boycott of the Moscow games. He felt that boycott was warranted, as did I.

On that basis, I can support the amendment.●

The PRESIDING OFFICER. Is there further debate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment, as modified, of the Senator from New Jersey. 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. ZORINSKY (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from South Dakota [Mr. ABDNOR], the Senator from North Dakota [Mr. ANDREWS], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Florida

[Mrs. HAWKINS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Iowa [Mr. JEPSEN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Illinois [Mr. PERCY], the Senator from South Dakota [Mr. PRESSLER], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. TRIBLE], and the Senator from Virginia [Mr. WARNER], are necessarily absent.

Mr. BYRD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Mississippi [Mr. STENNIS], and the Senator from Massachusetts [Mr. TSONGAS], are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Rhode Island [Mr. PELL], and the Senator from North Dakota [Mr. BURDICK], would each vote "yea."

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

The result was announced—yeas 48, nays 22, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—48

Baker	Ford	Melcher
Baucus	Garn	Mitchell
Bentsen	Glenn	Moynihan
Biden	Goldwater	Murkowski
Bingaman	Hatfield	Nunn
Boren	Helms	Packwood
Bradley	Inouye	Proxmire
Byrd	Johnston	Randolph
Chafee	Kassebaum	Riegle
Chiles	Kasten	Rudman
Cohen	Laxalt	Sasser
Danforth	Levin	Simpson
DeConcini	Long	Specter
Dixon	Lugar	Symms
Domenici	Mathias	Tower
Eagleton	Matsunaga	Weicker

NAYS—22

Armstrong	Grassley	Quayle
Boschwitz	Hatch	Roth
Denton	Hecht	Stevens
Dole	Heflin	Thurmond
Durenberger	Heinz	Wallop
East	Hollings	Wilson
Evans	McClure	
Gorton	Nickles	

NOT VOTING—29

Abdnor	Cranston	Hawkins
Andrews	D'Amato	Huddleston
Bumpers	Dodd	Humphrey
Burdick	Exon	Jepsen
Cochran	Hart	Kennedy
Lautenberg	Percy	Stennis
Leahy	Pressler	Trible
Mattingly	Pryor	Tsongas
Metzenbaum	Sarbanes	Warner
Pell	Stafford	

ANSWERED "PRESENT"—1

Zorinsky

So Mr. BRADLEY's amendment (No. 3232) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3231

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I ask unanimous consent to change my pending amendment in the first degree from "resolve" to "it is declared by the Senate and the House of Representatives."

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Mr. President, reserving the right to object, 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. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. NUNN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

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

The PRESIDING OFFICER. A unanimous-consent request is pending.

Mr. NUNN. Will the Chair state the request?

The PRESIDING OFFICER. The request is that the first-degree amendment be modified.

Mr. NUNN. I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. NUNN. Mr. President, I make a point of order against the amendment.

The PRESIDING OFFICER. Title I, United States Code sec. 103 reads as follows:

No enacting or resolving words shall be used in any section of an Act or resolution of Congress except in the first.

The amendment falls as being out of order. The second-degree amendment falls.

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

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

AMENDMENT NO. 3234

(Purpose: Amendment to reaffirm U.S. policy toward Cuba)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 3234.

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

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

The amendment is as follows:

Add at the end of the bill the following new section:

"SEC. . It is declared by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled "A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba," passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697) as follows:".

Mr. SYMMS. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. Until the Senator loses his right to modify his own first-degree amendment, the second-degree amendment is not in order.

Mr. NUNN. Mr. President, I shall suggest the absence of a quorum.

I think if we will be able to go over the amendment we might be able to ease the way. I wish to see it before we have it.

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. SYMMS. 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. SYMMS. Mr. President, I ask to modify my amendment that is pending at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3234), as modified, reads as follows:

Add at the end of the bill the following new section:

"SEC. . It is declared by the Senate and House of Representatives of the United States of America in Congress assembled,

That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled 'A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba,' passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697) as follows:".

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety", and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the excercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and

Whereas the Foreign Ministers of the Organization of American States of Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union", and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination;

Provided further That nothing in this Act shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, as amended; the Foreign Assistance Act of 1961, as amended; and the War Powers Resolution of 1973. This act does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The pending question is amendment No. 3234, as modified, by the Senator from Idaho.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho [Mr. SYMMS]. 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 Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. GOLDWATER], the Senator from Florida [Mrs. HAWKINS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Iowa [Mr. JEPSEN], the Senator from Georgia [Mr. MATTINGLY], the Senator from Illinois [Mr. PERCY], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Vermont [Mr. STAFFORD], are necessarily absent.

I further announce that, if present and voting, the Senator from Florida [Mrs. HAWKINS], would vote "yea."

Mr. BYRD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. CRANSTON], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is absent on official business.

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

The result was announced—yeas 77, nays 3, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—77

Abdnor	Ford	Mitchell
Andrews	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatch	Packwood
Biden	Hatfield	Proxmire
Bingaman	Hecht	Quayle
Boren	Heflin	Randolph
Boschwitz	Heinz	Riegle
Bradley	Helms	Roth
Burdick	Hollings	Rudman
Byrd	Inouye	Sasser
Chafee	Johnston	Simpson
Chiles	Kassebaum	Specter
Cohen	Kasten	Stennis
Danforth	Kennedy	Stevens
DeConcini	Lautenberg	Symms
Denton	Laxalt	Thurmond
Dixon	Levin	Tower
Dodd	Long	Trible
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Eagleton	Matsunaga	Wilson
East	McClure	Zorinsky
Evans	Melcher	

NAYS—3

Durenberger	Tsongas	Weicker

NOT VOTING—20

Bumpers	Hawkins	Pell
Cochran	Huddleston	Percy
Cranston	Humphrey	Pressler
D'Amato	Jepsen	Pryor
Exon	Leahy	Sarbanes
Goldwater	Mattingly	Stafford
Hart	Metzenbaum	

So Mr. SYMMS' amendment (No. 3234), as modified, was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I have consulted with the distinguished chairman of the committee, as well as with the minority leader, and I wish to say that it appears to me that we can make good progress until well into the evening tonight. I would like to finish tonight, but in all fairness, I do not think we can. Given the number of amendments that have been listed on this side alone, I think it would be unlikely that we can finish this evening.

Therefore, after consulting with the manager on this side, I wish to announce that the Senate will be in until perhaps past midnight this evening. I would urge Senators to consider that it will be late and as long as we are making good progress, we will stay, and stay well into the evening. As I say, perhaps midnight.

Mr. President, I thank all Senators, and I hope that we will now continue with amendments.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to thank all Senators who supported us on that last amendment. That amendment was voted on in 1982 here in the Senate. There has been adequate debate on it. In fact, I think the debate lasted about 2 days at that time. The amendment is self-explanatory.

We did have a slight technical difficulty in presenting the amendment. I thank my colleague from New Jersey, Senator BRADLEY, who aided in the modification of the amendment to put it in order, for his support on the amendment, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3235

(Purpose: Requesting that the President study crude oil exports)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3235.

Mr. MURKOWSKI. 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 128 between lines 12 and 13 insert the following new section:

PRESIDENTIAL REPORT ON CRUDE OIL EXPORT

SEC. 1019. Not later than nine months after the enactment of this bill, the President shall submit to the Congress a report and his recommendation regarding the export of domestically produced crude oil, particularly that crude oil covered by Section 7(d) of the Export Administration Act of 1979 (50 App. U.S.C. 2406). This report shall include recommendations on the export of domestically produced crude oil, particularly on the advisability of retaining section 7(d) of the Export Administration Act. These recommendations shall be based on a comprehensive review of the issues and related data concerning exports of crude oil.

This review shall include, but is not limited to, the effect of such exports on the energy and national security of the United States, especially as it applies to the security of our armed forces overseas; the energy and national security of our allies; the role of such exports in United States foreign policymaking; the impact of such exports in the maritime industry, the oil industry, and other industries; the impact of such exports on Federal Government revenues and expenditures; the effect of such exports on incentives for oil and gas exploration and development in the United States; the effects of such exports on the efficient allocation of resources; and the legal impediments to such exports.

Mr. MURKOWSKI. Mr. President, I have been advised by the minority manager, Senator NUNN, that one Senator who will be arriving in a few moments wants to study the amendment. I would like to withhold any action until that Senator arrives.

Mr. President, the amendment is a simple one. It would require that a study be made on the implications of exporting domestically produced crude oil from the United States. Perhaps some of my colleagues will remember that we dealt with this matter earlier in March. At that time, the Senate voted in favor of the amendment to the Export Administration Act which would create a study commission. That amendment and the Export Administration Act are now pending in conference. There are a number of issues to be worked out in the Export Administration Act among the conferees. It could be tied up. For that reason, I am looking for an appropriate vehicle for the study amendment to be attached to. I have chosen this one.

Mr. President, I would like to remind my colleagues that this does not in any way authorize or address the question of exporting domestically produced crude oil outside the United States. It specifically addresses the appropriateness of studying whether or not at some future time it is in our national interest to export oil outside the United States.

The amendment was directed as a consequence of a reality that exists where the energy security of nearly a half-million Americans overseas, who are responsible for our national security and the security of our allies, is somewhat in question. This was brought out at a meeting that I had with Gen. Robert Sennewald, commander of U.S. forces in Korea, Chief of U.S. Command in Korea. It was General Sennewald's contention that our forces in Korea must depend on their fuel supply; that is, their jet fuel, diesel fuel, and other fuels, from Korean refiners. There is no assurance whatsoever that in an emergency, wherever it may be or if it is quite prolonged, the Koreans would be able to assure the continuation of oil supply to our military forces, inasmuch as the Korean supplies are dependent on sources from the Mideast.

In fact, Mr. President, our Government has stated that it will help in the attempt to find new sources for Korea in the event their supplies are disrupted. Then the question comes to mind, Who will take care of our forces in Korea if their conventional supply is curtailed?

The amendment before us today merely seeks to instruct the President to study the situation and make recommendations to Congress as to what action, if any, he feels is necessary to promote the national interest. It also specifies that one of the areas to be studied be the security of our Armed Forces overseas.

It is my understanding that the administration is supportive of this amendment. It has been discussed with the ranking minority member on the military authorization bill [Mr. NUNN], and been cleared with Senator TOWER. I defer to my colleague from Indiana, who is managing the bill, or perhaps the Senator from Georgia, with regard to accommodating a Senator who wants to see the amendment.

Mr. QUAYLE. Mr. President, as the Senator stated, on this side, there is no problem with the amendment, and we are prepared to accept it. I understand Senator NUNN would like to wait until Senator SARBANES has returned and seen the amendment. I shall let him speak to that.

Mr. NUNN. Yes, Mr. President; I do not believe, in response to the question on the amendment of the Senator from Alaska, that I can say for certain, but I should like to wait for one other Senator to have a chance to see that amendment. I ask him to wait for possibly 35 to 45 minutes to have a vote on the amendment. I have no problem with the amendment myself.

Mr. MURKOWSKI. I thank the Senator. I wonder if he could tell me procedurally, what would be the status.

Mr. NUNN. I think the Senator from Indiana or whatever Senator is managing the bill would seek unanimous consent to bring it up.

Mr. QUAYLE. Mr. President, I suggest to the Senator from Alaska what I would like to do: I have an amendment myself that will take no more than 5 minutes. I shall ask unanimous consent to set the Senator's amendment aside temporarily and that the Senator's amendment be the pending business. I understand we are going to wait for another Senator to return before we accept the Murkowski amendment, is that correct?

Mr. NUNN. Mr. President, the Senator is correct. We would set Senator MURKOWSKI's amendment aside for Senator QUAYLE's amendment, and if another amendment is ready, we could set it aside again.

Mr. QUAYLE. If that is OK with the Senator from Alaska, that is the way we would like to proceed.

Mr. MURKOWSKI. I agree, and I should like to have the staff call me when it is time for my amendment to be brought up.

Mr. QUAYLE. Mr. President, the amendment will automatically return as the pending business. It is the pending business before the Senate, but I think what we shall do is temporarily set it aside, and there is another amendment I would like to get into, although we shall have to wait to see that.

Mr. MURKOWSKI. Mr. President, I thank the Senator from Indiana. I should like to withdraw my amendment temporarily.

Mr. QUAYLE. The Senator could leave it pending at the desk. That would force us to deal with the amendment as soon as possible.

Mr. MURKOWSKI. Mr. President, I shall leave my amendment pending at the desk, and yield the floor to my colleague from Indiana.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Murkowski amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it so ordered.

AMENDMENT NO. 3182

(Purpose: To express the sense of the Congress regarding submission to the Congress of a report on programs for the verification of compliance with the 1972 Biological and Toxin Weapons Convention and a ban on chemical weapons production, storage, and transfer)

Mr. QUAYLE. Mr. President, I call up my amendment No. 3182.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] for himself and Mr. MOYNIHAN, Mr. PRES-

SLER, Mr. BOSCHWITZ, and Mr. DIXON, proposes an amendment numbered 3182.

Mr. QUAYLE. 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 128, between lines 12 and 13, insert the following new section:

SENSE OF THE CONGRESS REGARDING A REPORT TO THE CONGRESS ON CERTAIN VERIFICATION PROGRAMS

SEC. . (a) The Congress finds—

(1) that the Iran-Iraq war has recently demonstrated a marked increase in the proliferation of technology on the production of chemical weapons and an increase in the willingness of nations to use such weapons in armed conflict;

(2) the President's Report to Congress on Soviet Arms Control Noncompliance concluded that the Soviet Union currently maintains an offensive biological weapons capability in violation of the 1972 Biological and Toxin Weapons Convention;

(3) that experts at the recent annual meeting of the American Association for the Advancement of Science and at the First World Congress on New Compounds in Biological and Chemical Warfare held at Ghent, Belgium, emphasized that better verification of the use of chemical weapons and of the development of biological and toxin weapons was essential to strengthen the 1972 Biological and Toxin Weapons Convention and the Geneva Protocol of 1925;

(4) that the 1972 Biological and Toxin Weapons Convention is up for review in 1985;

(5) that the United States is anxious to promote and strengthen adherence to the Geneva Protocol of 1925 and the 1972 Biological and Chemical Weapons Convention and is vigorously pursuing a comprehensive, verifiable, international agreement to ban chemical weapons;

(6) that any comprehensive agreement intended to ban the production, storage, and transfer of chemical weapons must provide for effective measures of verification and enforcement and that in order for the 1972 Biological and Toxin Weapons Convention to be effective, compliance with the terms of the convention must be verifiable; and

(7) the Congress must be well informed regarding existing and planned programs for verifying compliance with the 1972 Biological and Toxin Weapons Convention and with a chemical weapons ban agreement.

(b) It is the sense of the Congress that the President should submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives a comprehensive report identifying and evaluating the following:

(1) Existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

(2) The budget resources necessary to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

(c) The President is requested to submit the report referred to in subsection (b) to the committees referred to in such subsection not later than December 31, 1984.

Mr. QUAYLE. Mr. President, I ask unanimous consent that Senators MOYNIHAN, BOSCHWITZ, DIXON, and PRESSLER be added as original cosponsors.

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

Mr. QUAYLE. Mr. President, I have discussed this amendment not only with Senators on my side but also on the minority side. I believe it will be accepted.

This amendment is very simple and very direct. It asks for a report and information on the resource capacity that we have in verifying any compliance with biological and chemical warfare treaties and any of the bans that may potentially be imposed. As the Chair well knows, the President of the United States has recently called upon the world to enter into a total ban of chemical and biological weapons, an idea that was supported by this Senator and, I know, a number of others. What this amendment directs itself to is not only that specific prospective proposal that may or may not be implemented but the idea of trying to garner enough factual information on whether or not we have enough resources allocated within the agencies to verify this proposal or any other proposal which may occur. I might just read what we are asking. It is very straightforward.

We are asking for existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban. We also ask for the budget resources necessary to support verification requirements necessary to determine the compliance with the 1972 Biological and Toxin Weapons Convention and the chemical weapons ban.

Mr. President, in recent months there has been considerable concern that the international inhibitions regarding the use of chemical weapons and the production and development of biological weapons may be breaking down. Earlier this year the President's report to Congress on Soviet arms control noncompliance concluded that the Soviet Union currently maintains an offensive biological weapons capability in violation of the 1972 Biological and Toxin Weapons Convention. Evidence of such a capability recently was confirmed in a story that ran in the Washington Post on the alarm Soviet scientists themselves have expressed about Soviet activities in this area.

Experts at the recent meetings of the American Association of the Advancement of Science and at the First World Congress on New Compounds in Biological and Chemical Warfare also confirmed the growing international trend toward the use and manufacture of chemical weapons in the Persian Gulf and elsewhere. Experts at both meetings were anxious that verification be strengthened to assure continued adherence to the Geneva Protocol of 1925 banning the use of chemical agents and to the Biological and Toxin Weapons Convention, which is up for review next year.

I share this concern and want to be sure that our verification capabilities in the areas of chemical and biological weapons is as good as it can be. I am not entirely convinced that this is so.

Earlier this March I learned that as a part of the President's report on Soviet noncompliance on arms control an internal review had been done to determine what funding levels should be to improve our ability to verify existing arms control agreements. The President has proposed an international, comprehensive ban on the production, storage, or use of chemical weapons and the 1972 Biological and Toxin Weapons Convention is up for review next year.

It is imperative that Congress be fully apprised of what the administration believes it needs to accomplish the arms control objectives we all support. It is for this reason that Senators MOYNIHAN, BOSCHWITZ, DIXON, and PRESSLER have joined me in supporting an amendment that would have the President report in December moneys that will be needed to fulfill verification requirements of both the Biological and Toxin Weapons Convention and the President's proposed ban on chemical weapons.

What my amendment would do is express the sense of Congress that the President should file a report December 31, 1984, with the Foreign Relations Committee, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House. This report would identify and evaluate the existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and the President's proposed chemical weapons ban and specify what moneys are needed to support these programs. This report would enable the appropriate congressional committees to determine what funding would be appropriate for these programs in fiscal year 1986.

The staffs of the Senate Intelligence and Senate Armed Services Committees have reviewed this amendment as have the legal counsels at State, ACDA, and Defense and have lent it their support. If we are serious about doing something about stopping chemical and biological war, I believe pas-

sage of this amendment is the least we can do.

Mr. NUNN. Mr. President, I believe this is a constructive amendment. I think it will provide information that we need. It is a subject that is extremely important, extremely complicated. This report, I think, will be very useful to the Armed Services Committee and to the Senate. I urge my colleagues to accept the amendment.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The question is on agreeing to the amendment.

The amendment (No. 3182) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3235

The PRESIDING OFFICER. The question recurs on the Murkowski amendment.

Mr. QUAYLE. Mr. President, we are still waiting. I think unless the minority member has an objection, I shall suggest the absence of a quorum and see if there might be another amendment we can take up and dispose of while we are awaiting the comment of another Senator on this amendment.

Mr. NUNN. If the Senator will withhold the quorum call for just a moment, I urge our colleagues on this side who have amendments to bring them over now. The more amendments we handle this afternoon, the better chance there is that we may not be here all night tonight, although with the number of amendments we have pending, it looks like it will be a very late evening. I hope we will not be placed in the position of marking time during the daylight hours and staying up all night. If amendments are not presented, that is exactly the kind of scenario that will likely unfold. I hope people on both sides who have amendments will come forward and present them.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABDNOR. 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. ABDNOR. Mr. President, I wish to send an amendment to the desk.

The PRESIDING OFFICER. The amendment by the Senator from Alaska is pending. It will require unanimous consent to set it aside.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Alaska be temporarily laid aside to permit the Senator from South Dakota to offer his amendment and, further, upon disposition of the amendment of the Senator from South Dakota the amendment of the Senator from Alaska will once again become the pending business.

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

AMENDMENT NO. 3236

(Purpose: To make certain minor and technical amendments to the Act of September 30, 1950 (Public Law 874, Eighty-first Congress))

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

The PRESIDING OFFICER. The amendent will be stated.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR), for himself and Mr. PELL, proposes an amendment numbered 3236.

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

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

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

AMENDMENTS TO IMPACT AID PROGRAM

SEC. . (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.".

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of the Education Consolidation and Improvement Act of 1981) are redesignated as subsection (h) of section 5 of that Act.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983.

Mr. ABDNOR. Mr. President, first let me thank the chairman of the Armed Services Committee for allowing me to offer this amendment at this time. Last week, I offered two amendments dealing with impact aid.

Mr. President, my colleagues will recall that the first amendment, which was cosponsored by Senator PELL and 43 of our colleagues, reauthorizes for 5 years Public Law 81-874. This amendment, which has adopted last Wednesday, increases the authority for the program from $565 million to $700 million, increases authority for section 2 of the statute from $20 million to $30 million, and reauthorizes at one-third of entitlement category B payments.

The second amendment I offered contained five provisions, the most substantive of which struck the regulations proposed last March by the Department of Education. The amendment I am offering today contains three provisions—the language striking the regulations and one other provision the Department raised objection to, are no longer part of my amendment. I have thrown in the towel on those.

This amendment ensures that payments made under section 3(d)(2)(B) of the statute will not be prorated, provides no less than 100 percent of entitlement under section 3(A) for districts which are coterminous with military installations, and places a provision enacted last year for the State of Hawaii as part of the Education Consolidation and Improvement Act technical amendments package, in a separate section of the statute. Since the Hawaii provision was attached to a section of Public Law 81-874 that the appropriations language usually waives, this amendment places the Hawaii provision in its own section to ensure it is recognized by the Department.

Mr. President, I am advised that this amendment has been cleared by both the chairman's and ranking member's staff. Further, I wish to point out that this language has been endorsed by the National School Boards Association [NSBA], the National Education Association [NEA], the American Association of School Administrators [AASA], and the National Association of Federally Impacted Schools.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from the Under Secretary of Education relative to the proposed regulations which have provoked so much controversy.

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

U.S. DEPARTMENT OF EDUCATION,
OFFICE OF THE UNDER SECRETARY,
June 15, 1984.

HON. JAMES ABDNOR,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABDNOR: As you know, the Department published proposed regulations on March 30, 1984, that would govern payments under Section 3 of the Impact Aid Program. These regulations were proposed principally because a Federal District Court

invalidated one of the Department's main procedures for setting local contribution rates.

Based on the many public comments received in response to the proposed regulations, we plan to adopt the major suggestions of the commenters and include a "hold-harmless" provision for fiscal year (FY) 1984 that provides significantly higher local contribution rates than proposed in the regulations. These rates—increased by 37.57 percent over the 1981 rate to adjust for the increase in the per pupil expenditure since 1981—should distribute funds so as to cause little or no disruption to impacted districts.

In July the Department expects to issue final regulations governing the rates on which payments are based for FY 1984 and beyond. In developing these regulations, the Department has attempted to devise methods for determining local contribution rates based on objective factors that produce equitable payments. Although we believe the methods are fair, some Members of Congress continue to express concern. Therefore, we will take additional public comment on these regulations, as they affect Impact Aid payments beyond FY 1984, for a period of 60 days after they are published in the Federal Register. During this time, we will work with you and your staff and with other interested Members of Congress to ensure the regulations are as fair and equitable as possible.

We believe the additional comment period will provide ample opportunity to make changes in the regulations, if needed, very early in FY 1985. Our principal goal is to provide Impact Aid assistance to applicant districts fairly, and in a prompt and orderly fashion to avoid disrupting their budget cycles.

We appreciate and share your concern that Impact Aid payments be made on an equitable basis. I remain convinced it is important to continue to work with Members of Congress and their staffs in order to alleviate concerns about payments under this program.

Sincerely,

GARY L. JONES.

Mr. ABDNOR. Mr. President, I would like to point out to my colleagues several elements I view as key to a discussion of the regulations. First, it is not this Senator, nor Senator MELCHER, who wishes to alter the status quo with respect to the rates established for impact districts. Rather, it is the Department of Education which is seeking to change the method by which rates are established for districts which utilize individually selected comparable districts to determine their local contribution rates, the Department feels compelled to take this action since it has been unable to defend in Federal district court a practice it has used for a number of years—the so-called $50 rule—which has never been codified in statute or regulations.

In addition, the Department has some additional problems to contend with as a result of the overpayments it made to many districts earlier this year. This problem, which I alluded to a couple of months ago in my statement on the Melcher amendment, stems from the fact that the Department incorrectly interpreted language in the first continuing resolution relative to preliminary payments to federally impacted districts. The continuing resolution provided that moneys for those programs under the jurisdiction of the Labor-HHS, and Education Subcommmittee should be distributed in the same manner as they were during the prior fiscal year—fiscal year 1983. A colloquy between Senator WEICKER and myself clarified this further. Nevertheless, the Department paid all districts 75 percent of their prior year payment, as opposed to 75 percent to super A districts, and 50 percent of the prior year payment to all other impacted districts. Consequently, as many of my colleagues are aware, many districts are receiving overpayment notices from the Department of Education. It is in part this situation of overpayments which, I believe is prompting the Department to pursue a change in rate policy during the current fiscal year.

It has also become clear to me that the Department has lost sight of the purpose of this program. Regardless of how one might feel about the fact that the fiscal year 1984 appropriations act provides a higher rate of payment for super A and super B districts, that is in fact the intent of Congress. For better or for worse, the Department is responsible for carrying out the provisions of Public Law 98-139.

I might add that it is the hope of this Senator, that with additional dollars available for impact aid, we will be able to ensure that all federally impacted districts receive higher payments than they did during fiscal year 1983, or than some may in fiscal year 1984. In the long run, Mr. President, I do not feel that it is in the best interest of any federally impacted district for Congress to provide a much higher rate of payment for some districts than for others.

It is my hope that in the coming months, we can work together to ensure that any new regulations will not affect adversely the rate of payment districts in the States which currently use comparable districts receive. Finally, I wish to emphasize that in the event the regulations proposed in March, or any substantially similar, do take effect, a number of districts in my State, and in some 17 other States, may receive significantly smaller payments in fiscal year 1985—despite the fact we have agreed to authorize a $135 million increase in program funds.

Mr. MATSUNAGA. Mr. President, I rise to express my support for the amendment offered by the Senator from South Dakota [Mr. ABDNOR], providing for the distribution of impact aid funds.

Last week I joined the distinguished Senator in offering an amendment to increase impact aid authorizations to $700 million. I am most pleased that the Senate adopted that amendment which will help to ensure that school districts in federally affected areas have sufficient resources to provide adequate educational services. I am also supporting this amendment which will clarify the allocation of funds under section 3(d)(2)(B) of the statute and under section 3(A) for districts which are coterminous with military installation.

Mr. President, I would also like to thank the Senator from South Dakota for including a technical provision intended to facilitate the implementation of a provision enacted into law last year as part of the Education Consolidation and Improvement Act technical amendments.

The provision passed by Congress last year allows Hawaii, the only State with a statewide school district, to subdivide its school district for the purposes of the impact aid formula. This provision was attached to section 5(c) of Public Law 81-874. This section sets out the impact aid tier system to be used when impact aid funds are especially low. For the past several years, appropriations language has waived section 5(c). Consequently, a question has been raised by the Department of Education as to the applicability of the Hawaii provision. This amendment simply takes the Hawaii provision out of section 5(c) and places it in its own section, thus clarifying the status of the Hawaii provision.

I urge my colleagues to adopt this amendment.

Mr. President, I ask unanimous consent that I may be recorded as a cosponsor of the Abdnor amendment passed earlier today.

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

The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if I may ask my friend from South Dakota a couple of questions. As I understand it, the other evening when this amendment was proposed and we asked that it be withdrawn, the Senator graciously did that until we could study it further; and that amendment at that time specifically overturned certain of Department of Education regulations.

Mr. ABDNOR. Proposed regulations.

Mr. NUNN. Proposed regulations. It is my understanding that this amendment we now have before the Senate does not do it. That portion of the amendment has been deleted.

Mr. ABDNOR. The Senator is correct. Yes.

Mr. NUNN. The Senator put a statement in the RECORD about the regulations, but there is no directive to the Department of Education on those at this time.

Mr. ABDNOR. The Senator is correct.

Mr. NUNN. It is my further understanding that the Senator's amendment now rearranges certain portions of the $700 million impact aid fund; is that correct?

Mr. ABDNOR. It simply clarifies the different sections of the statute. The $700 million the Senator from Georgia refers to, if that same figure becomes authorized and is appropriated, the appropriations committees will decide how the funds are ultimately to be distributed.

Mr. NUNN. Is there not permission for the Secretary, or within the Secretary's discretion, to provide additional funds in a certain limited number of districts?

Mr. ABDNOR. The amendment ensures that several of the Nation's most heavily impacted districts will not have their payments prorated: This language is compatible with this year's appropriations language. Also, let me assure the Senator that South Dakota does not have any districts in the coterminous category—three are in Texas, two are in Arizona, and one is in Kansas.

Mr. NUNN. But the Secretary could, under this, take portions of the $700 million and shift a very small portion to districts that have unique problems, as I understand it.

Mr. ABDNOR. He is given the authority to ensure that payments to these districts are not prorated. However, at this point in time, before the $700 million authorization approved by the Senate becomes law, and prior to action by the appropriations committees relative to fiscal year 1985 funding for impact aid, it is premature to talk of a shift in funds. Congress has not yet determined how to distribute funds for impact aid in fiscal year 1985.

Mr. NUNN. Does the Senator have an estimate about how much money could be involved in this shifting in the discretionary? It is my understanding it is a very limited amount of money.

Mr. ABDNOR. Collectively, the districts addressed in this amendment are probably not assured of more than $5 million over and above what they might otherwise receive in the event the appropriations provisions for fiscal year 1985 are similar to those contained in the fiscal year 1984 bill (Public Law 98-139).

Mr. NUNN. That is the understanding I have, also.

And the portion that specifically overrules the proposed regulation has been deleted?

Mr. ABDNOR. Yes; it has.

Mr. NUNN. Mr. President, I have no objection to the amendment on this side.

I yield to the Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to commend my colleague from South Dakota for his leadership in this area. On behalf of the school systems of Hawaii, I thank him for his leadership.

Mr. ABDNOR. I thank the Senator from Hawaii. I move the adoption of the amendment.

Mr. TOWER. Mr. President, I am certainly prepared to accept the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. ABDNOR].

The amendment (No. 3236) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ABDNOR. I thank the Senator from Texas for allowing me to bring the amendment up at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Murkowski amendment be temporarily laid aside.

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

AMENDMENT NO. 3237

(Purpose: To earmark $860,000 of research and development funds of the Army for the development of ceramic elements for rotating valves for use in certain type engines)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] for himself and Mr. SYMMS proposes an amendment numbered 3237.

Mr. BOSCHWITZ. 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, between lines 10 and 11, insert the following new subsection:

(e) Of the funds appropriated to the Army pursuant to the authorization contained in subsection (a), $860,000 shall be available only for the development of ceramic elements for rotating valves for use in automotive and other engines.

Mr. BOSCHWITZ. Mr. President, this is an amendment that deals with the development of a new ceramic element for rotary valves that would be used in automotive and other engines. It is a new technology that is designed to greatly increase the efficiency and reliability of combat vehicle engines. It was funded in the fiscal year 1984 DOD appropriations bill at $500,000, and it was authorized last year as well, Mr. President.

This amendment would continue that research inasmuch as the development of a ceramic element for rotary valves would be of great use to the military. This amendment will keep the authorization going for another year, and would continue this important research.

The appropriation and authorization last year will bring the valve to the position where it is used in the larger one-cylinder engine. This year the authorization moneys would be spent to include the multicylinder engine in the use of this valve.

Mr. President, I believe the amendment has been cleared on both sides. I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. TOWER. Mr. President, I have discussed this amendment with the Senator from Minnesota. I believe it is a meritorious amendment, and I am prepared to accept it.

Mr. NUNN. Mr. President, I have no objection to the amendment. This will be an item in conference. I will ask the Army and others questions about it, and get their views little more than I have now. I think this amendment is certainly worthy of being taken up.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3237) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. 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. 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.

Mr. BAKER. Mr. President, may I say for the benefit of those who may be listening in their offices that three lights, if three lights indeed appeared in their office, or elsewhere, was a malfunction of the signal system. The quorum that was initiated was a two-

bell quorum, not a three-bell. It was not a live quorum.

I am going to suggest the absence of a quorum again, and we will see if the laws of nature and the wonders of technology can produce a different result.

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. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 3235

Mr. TOWER. Mr. President, we have been on the Murkowski amendment for some time. It has been set aside I think about three times to accommodate other amendments.

Senator MURKOWSKI was good enough to respond to our entreaties to Senators to come over, deal with their amendments; and, I think we should go ahead and proceed with debate on it. I understand that Senator SARBANES has an interest in it, is here, and ready to debate. I think we should continue the debate on this, and try to dispose of this matter.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I say to the managers of the bill that I think the distinguished Senator from Oregon [Mr. HATFIELD], also has some interest, and I was delaying slightly to enable him to come to the floor so we can address this matter with Senator MURKOWSKI.

It would be my intention to provide that opportunity to him in any event.

If the manager wants us to discuss it briefly in advance of that, I am quite happy to do that as well.

Mr. TOWER. Mr. President, I am afraid that if we get into the business of delaying things for individual Senators to get to the floor, it is going to take us an awfully long time to finish this bill. As it is, we are going to be here past midnight tonight. I know that Senators will start complaining around 8 or 9 o'clock tonight that we are in late-night session. But no one seems to be coming over to debate.

Mr. SARBANES. Mr. President, I understand that.

Mr. TOWER. Mr. President, the problem is everybody knows which bill is on the floor. Many people know what amendments are likely to be offered, especially those who have an interest in them. We simply have to take them as they come to try to dispose of them. When I came in here this morning, there were about 30 amendments pending. I think we have disposed of about five or six. There are now 49 or so amendments.

So we cannot continue this way to complete action on this bill tomorrow night. I hope the debate can proceed on this matter.

If it is a controversial matter that requires a record vote, we will have a record vote.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank my colleague, the bill manager, from Texas.

Mr. President, to accommodate my friend from Maryland, Senator SARBANES, I send to the desk a modification of my amendment. It is my understanding that that modification was made with the constructive suggestions of my friend from Maryland. I accepted his suggestion.

The text of the amendment follows:

On page 128 between lines 12 and 13 insert the following new section:

PRESIDENTIAL REPORT ON CRUDE OIL EXPORT

SEC. 1019. Not later than nine months after the enactment of this bill, the President shall submit to the Congress a report and his recommendation regarding the export of domestically produced crude oil, particularly that crude oil covered by Section 7(d) of the Export Administration Act of 1979 (50 App. U.S.C. 2406). These recommendations shall be based on a comprehensive review of the issues and related data concerning exports of crude oil.

This review shall include, but is not limited to, the effect of such exports on the energy and national security of the United States, especially as it applies to the security of our Armed Forces overseas; the energy and national security of our allies; the role of such exports in United States foreign policymaking; the impact of such exports in the maritime industry, the oil industry, and other industries; the impact of such exports on Federal Government revenues and expenditures; the effect of such exports on incentives for oil and gas exploration and development in the United States; the effects of such exports on the efficient allocation of resources; and the legal impediments to such exports.

Mr. SARBANES. Mr. President, will the Senator yield.

Mr. MURKOWSKI. I will be happy to yield.

Mr. SARBANES. Mr. President, I simply state to the Senator that at the time I first came to look at his amendment, I expressed some misgivings about it, including I think the particular sentence which he has addressed. But on further thought, I really have difficulty with the entire amendment. I say that to the Senator because it may affect whether he wants to modify it or not. I feel that this bill is the wrong vehicle for this amendment.

It is a matter involving the Export Administration Act. At the time that legislation was considered in the Senate, an amendment was added to it, at the instance of the distinguished Senator from Alaska, which provided for the establishment of an advisory commission to study the export of crude oil. Of course, that amendment differs significantly from the one now before us. But at least that amendment, whatever misgivings some Members of this body might have had with respect to it, addressed the pertinent legislation. The provision we are talking about here is an issue about which the Senator from Alaska has repeatedly raised a question—a provision contained within the Export Administration Act.

Mr. MURKOWSKI. If I may respond to that particular point, I say to my friend from Maryland that I would refer to the body of the amendment starting on line 15.

This review shall include, but is not limited to, the effect of such exports on the energy and national security of the United States, especially as it applies to the security of our Armed Forces overseas; the energy and national security of our allies; the role of such exports in United States foreign policymaking; the impact of such exports in the maritime industry, the oil industry, and other industries; the impact of such exports on Federal Government revenues and expenditures; the effect of such exports on incentives for oil and gas exploration and development in the United States;

I would remind my friend from Maryland there is specific reference, again, to national security. I would like to refer to a letter from the Commander in Chief, Gen. Robert W. Sennewald.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

HEADQUARTERS, U.S. FORCES, KOREA.

Subject: Procurement and refinement of crude oil.

MEMORANDUM FOR SENATOR FRANK H. MURKOWSKI

Reference your question "how much crude oil (MOGAS, DIESEL, JP-4) is procured and refined off-shore versus in the ROK in support of US Forces Korea?"; the following information was obtained from the Deputy J4 (Col. Beatty):

a. All crude oil is procured and refined in ROK by Honam Oil Corporation, which is under contract from Defense Fuel Supply Center of Defense Logistics Agency.

b. Contract does not specify crude oil source, but only that a finished product at a specified price will be delivered to a certain place in country.

ROBERT W. SENNEWALD,
General, USA,
Commander in Chief.

Mr. MURKOWSKI. The letter pertains to the refinement of crude oil. It states:

Reference your question "how much crude oil (MOGAS, DIESEL, JP-4) is procured and refined off-shore versus in the ROK in support of U.S. Forces Korea?"; the following information was obtained from the Deputy J4 (Col. Beatty):

a. All crude oil is procured and refined in ROK by Honam Oil Corporation, which is under contract from Defense Fuel Supply Center of Defense Logistics Agency.

b. Contract does not specify crude oil source, but only that a finished product at a

specified price will be delivered to a certain place in country.

In responding to the concern of my friend from Maryland, I would again point out the significance of this particular amendment which refers to the authorization of a study group to direct its attention to the national security requirements of our U.S. troops overseas. There are approximately 570,000 of our military people dependent on domestic supplies of crude oil refined in those various countries, all of which, without exception, are dependent upon Mideast sources.

If those sources were curtailed, due to a blockade in the Strait of Hormuz or some other action, the question is, how well examined are the alternatives associated with supplying those particular needs with a source of crude oil?

I would suggest to my colleague from Maryland that indeed there is no provision. Korea is not under the energy security agreement. Those particular military troops of ours have no assurance that there has even been a study made relative to the need to supply that military capability with crude oil so that it can operate.

To specifically identify more narrowly, I think the amendment is appropriate on the military authorization bill. It responsibly reflects on the security needs of our Armed Forces overseas and explicitly states that, as opposed to the former study authorization on the Export Administration Act which simply stated a study of the merits of exporting crude oil outside the United States.

I want to reassure my friend from Maryland that in no way does this amendment reflect one way or another on the propriety of exporting oil outside the United States. It very simply authorizes a study and nothing more, emphasizing the national security of our military forces overseas. It is solely limited to that.

I would be happy to expand further but I tried to direct my response to the question raised by my colleague from Maryland.

Mr. SARBANES. First, I will say to the Senator that when the amendment providing for an advisory commission on crude oil was added to the Export Administration Act, to which the Senator from Alaska has directed his attention, it provided, amongst other things that the commission should examine the effect of such exports on the energy and national security of the United States and its allies. So those particular factors were encompassed within the terms of that study, along with a number of other factors. There is a whole list with respect to the impact of it.

The fact of the matter is that you can give almost any issue a defense and national security consequence.

The point I am trying to make to the Senator is that a provision with respect to a study commission has already passed through the Senate and is now in conference. That provision actually was much broader, more comprehensive. In fact, at one point, in response to some questions on the floor, the Senator from Alaska indicated that the commission would be bipartisan; that it would undertake a broad analysis; that it would undertake to do so with an impartial and independent body to study this issue and make recommendations to the administration and the Congress.

Of course, what we have here being attached to the defense authorization bill is a very different proposition.

Mr. MURKOWSKI. I would respond to the statement made by my colleague from Maryland that in no way is it the intent of the Senator from Alaska that this proposed amendment would amend the Export Administration Act, which the Senator from Maryland referred to. It simply identifies in detail a consequence of what is an obvious oversight, any attention being given to the military requirements for the utilization of crude oil being authorized into those various countries in the event there is a curtailment as a consequence of their dependence on Mideast sources from that oil flowing within those various countries.

Again I cite the situation in Korea. Our military mobility is dependent upon crude oil. That crude oil source is from oil refined in the Republic of Korea that is brought over from the Mideast. I ask my colleague, the Senator from Maryland, what would he propose if an emergency existed to provide that country with an immediate source of crude oil so that our military capability would be protected?

Mr. SARBANES. What I would propose is that in an emergency situation the President proceed under the existing provisions of the Export Administration Act, propose a change to the Congress, and that the Congress would agree that the exports would occur.

Second, the Senator's present amendment directs the President to submit a report to the Congress. This is in sharp contrast to what was contained in the Export Administration Act, which provided for a separate commission to look into this matter.

The President can do that in any event. He could do it tomorrow, he could do it next week, he could do it a month from now, or he could do it 6 months from now. In other words, the President has the authority to undertake such an action if he so chooses, we can send a report and a recommendation to the Congress. In fact, the administration people have from time to time studied this very issue which the Senator from Alaska has brought here to the floor.

If this issue is going to be examined for the purpose of changing the policy—and the Senator from Alaska and I differ, I assume, on the basic policy, at least at present—it is quite possible that a commission could do a study, a careful and objective study, and come up with an analysis of facts which would lead people to revise positions they have heretofore taken on this issue. But it seems to me that the opportunity for doing that rests with the amendment establishing a commission, which was included in the Export Administration Act. That, in fact, was a much broader gauged proposition than the one that is now before us.

Mr. MURKOWSKI. Perhaps I can answer my colleague from Maryland. With regard to his response to my question, what do we do if indeed there were an energy crisis and getting the President to enact his emergency powers, I would remind my colleague from Maryland that the Export Administration Act has certain provisions the President would have to meet. There are various tests. Among them are the reference to the consumer test, where the President has to show that it is in the best interest of the consumer with regard to assurances that there would be no price increases.

The ability to do this in a punctual timeframe is the whole point of my amendment, which again reflects the necessity of studying the appropriateness of recognizing that there may or may not be deficiencies in the present program. If there are not deficiencies, obviously, the study group will point that out and there will be no changes. But to suggest that here, we have a situation where we propose a study group—we do not know what that study group is going to find. It may indeed find that there is no need for any further recommendations or actions. I am prepared to accept the findings of the study group. But to suggest that the President can act expediently in a manner which would result in the free flow of oil coming from the United States to reinforce the deficit that would be left as a consequence of a Mideast crisis, I think, reflects less than a realistic examination of what might be the facts.

The facts indeed might be that we do not have adequate protection; the facts might be that we do not have an adequate policy.

My colleague makes reference to the aspects of the study commission and the change. In these times of deficits, the proposal—the advantage of the study group recommendation covered in the amendment is specifically with regard to a savings of approximately $500,000, inasmuch as the proposed study group in the amendment of the Senator from Alaska would require very, very little cost in comparison with the study group under the

Export Administration Act, which is a full-blown, highly paid task force to study the issues.

I think if my colleague will reflect on the merits of the amendment, the amendment is open for bipartisan examination on the merits of whether there are needed improvements or there are not.

Mr. President, I am prepared to accept whatever recommendation comes down. My colleague from Maryland would suggest that we not authorize the study, that there is no justification for it. I am suggesting, as a consequence of trips that I have made in connection with my position on the Committee on Foreign Relations as the chairman of the Pacific and East Asian Affairs Subcommittee, that, indeed, our military situation overseas is jeopardized. It is jeopardized specifically because we do not have nor have we addressed in detail what kind of policy we should have in this country if sources of oil in the Mideast that go to Korea are cut off.

Mr. President, I think this is a responsible amendment. I think it is germane to the military authorization bill before us, and I urge that my colleagues consider the appropriate merits of the amendment.

Mr. SARBANES. Mr. President, let me say to my distinguished friend from Alaska, first of all, that the amendment before us does not call for a study commission. Rather, it directs the President to make a report to Congress, a report or recommendation. But the President can make a report or recommendation tomorrow morning if he wants to. He can make it a month from now, he can make it 6 months from now. That is the first point.

Second, with respect to this amendment, the Senator asserts the defense and national security implications of the restriction in the Export Administration Act, but that restriction has many other implications as well. That is true of many of the issues covered by the Export Administration Act. Of course, previously, the study commission amendment was offered to the Export Administration Act.

Third, that amendment called for a separate commission to study this matter. There were assurances given of its objective nature, its independence, its impartiality, bipartisanship. There were factors listed to be considered—including, incidentally, the consumer factor which, of course, the Senator has dropped altogether in the review that he here calls for the President to make from the list of items to be considered.

In fact, it is instructive to compare the items listed for consideration when we were talking about an independent commission in the context of the debate on the Export Administration Act and the items listed here. The comparison is particularly instructive with respect to those that have been omitted.

Mr. MURKOWSKI. Mr. President, I cannot allow my friend from Maryland to assume that I am willing to drop the consumer test. Of course, that would be part of the study. I fail to understand why my friend from Maryland would not recognize the merits of this issue for what it is. It is a report to Congress. Congress can accept it or deny it. But if the viewpoint of my colleague from Maryland were to prevail, Congress would not even get the chance to determine or review the recommendations of the study group as proposed.

Mr. SARBANES. There is no study group in the Senator's proposed amendment to the defense authorization bill. The study group was contained in an earlier amendment proposed by the Senator, contained in the Export Administration Act legislation sent from the Senate and now in conference. That is the pertinent legislation with respect to this issue.

I know this subject is close to the heart of the Senator from Alaska and I understand that. But it is not appropriate to the defense authorization bill. We have considered this matter before, in the proper context, which was the Export Administration Act. An amendment was added to that bill calling for a study commission. There were provisions in that amendment for the powers of the commission, the nature of its members' appointment, the factors which they would look at. There were assurances given by the Senator as to the independence, objectivity, and impartiality of that study. If we want the content examined, that is the context in which to do it.

Mr. President, I submit to the Senator from Alaska that he has already obtained what I understood he was seeking; that is, the opportunity for a study group to examine this issue in the appropriate legislative context. Now we are facing yet another effort to add an amendment to an entirely different bill; this amendment does not cover the provision of the Export Administration Act, does not call for a study. I respectfully suggest to the Senator from Alaska that enough is enough and that his issue has been addressed. It was addressed in the proper context and I suggest that it ought not to be now confronting us on this bill. That is the matter, very simply put.

Mr. MURKOWSKI. Would my colleague, the Senator from Maryland [Mr. SARBANES], accept word for word the study group amendment on the Export Administration Act as supplemental to the military authorization bill?

Mr. SARBANES. I thought about that, Mr. President, because that goes to the question of the difference between what is here, which is simply a report, and the independent commission in the earlier amendment. My response to the Senator is that that provision is contained in the very legislation that addresses this question—the Export Administration Act. The provision the Senator is concerned about is a provision contained in the Export Administration Act, particularly section 7(d) of that act. When we sent the bill out of the Senate to conference, there was a provision in it calling for a study commission. It seems to me that is where it ought to be.

Is the Senate going to add that provision to every piece of legislation that comes through the Senate? It was added to the relevant, pertinent piece of legislation, the Export Administration Act, and we ought to let it works its way through that process. We ought to not seek to attach it to every piece of legislation that comes before us, as dear and close to the Senator's heart as this issue may be.

Mr. MURKOWSKI. My colleague did not respond to my question. He said he thought about it. It is kind of interesting to reflect that we have contacted the Banking Committee, and at least two individuals on the committee suggested that we go ahead and pursue our amendment on the military authorization bill with the reality that the status of the Export Administration Act might be such as the conferees might delay it substantially more than it has already been delayed. I think to reflect on the merits of what we have before us is what is important. My colleague from Maryland would make the case specifically that Congress should not avail itself of this proposed study, highlighting and emphasizing the specifics of the national security of our country and the obligation we have toward our military people overseas and their needs for crude oil. He would have you suggest that we not examine the merits of determining whether we have adequate protection and adequate provisions. My proposal is a much simpler one inasmuch as it does not require a large appropriation. It authorizes a Presidential study group report on the propriety of exporting crude oil outside the United States and, if so, under what conditions.

Why should we deprive ourselves of examining the merits of what could be a very critical situation. Let us go ahead and authorize the amendment, get the study underway, and look at the merits of it. Again, I remind my colleagues they have every opportunity, once whatever recommendation is made, to take action, to take no action, or act in any manner which they wish. But I think from the standpoint of national security, we have a responsible obligation to consider that our military dependence on Mideast crude oil sources. I am prepared to debate with the Senator from Maryland at length

on the merits of our military needs overseas, and that is appropriate and it is germane to this legislation. This is a responsible amendment to the specific point of just what these requirements are and, if they are inadequate, what we should do to resolve them.

I attempted to be responsive and I think reasonable to the concerns of my colleague from Maryland. I have already modified the pending amendment in order to be responsive to his consideration, and I have also offered to substitute it with the same amendment that he supported on the Export Administration Act.

I have indicated earlier that there has been some concerns as to what this amendment may do, and it does nothing more than establish a Presidential report on the question of crude oil export. It is not a report recommending any change in our current policy regarding the prohibition on crude oil export outside the United States. I know that we have different points of view from our different States and our different interests as a consequence of various export policies. But my point is our national defense, and I think it is appropriate that this be the vehicle to address that. While I recognize we each have our constituent areas to which we must be responsive and address, I respectfully point out that I have no objection to airing the entire matter in a report to the Congress. I think that is in the best interests of a well-informed Congress. I fail to understand why my colleague from Maryland is reluctant to have this issue, which is specifically referred to in the amendment on the energy and national security of our Nation and its allies, examined in detail and reported to this body.

Mr. HATFIELD. Mr. President, I will not take but just a few seconds to indicate my concern about this amendment at this time. I would only reflect we had 6 hours of debate in the Senate on the subject that surrounds this amendment under the Export Administration Act. The Senator from Alaska offered that amendment, which was to make a decision on export policy, and it was defeated 70 to 20. Then the idea was raised as to the appointment of a commission to make this study with broad representation, and that was accepted by a voice vote, as I recall, by those of us who opposed the Senator from Alaska at that time. We have not had any word, at least that I have heard, from Senator GARN, the chairman of the committee, that he has yielded or given up on the possibility of resolving the conference committee matter. Because this matter has already been determined by the Senate, and such a commission has been set up through the Senate version of the bill, I do not see it as an appropriate action to take at this time on this bill.

Unless there is someone else who wishes to be heard, I will make a motion to table the amendment offered by the Senator from Alaska.

Mr. MURKOWSKI. If my friend from Oregon will hold for just a moment, I would like to make one correction. The vote was not an up-and-down vote on the merits. It was a tabling motion.

Mr. HATFIELD. The Senator is correct; it was a tabling motion, but I think it was pretty well understood that a vote to table at that time was pretty equivalent to a vote against the measure.

But that is a subject of interpretation. The Senator is correct, it was a tabling motion but it was a rather decisive vote of 70 to 20.

Mr. MURKOWSKI. The second point I should like to make, with the permission of my friend from Oregon, is whether he has had an opportunity to examine the proposed amendment. It is quite explicit in the question of the effect on the energy and national security of the United States as it applies to the security of our Armed Forces overseas. Those are in lines 16, 17, and 18.

I cannot help but be somewhat amused at—I do not make reference to my colleague from Oregon—the response of what is a simple amendment to be determined on its merits and the tremendous interest that this amendment has garnered as a consequence of my efforts to bring this to the floor as early as this morning and finding that there were at least six to seven informal holds on the amendment. One can only presume the rationale. But again in all due respect to my colleague from Oregon, I suggest this amendment is substantially different. It identifies a specific area that the other did not. For that reason, I think it warrants consideration at this time.

Mr. HATFIELD. Mr. President, I now move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. (Putting the question.)

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

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

The yeas and nays were ordered.

The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislation clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee [Mr. BAKER], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. JEPSEN], the Senator from Illinois [Mr. PERCY], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Vermont [Mr. STAFFORD], are necessarily absent.

Mr. BYRD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Kentucky [Mr. HUDDLESTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Arkansas [Mr. PRYOR], are necessarily absent.

If present and voting the Senator from Rhode Island [Mr. PELL] would vote "Yea."

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

The result was announced—yeas 54, nays 29, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—54

Andrews	Glenn	Mitchell
Baucus	Hatfield	Nunn
Bentsen	Hecht	Packwood
Biden	Heflin	Proxmire
Bingaman	Hollings	Quayle
Boren	Humphrey	Randolph
Burdick	Inouye	Riegle
Byrd	Johnston	Rudman
Chafee	Kasten	Sarbanes
Chiles	Kennedy	Sasser
Cohen	Lautenberg	Specter
Danforth	Laxalt	Stennis
DeConcini	Leahy	Trible
Dixon	Levin	Tsongas
Domenici	Long	Warner
Durenberger	Mathias	Weicker
Eagleton	Matsunaga	Wilson
Ford	Melcher	Zorinsky

NAYS—29

Abdnor	Gorton	Murkowski
Armstrong	Grassley	Nickles
Boschwitz	Hatch	Roth
Bradley	Hawkins	Simpson
Denton	Heinz	Stevens
Dole	Helms	Symms
East	Kassebaum	Thurmond
Evans	Lugar	Tower
Garn	Mattingly	Wallop
Goldwater	McClure	

NOT VOTING—17

Baker	Exon	Pell
Bumpers	Hart	Percy
Cochran	Huddleston	Pressler
Cranston	Jepsen	Pryor
D'Amato	Metzenbaum	Stafford
Dodd	Moynihan	

So the motion to table Mr. MURKOWSKI's amendment (No. 3235) as modified, was agreed to.

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

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

Mr. TOWER. Mr. President, we expect that the next amendment to be offered will be an amendment by the Senator from Missouri, Mr. EAGLETON, on JCS reform. We expect that will be followed by amendments in which the Senate, I think, will have enormous interest, amendments relative to Nicara-

gua by the Senator from Massachusetts, Mr. KENNEDY. We expect record votes through the evening.

At this point, I yield to the distinguished Senator from Maryland, Mr. MATHIAS, to present some distinguished guests.

Mr. MATHIAS. Mr. President, I thank the Senator from Texas.

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

The PRESIDING OFFICER. The Senate will be in order.

VISIT TO THE SENATE BY MEMBERS OF THE SUBCOMMITTEE ON CONVENTIONAL DEFENSE IN EUROPE OF THE NORTH ATLANTIC ASSEMBLY

Mr. MATHIAS. Mr. President, the Senate is honored this afternoon by the presence of members of the Subcommittee on Conventional Defense in Europe of the North Atlantic Assembly. This subcommittee is composed of members of the parliaments of NATO nations.

The chairman of this group is Sir Geoffrey Johnson Smith, of Great Britain. The other members are Mr. Enea Cerquetti, of Italy; Mr. José Desmarets, of Belgium; Mr. José Angelo Ferreira Correia, of Portugal; Mr. Erwin Horn, of the Federal Republic of Germany; Mr. Bo Kristensen, of Denmark; Mr. Karsten Voight, of the Federal Republic of Germany; and Mr. Arnold Weiburg-Aurdal, of Norway.

It is a great personal privilege to welcome them to the Senate today.

RECESS UNTIL 5:22 P.M.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may meet our guests.

There being no objection, the Senate, at 5:20 p.m., recessed until 5:22 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SIMPSON].

OMNIBUS DEFENSE AUTHORIZATION, 1985

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want the RECORD to show that I was unable to be here during the debate on the last amendment because we had an Ethics Committee meeting in executive session. I could not come to the floor at that time. I am saddened that the Senate has taken a position, as it did in this vote, that there was no need for a study of the question concerning the transportation of Alaskan oil in some instances to other ports. I hope that we will revisit this question again in the future. I think it will be a matter that will of necessity be required to be revisited.

I thank the Chair.

AMENDMENT NO. 3167

(Purpose: To amend title 10, United States Code, to establish an improved system for providing military advice to the President, the National Security Council, and the Secretary of Defense, and to establish a National Military Advisory Council)

The PRESIDING OFFICER (Mr. TOWER). The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, I send my 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 Missouri [Mr. EAGLETON] proposes an amendment numbered 3167.

Mr. EAGLETON. 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 128, between lines 12 and 13, insert the following new section:

IMPROVEMENT IN SYSTEM FOR PROVIDING MILITARY ADVICE TO THE PRESIDENT, THE NATIONAL SECURITY COUNCIL, AND THE SECRETARY OF DEFENSE

SEC. . (a) The Congress finds that—

(1) under current law, the Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense;

(2) since the creation of the Joint Chiefs of Staff a number of studies by so-called blue-ribbon commissions have found serious defects in the organizational structure of the Joint Chiefs of Staff; and

(3) in order to ensure that the President, the National Security Council, and the Secretary of Defense receive the best possible military advice, it is imperative that major organizational changes be made in the present system of providing such advice.

(b)(1) Chapter 5 of title 10, United States Code, is amended to read as follows:

"CHAPTER 5—CHIEF OF MILITARY STAFF

"Sec.
"141. Chief of Military Staff.
"142. Deputy Chief of Military Staff.
"143. Joint Military Staff.

"§ 141. Chief of Military Staff

"(a) There is a Chief of Military Staff who shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chief of Military Staff serves at the pleasure of the President for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(b)(1) The Chief of Military Staff is the principal uniformed military advisor to the President, the National Security Council, and the Secretary of Defense. While holding office, the Chief of Military Staff outranks all other officers in the armed forces. However, he may not exercise command over any of the armed forces or any component thereof.

"(2) Subject to the authority and direction of the President and the Secretary of Defense, the Chief of Military Staff shall—

"(A) prepare strategic plans and provide for the strategic direction of the armed forces;

"(B) prepare joint logistic plans and assign logistic responsibilities to the armed forces in accordance with those plans;

"(C) establish unified commands in strategic areas;

"(D) review the major material and personnel requirements of the armed forces in accordance with strategic and logistic plans;

"(E) formulate policies for the joint training of the armed forces;

"(F) formulate policies for coordinating the military education of members of the armed forces;

"(G) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

"(H) perform such other duties as the President or the Secretary of Defense may prescribe.

"(3) The Chief of Military Staff shall also direct the operations of the Joint Military Staff.

"§ 142. Deputy Chief of Military Staff

"(a)(1) There is a Deputy Chief of Military Staff. The Deputy Chief shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Deputy Chief serves at the pleasure of the President for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(2) If the Chief of Military Staff is a member of the Army or Air Force, the Deputy Chief shall be a member of the Navy or Marine Corp. If the Chief of Military staff is a member of the Navy or Marine Corps, the Deputy Chief shall be a member of the Army or Air Force.

"(b) The Deputy Chief acts as Chief of Military Staff in the absence or disability of the Chief of Military Staff and exercises such duties as may be delegated by the Chief of Military Staff with the approval of the Secretary of Defense. When there is a vacancy in the office of Chief of Military Staff, the Deputy Chief, unless otherwise directed by the President or the Secretary of Defense, shall perform the duties of the Chief of Military Staff until a successor is appointed.

"§ 143. Joint Military Staff

"(a)(1) There is under the Chief of Military Staff a Joint Military Staff consisting of not more than 400 officers.

"(2) Members of the Joint Military Staff shall be selected by the Chief of Military Staff from among officers recommended by the Secretaries of the military departments. The Chief of Military Staff shall select officers for service on the Joint Military Staff in approximately equal numbers from (A) the Army, (B) the Navy and Marine Corps, and (C) the Air Force. The Secretary of a military department shall recommend for selection for service on the Joint Military Staff only those officers under his jurisdiction who are most qualified by training, ex-

perience, and knowledge to serve on such staff.

"(3) The Chief of Military Staff may specify the number of names on any list of officers recommended by the Secretaries of the military departments for selection to serve on the Joint Military Staff, but may select for service on the Joint Military Staff not more than one hundred officers who are not recommeded for selection by the Secretaries of the military departments.

"(4) Members of the Joint Military Staff serve at the pleasure of the Chief of Military Staff for a period of three years. The Chief of Military Staff may select an officer for service on the Joint Military Staff for a second consecutive three-year period after consultation with the Secretary of the military department of which such officer is a member.

"(b)(1) The Chief of Military Staff in consultation with the Secretary of Defense shall select the Director of the Joint Military Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Military Staff, the Director, except in time of war, may not be reassigned to the Joint Military Staff. The Director must be an officer junior in grade to each member of the National Military Advisory Council established under section 178 of this title.

"(2) The Joint Military Staff shall perform such duties as the Chief of Military Staff prescribes. The Chief of Military Staff manages the Joint Military Staff and its Director.

"(c)(1) Under regulations approved by the Secretary of Defense, the Secretaries of the Military departments shall take such actions as may be necessary to ensure that the service of officers on the Joint Military Staff is accorded substantial weight in determining the qualifications of officers for recommendation for promotion to grades specified by such Secretaries.

"(2)(A) At the same time that selection boards are convened by the Secretary of the Military department concerned under chapter 36 of this title to consider officers in a particular competitive category for promotion to the grade of lieutenant colonel, colonel, brigadier general, or major general in the Army, Air Force, or Marine Corps or to commander, captain, commodore admiral, or rear admiral in the Navy, the Secretary of such military department shall also convene a special selection board under this paragraph if the Chief of Military Staff so requests.

"(B) When a special selection board is convened under this paragraph, the board shall consider for promotion to the next higher grade only officers serving on the Joint Military Staff in the same grade and in the same competitive category as officers being considered for promotion to such grade and in such competitive category by a board convened under chapter 36 of this title and who are otherwise eligible for consideration for promotion to the next higher grade.

"(C)(i) Of the total number of officers in each particular competitive category in the grade of lieutenant colonel and colonel in the Army, Air Force, and Marine Corps and in the grade of commander and captain in the Navy to be promoted to the next higher grade, as determined by the Secretary of the military department convened under section 615 of this title, a number of officers considered for promotion to such grade in such competitive category equal to 3 percent shall be promoted to such next higher grade from among officers in such competitive category recommended for promotion to such grade by a special board convened under this paragraph.

"(ii) Of the total number of officers in each particular competitive category in the grade of brigadier general in the Army, Air Force, or Marine Corps and commodore admiral in the Navy to be promoted to the next higher grade, as determined by the Secretary of the military department concerned under section 615 of this title, a number of officers considered for promotion to such grade in such competitive category equal to 10 percent shall be promoted to such next higher grade from among officers in such competitive category recommended for promotion to such grade by a special selection board convened under this paragraph.

"(iii) The number of officers that may be selected for promotion to any grade in any competitive category by a selection board convened under chapter 36 shall be reduced by a number of officers equal to the number that is to be selected for promotion to such grade in such competitive category by a special selection board convened under this paragraph.

"(D) Special selection boards convened under this section shall be subject to the provisions of chapter 36 of this title to the extent practicable, as determined by the Secretary of Defense. The provisions of this paragraph shall be carried out in accordance with regulations prescribed by the Secretary of Defense.".

(2) The table of chapters at the beginning of such title and at the beginning of subtitle A of such title are each amended by striking out the item relating to chapter 5 and inserting in lieu thereof the following:

"5. Chief of Military Staff—141."

(c) Chapter 7 of such title is amended by adding at the end thereof the following new section:

"§ 178. National Military Advisory Council

"(a) There is established in the Department of Defense a National Military Advisory Council. The Council shall consult with and advise the Chief of Military Staff on all matters with respect to which the Chief of Military Staff is responsible.

"(b)(1) The Council shall consist of four senior military officers, one each from the Army, Navy, Marine Corps, and Air Force, to be appointed by the President, by and with the advice and consent of the Senate. Before making an appointment under this subsection, the President shall consult with the Secretary of Defense and the Chief of Military Staff regarding the appointment. Only officers having outstanding qualifications, including substantial joint or unified command experience, shall be eligible for appointment to the Council.

"(2) Officers shall be appointed to the Council for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(3) Officers appointed to the Council may not be assigned any duties other than those referred to in subsection (a) and may not exercise any command authority in any armed force.

"(c) Only the most experienced and outstanding members of the armed forces may be appointed to the National Military Advisory Council. Notwithstanding any other provision of law, a member of the armed forces may not serve on active duty after completion of his term or terms on the council, except that such restriction may be waived by the Secretary of Defense in the case of any member in time of war declared by the Congress.".

(d)(1) Section 171 of title 10, United States Code, is amended by striking out clause (7) and inserting in lieu thereof the following:

"(7) The Chief of Military Staff;".

(2) Section 264 (b) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "National Advisory Council".

(3) Section 268 (c) (2) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "National Advisory Council".

(4) Section 525 (b) (3) of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(5) Section 743 of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(6) Section 5081 (b) of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(7)(A) Section 413 of title 37, United States Code, is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(B) The heading for section 413 of such title is amended to read as follows:

"§ 413. Chief of Military Staff".

(C) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following:

"413. Chief of Military Staff.".

(8) Section 411 (a) of title 38, United States Code, is amended by inserting "or Chief of Military Staff" after "Chairman of the Joint Chiefs of Staff" in footnote 2 of the table contained in such section.

The PRESIDING OFFICER (Mr. SIMPSON). The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, this amendment would address and remedy one of the most serious problems plaguing our national defense: the performance of the Joint Chiefs of Staff. It is identical to S. 2485, legislation which I introduced on this subject on March 28, with the exception of one provision which I have deleted in response to comments of Senator Stuart Symington and Gen. David Jones, two leading advocates of JCS reform.

I do not pretend to have discovered this problem; quite the contrary. As R. James Woolsey, former Under Secretary of the Navy, has written, "The weakness and lack of influence of the Joint Chiefs is one of the Pentagon's less well-kept secrets." The problems date back to the original compromise creating the Joint Chiefs of Staff in 1947. The organization of JCS has been the subject of an almost endless series of critical studies—20 in 35 years—by blue-ribbon panels inside and outside DOD. Former Secretary of Defense Harold Brown summarized

his view, and the conclusion of virtually every study, when he observed:

Service conflicts over roles and missions are a major source of waste and duplication; even worse, they hamper military effectiveness . . . Unfortunately, as now constituted, [the JCS and the Joint Staff] are unable to resolve such issues. . . .

It should be clear that the service chiefs, who now together with the Chairman of the JCS, constitute the JCS, have a built-in and insuperable conflict of interest. They have responsibilities for operating their services and the loyalties and internal pressures on them to stand up for their service positions are very strong.

This is a fundamental, inescapable flaw in the system. Despite the great abilities of the officers involved, the Joint Chiefs of Staff as an organization does not work. Their deep, understandable, and admirable commitment to the respective service which they lead make it impossible for the chiefs to set aside their service perspectives to effectively discharge their joint responsibilities.

According to the studies, the Chiefs' conflict of interest makes effective joint planning of strategy and a thoughtful allocation of resources and responsibilities impossible. The tradition that JCS advice be unanimous—giving each service a veto over JCS advice—reduces that advice to negotiated pablum, rather than the crisp, well-reasoned assessment of the problems and options which the Secretary of Defense and the President are entitled to expect from their principal military advisers.

John Kester, Secretary Brown's Special Assistant and Deputy Assistant Secretary of the Army during the Nixon administration, has observed:

When I worked in the Secretary of Defense's Office, I was surprised that memoranda from the Joint Chiefs of Staff were not the crisp assessments of situations and options one might expect. They more closely resemble the contract for sale of your house, with numbered lines and carefully drafted circumlocutions designed to protect bureaucratic interests and conceal compromises.

Gen. David Jones, former Chief of the JCS, whose willingness to criticize the organization sparked new interest in the issue, put it this way:

When the Chairman or the other members of the Joint Chiefs gave their own personal advice, it was given high marks. But when it became corporate advice, of five people together, it was of very little use, not very influential, and given very poor marks by the customers, the civilian leadership, as well as the senior military officials.

The organizational failings of the JCS leave our defense effort with a profound vacuum at the top where joint strategy, contingency planning, and budgeting and allocation of resources are involved. The distinguished retired Gen. Andrew J. Goodpaster has testified:

Although the Joint Chiefs of Staff bear only part of the responsibility [for the lack of] a coherent, effective defense policy, military strategy and military posture . . . they bear an important part . . .

The contributions to increased military efficiency and effectiveness that could be made through improved toplevel military planning and advice are not being realized. In particular, the mechanisms for developing and advancing individual service interests and promoting individual weapons systems are stronger by far than those for providing coherent overall strategic plans and responding to overall national security interests and needs . . .

It is not necessary for us as Members of Congress to look hard for the adverse consequences of the current organization with respect to the defense budget. We know full well that the military is not making the hard choices between weapons which an effective joint system could help to produce. As former Defense Secretary James Schlesinger wrote in a recent call to reorganize the JCS:

The reality of the nation's defense problem is that we seek to achieve security with an economy . . . of national treasure. Little help can be provided through the existing structure.

The general rule is that no service ox may be gored . . . The unavoidable outcome is a structure in which log-rolling, backscratching, marriage agreements and the like flourish . . .

What comes up from the Joint Chiefs is a mutual endorsement of the individual desires of the several services. There is no crosscutting—nor, given the nature of the structure, can there be any crosscutting. As I generally have been a supporter of the top dollar for the military services, I believe I can say that the dollar requests are invariably so high that they cannot conceivably be sustained by the national consensus.

The present JCS system has taken its toll operationally as well. According to Dr. Schlesinger, "the existing structure does impede planning, for each of the services quite naturally wishes a piece of the action in any crisis—and the existing structure assures that all somehow will be fitted in, even if a service provides less than optimal forces for dealing with that particular crisis." Robert Komer, Ambassador and former Under Secretary of Defense, has provided a specific example:

I was unable to get a corporate view from the Joint Chiefs of Staff on the optimum strategy for deterrence and defense in the Persian Gulf.

That doesn't mean that each of the Chiefs didn't have some clear ideas on what to do. Some of them emphasized a maritime strategy. Some of them emphasized victory through air power. Others emphasized sending a lot of divisions. But there was no way which would permit them to give meaningful military advice to the Secretary of Defense institutionally as to how best to defend Persian Gulf oil.

Experience teaches what logic would suggest: the weaknesses resulting from the lack of an effective joint mechanism—and the dangers inherent in the "something for every service" approach—do not disappear when actual combat situations occur. Instead, they are exacerbated. Consider the following:

The Vietnam war: According to former JCS Chairman Jones, "the organizational arrangements were a nightmare; for example, each service fought its own air war."

The Iranian hostage rescue attempt: Air Force helicopter pilots, who had flown in Vietnam and were specially trained for hazardous overland missions, were passed over in favor of marine pilots who were clearly less qualified. The overriding consideration was, apparently, ensuring that the marines would have some role to play in the important missions.

The tragedy at the marine compound in Beirut: Marines found themselves at the bottom of an unwieldy chain of command headed by an Army general, then Air Force general, and then four levels of Navy officers. The Defense Department's own Long Commission reported apparent and understandable confusion about who actually was the senior commander of the U.S. multinational force in Lebanon. The Navy commander of the Amphibious Task Force was the Commander, U.S. Forces Lebanon. The Marine commander of the Amphibious Task Force was the Commander, U.S. Forces Ashore Lebanon. The Commission sharply criticized the entire chain of command for not "initiating actions to effectively insure the security" of the marine compound.

Even beyond the fundamental problem of conflict of interest which arises from "dual hatting," the time demands placed on the Chiefs are unreasonable. Leading one of the armed services is a more than full-time responsiblity by itself, without the distraction of joint responsibilities. Inevitably, the need to play two roles can undermine the performance of one or the other—or both. General Jones has observed:

Omar Bradley once said he didn't have time to do both jobs well . . . Things are much more complex now than they were in his time . . . It is very difficult to have enough time to immerse oneself deeply into joint issues and to do the job as the chief of a service . . .

Because JCS is not respected as an organization, and because the service interests of the services take precedence over the joint interests generally, the quality of the joint staff suffers. Many experts have observed that the services are unwilling to assign their best officers to joint service, and as John Kester, has noted that, "talented officers approach service on the joint staff with the enthusiasm of sailors ordered to chip paint." They recognize that the JCS does not play a significant role and that the assignment will not advance their careers. Something of a vicious cycle results: The quality of JCS advice is not good and a joint staff assignment lacks luster; the

best officers do not come to the joint staff; and therefore the quality of the JCS advice declines even further.

In 1960, Senator Symington chaired a Committee on the Defense Establishment for President-elect John Kennedy. That committee, which included Clark Clifford, Thomas K. Finletter, and Roswell Gilpatric, reported to the President-elect:

> The predominance of service influence in the formulation of defense planning and the performance of military missions must be corrected. At present, defense planning represents, at best, a series of compromised positions among the military services. Action by the Joint Chiefs of Staff takes place, if at all, only after prolonged debate, coordination and negotiation between the staffs of the three service chiefs in preparing them to represent the points of view of their services in the Joint Chiefs of Staff.
>
> No different results can be expected as long as the members of the Joint Chiefs of Staff retain their two-hatted character, with their positions preconditioned by the service environment to which they must return after each session of the Joint Chiefs of Staff. Nor can the Joint Staff become fully effective in developing the basis for clear military judgment unless the present degree of influence exercised by separate service thinking is sharply reduced.
>
> In short, there is a clear need for defense interest, rather than particular service interest.

What is striking about the 1960 Symington report is that the words are as true today as they were then, but the indictment is far more serious. We have lost the clear military superiority over the Soviets which we had in 1960; we face the need to prepare for a variety of military contingencies far more numerous and complex; our budget problems and economic difficulties are far more acute. We will never again have the time to compensate for our lack of preparedness if a war should start. We simply cannot afford the luxury of a JCS which has been found again and again and again to be completely unsuited to the awesome responsibilities which it should be addressing.

In 1982, 22 years after his original report, Stuart Symington returned to Capitol Hill to remind Congress that "for over 30 years, various studies have presented why the present setup of the Joint Chiefs of Staff is wrong"—a "grave danger to our national security." He went on to conclude:

> If the Congress itself in its wisdom would correct this archaic setup, it might well avoid financial deterioration; better still, reduce the chances of the white light of a hydrogen Armageddon.

Since Senator Symington's testimony, I have thought about the impact that the failings of the JCS have on military operations, planning and budgeting. There is no single "magic bullet" that will solve all our defense problems overnight, but I am convinced that fundamental change of the JCS is as important as any single step we could take. On May 31, 1983, I wrote to Senators TOWER and JACKSON, chairman and ranking minority member of the Armed Services Committee, setting forth my views on this issue, urging them to take the lead in remedying the failings of the Joint Chiefs of Staff. I am gratified that Senator TOWER has included JCS organization among the DOD management issues the committee is reviewing. Because I feel so strongly that revamping the JCS is absolutely critical, I decided to offer this amendment to help spur the debate and lay out one way in which the failed system can be changed. Here in essence, Mr. President, is what my amendment would do:

It would abolish the Joint Chiefs of Staff, replacing the corporate entity with a single Chief of Military Staff who would serve as the principal military adviser to the President, Congress, and the Secretary of Defense.

It would create a Deputy Chief of Military Staff, also to be appointed by the President and confirmed by the Senate. If the Chief came from the Army or the Air Force, the Deputy would come from the Navy or the Marines, or vice versa.

It would establish a National Military Advisory Council [NMAC], comprised of four officers drawn from the respective services, to advise the Chief of Military Staff. Unlike the present situation, however, the members of the NMAC would not be the chiefs of their services. In fact, the legislation envisions that the NMAC would be the last tour of duty for particularly distinguished, senior military officers who would not be returning to their services—except in cases of necessity during a declared war.

In this way, hopefully, the Chief of Military Staff could get the advice of senior officers of unquestioned stature who would be in a position to consider our overall defense picture, rather than the interests of a particular service.

Service on the Joint Staff would be upgraded in several ways. The legislation specifies that the Secretaries of the services should recommend only outstanding officers for joint service. To underscore the importance of the assignment, the legislation would give the Chief of Military Staff the authority to select up to 100 others who were not recommended by the services. Special provisions are made to insure that service of the joint military staff will be accorded substantial weight in considering promotions. If the Chief of Military Staff requested, a service secretary would be required to convene a special selection board to consider promotions for officers of the joint staff, at the same time that the selection boards were considering promotions for those officers in individual services, and a percentage of the vacancies would be set aside for officers being considered by the special board.

Those are the essentials of the amendment.

Those who favor serious reform of the Joint Chiefs of Staff have fallen into one of two camps. My amendment represents one school of thought which argues that because the conflict of interest arising from "dual hatting" is the essence of the problem, we should eliminate the services chiefs from their joint responsibilities. Many noted defense experts—civilian and military—have endorsed this view, including Harold Brown, Gen. "Shy" Meyer, Gen. Maxwell Taylor, and David Packard. Others, seeing the same problem, argue that reform would be more realistic—and encounter less resistance—if the chiefs retained their position on the JCS, while the Chairman's role was significantly strengthened.

While I strongly prefer the alternative presented by my amendment, the overriding imperative is serious reform soon. If the Senate, now or on separate legislation, endorsed JCS reform which centered on strengthening the Chairman, I would certainly support that effort. I hope that the Senate will recognize that while the two groups favoring reform split on the proper role for the service chiefs, a consensus has formed about major elements of a reform package; namely, making one officer the principal military adviser to the President, the Secretary of Defense, and the NSC; allowing that officer to direct the activities of a strengthened joint staff, with incentives to make joint service more attractive; and creating a 4-star deputy chief to the chief military officer to discharge his responsibilities.

Last October, the House approved legislation, H.R. 3718, making certain changes in the JCS structure. Last month, the House added H.R. 3718 to its version of the defense authorization bill, insuring that the issue of JCS reorganization will be facing the conferees on this bill.

In my view, Congress and the country owe a debt of gratitude to the House Armed Services Committee for its work on this issue. In 1982, the House Investigations Subcommittee, then chaired by Congressman White of Texas, held 15 days of hearings. Their witness list was a virtual "who's who" of national defense in America; they heard from civilian and military experts on both sides of the issues. The subcommittee raised the level of public and congressional understanding immeasurably, and followed up energetically with legislation in this Congress under the leadership of Congressman NICHOLS.

It seems to me that the House action presents the Congress with an opportunity, but also a danger. Not since

1958 has Congress focused seriously on the issue of JCS. Realistically, once we legislate, any changes made are likely to stay in effect for years. For that reason, reform must be accomplished soon, but it must be done right, through legislation which will stand the test of time.

While I admire the leadership of the House committee on this issue, I believe that the House legislation does too little and too much at the same time.

It does too little in just those areas where a consensus on the need for reform seems to have emerged: The legislation does not create a deputy chairman; it does not give the Chairman the sole authority for directing the activities of the Joint Staff; it does not explicitly make the Chairman the principal military adviser to the President, the Secretary of Defense, and the NSC.

At the same time, the House legislation goes too far by straying into two sensitive and dangerous areas. The House makes the Chairman of the Joint Chiefs of Staff a member of the National Security Council. It also places the Chairman, by statute, in the chain of command, specifying that orders to combat commands shall be issued by the President or the Secretary through the Chairman.

These are far-reaching changes. Under current law, the Joint Chiefs have staff, not command, duties. "Their function," President Eisenhower reminded Congress, "is to advise and assist the Secretary of Defense."

By placing the Chairman on NSC, the House legislation makes him a coequal with the Secretary of Defense—not his foremost military adviser. John Kester, who has given these issues as much thought as anyone, has predicted these consequences:

> It gives the Chairman another hat, as they say in the military. It gives him a statutory office which is not derivative from the Secretary of Defense. It takes little foresight to predict that some day, if only because of the relentless pressure of his subordinates (who are not malevolent, but simply behave like any other official's subordinates), the Chairman will have a staff to assist him in preparing for his participation in the National Security Council, and for developing his NSC positions.
>
> . . . such a separate role would encourage barriers (there are already enough of them at the staff level) between the Chairman and the Secretary of Defense. When queried by the Secretary of Defense, or more likely by one of the Secretary of Defense's staff such as the Undersecretary for Policy, the Chairman's staff will politely reply that what the Chairman does in his role as an NSC member is independent, and is none of the Secretary's business. It is already difficult enough to get the rest of the government to understand that the JCS is part of the Defense Department and that the Chairman by law does work for the Secretary of Defense. No legislation is needed to enhance the problem.
>
> This totally unnecessary addition of role (unnecessary because the Chairman is in attendance and available at all NSC meetings anyway), can do nothing but work mischief. No coherent argument in support of such a change has been advanced; the best thing that proponents say for it is that it may be harmless. That is no basis on which to alter one of the most important and delicate organizational balances in our government.

Placing the Chairman in the chain of command represents an even more fundamental change. The House has amended the longstanding law that prohibits the Chairman from commanding the Armed Forces. The legislation inserts the Chairman into the chain of command between the Secretary of Defense and the nine worldwide commanders. Every order from the President and the Secretary of Defense would have to go through the Chairman. The Defense Department's counsel to the Congress that the legislation would vest him with supreme military command in his own right as a single military leader of all American combat units.

Harold Brown has testified to the Senate Armed Services Committee about his misgivings about putting the Chairman in the chain of command: That it is unnecessary and simply invites others to circumvent the Secretary of Defense. John Kester has elaborated on the dangers:

> The issue is whether one military officer should develop his own policy, channel all civilian orders and direct all American forces around the world . . .
>
> What the House ignored is that civilian-military relationships rest on delicate and crucial balances that are of constitutional dimensions and are not to be altered needlessly.

In my view, then, the House legislation is the wrong way to go. The dangerous departures outweigh the worthwhile reforms by a considerable margin. But the flaws in the House legislation do not change the fact that JCS reform remains fundamentally needed. Both my amendment and the reform proposals of General Jones demonstrate that meaningful reform can be accomplished—and should be accomplished—without shifting the country's chief military officer from an advisory position to a command position. Hopefully, those who oppose the idea of JCS reform will focus their arguments on the concepts presented in this amendment, or General Jones' proposal, and not the worst provisions of the House plan.

We face many genuinely intractable problems with respect to our national defense. We need to find a way to insure quality and control costs in weapons featuring state-of-the-art technology. We need to somehow stop the Soviets from acquiring our critical military technologies, which have proven to be such a major asset to their military buildup, without imposing unfair burdens on our business community or dangerous restraints on our scientific community. We must find a way to equitably share the burden of national defense with our European allies and Japan at a time when our military allies are our most serious economic competitors.

The organization of the JCS stands in stark contrast to these other problems: While vitally important to our national defense, it is completely within our control. We can make changes needed to fundamentally improve our military posture if we have the will to do so. One of the great values of a free society is that we face our problems openly. But that great asset can become a liability when we identify, beyond a shadow of a doubt, critical failings in our defense establishment and let them fester year after year. I shudder to think how reassuring it must be to the Soviet Union to have read 20 studies in the past 35 years pointing out the major failings of the Joint Chiefs of Staff. How can we ask our citizens to give up needed domestic programs, or to assume new tax burdens, or to give up potentially lucrative trade opportunities, or even to serve in the military if Congress is unwilling to take some relatively simple steps needed to fundamentally strengthen our national defense, simply because reform would step on the toes of the affected services?

One final point. On June 10, Secretary of the Navy John Lehman, writing in the Washington Post, launched a scathing attack on the House bill and the whole concept of JCS reform. For reasons noted above, I share Secretary Lehman's concern about some of the House provisions. I completely disagree with the rest of his article in which he equates JCS reorganization with the specter of a German-style general staff, threatening the very foundations of civilian control of the military.

This is an old argument, and in my judgment, a red herring. Obviously, in any reform we undertake, we must be vigilant about maintaining the tradition of civilian control of the military which is essential to the way our democracy—and any democracy—functions. I oppose the House legislation because I believe it tampers excessively with the civilian-military balance.

But I think that the issue—like so many that we face in Congress—is one of trying to strike a realistic balance—and not being afraid to make needed changes because of a worst-case, doomsday scenario. We have a serious problem amply documented over decades: The service interests have prevailed over the joint interest and prevented coherent budgeting, planning, and operations for the overall defense needs of the country. The quality of military advice to the Secretary of De-

fense, the NSC, and the President is not what it should be. That is the reality we deal with. Our commitment to civilian control of the military does not require us to leave the present failed system intact. As Mr. Kester has written:

> Inefficient organization is one way of keeping the military under control, but surely not the only way, especially for a military with a tradition of loyalty as ours.

General Jones has pointed out that the British, after whom we modeled our JCS, have recently moved to strengthen their chief of defense staff to enhance effective integration of their defense capabilities—"secure in the knowledge that their democratic traditions will not be threatened." Other experts have noted that since 1947, many power centers in our Government have developed to hold any military staff in check: The Assistant Secretaries of Defense, the State Department, the Arms Control and Disarmament Agency, the staff of the National Security Adviser, and the CIA. With these realities in mind, Harold Brown has described the fear that JCS reorganization would produce "something analogous to a German general staff * * * as completely baseless." Or as James Woolsey, former Under Secretary of the Navy, has written more graphically:

> We can afford to move several light years toward military staff centralization before we come within any distance of Prussianism. The United States is about as close to having a Prussian style general staff today as it is to having a dictatorship of the proletariat.

Secretary Lehman is entitled to his view that JCS reform "is usually pushed by a coalition of civilian arm chair strategists, who don't really understand the Pentagon bureaucracy, and by uniformed military staff officers, who understand it too well." Into the first category, Secretary Lehman would apparently put: Harold Brown, James Schlesinger, David Packard, Elliot Richardson, Mel Laird, Robert Komer, Clark Clifford, Stuart Symington, Roswell Gilpatric, James Woolsey, John Kester, and Brent Scowcroft. Into Secretary Lehman's second category would fall the following Generals: David Jones, "Shy" Meyer, Andrew Goodpaster, Maxwell Taylor, James Gavin, Omar Bradley, and Dwight D. Eisenhower. All these men have identified themselves with the cause of JCS reform. I have been persuaded by their collective wisdom, even after reading Secretary Lehman's article.

Mr. President, the amendment I have introduced today may not be the best answer. But it is long past time that we commit ourselves to finding the right answer to what Dr. Schlesinger has called "the central weakness—perhaps the Achilles' heel—of the existing system" of military decision-making. It is astonishing and depressing that Congress and successive Presidents have failed to rectify weaknesses almost universally diagnosed and perceived to be extremely detrimental to the defense of the Nation.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I thank the Senator from Missouri for having a deep enough interest in this matter to take a legislative initiative on the question of the reorganization or reform of the Joint Chiefs of Staff. I think that there are a number of us who have recognized for some time the need for reform. The great difficulty is trying to agree on what form reform should take.

Being concerned about not only the JCS problem, but the whole business of the organization and procedures of the Department of Defense and the Joint Unified Command, at my direction last summer, in cooperation with our late lamented colleague, Senator Jackson, who was at that time the ranking member of the Armed Services Committee, we directed the staff to make an extensive study. We undertook to hold hearings on this matter of reorganization. That includes the JCS, but goes far beyond that.

We had some 12 hearings and listened to some 31 witnesses. In addition to that, the staff had a great number of staff interviews, perhaps numbering in the hundreds, and made a lot of inquiries of their own. The result was that they produced a rather comprehensive review and a lengthy report which has been submitted to Senator NUNN and myself.

We have studied this very voluminous study and report. It is our intention in late July, when we return from the Fourth of July recess, to convince the Armed Services Committee to consider legislation that would effect some fairly comprehensive reform.

While I feel that the Senator from Missouri has done us a service in focusing on this problem, Mr. President, I suggest that we perhaps should not act on this measure at this time but await action of more comprehensive nature that will certainly include as one of its priority elements reform of the Joint Chiefs of Staff.

While I agree with some of the observations of the Senator from Missouri, I do have some concerns with his proposal. I believe that a great deal of power would actually be divested of the Secretary of Defense and, I think, would tend to militate against our tradition of civilian control of the military.

But that is a debate we can get into at another time if necessary. I hope that the Senator from Missouri would give some consideration to waiting until we can deliberate in committee on more comprehensive reform and contribute his ideas to that effort and his interest can be manifest in action on the floor on that measure at that time.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, because it is so important, may I ask the chairman, if he does not mind, to repeat his intentions regarding this JCS reform. The chairman and I have worked together very carefully in this area. We have an excellent staff report that gives us a tremendous number of points which need to be considered and also a large number of options that have been testified to and advocated by several witnesses before our committee. If we could get a firm outline about the possibility of addressing this very important legislation in the committee, I think it not only would be significant to my friend and colleague from Missouri, who has taken a lead in this area—and I commend him for that—but also it would be very important to us in the conference. As the chairman has already observed, we do have a House bill sponsored by Congressman NICHOLS which we will be addressing in conference. I think we are going to need to have some firm idea about our own plans in this respect in trying to prepare for that conference.

Mr. TOWER. I will be glad to accommodate the distinguished ranking member by reiterating what I said earlier, and that is that in the interim period between the July 4 recess for the Democratic Convention and the recess for the Republican National Convention, a period of 3 weeks of legislative days, it is my intention, which has been endorsed by the ranking member, to begin deliberations in the committee on legislation aimed at comprehensive reform of the JCS, the OSD, the Joint Unified Commands, and other aspects of the organization of the Pentagon that we feel should be addressed.

Mr. NUNN. So, if we are able to complete the conference report on this bill before the July recess, as the chairman desires—and certainly I share that hope—we would be able to turn our attention in the committee to an intensive look at this legislation at the end of July?

Mr. TOWER. The Senator is absolutely correct. And that is an additional incentive for conpletion of the conference report before we break for the July 4 recess.

Mr. NUNN. We will be able to make it the top item for our committee during July.

Mr. TOWER. That will be our priority effort then.

Mr. NUNN. And hopefully get a bill out that would reflect our consideration of the House bill plus any amendments or changes we might make. And if that House bill, as amended, or a new Senate bill comes

out of the committee before the end of July recess, before the Republican Convention recess, I might call it, then we would have a reasonable opportunity perhaps of bringing that up on the floor in September.

Mr. TOWER. Of having a reasonable chance of acting on it in September.

Mr. NUNN. I thank the chairman. Mr. President, I again commend the Senator from Missouri for taking the lead in this for about a year and a half. The Senator from Missouri has been very interested in this matter and he and I have had discussions. He has corresponded with me. He has brought this to the attention of our colleagues in a very articulate and forceful way. I do not agree with all of the provisions the Senator from Missouri has in his amendment, nor do I agree with everything in the House bill, but I do think the Senator from Missouri has greatly assisted and provided the catalyst for our consideration in the Senate.

I hope all of our colleagues will review carefully what the Senator from Missouri has said today and they will begin to focus on this as an important issue. I do not know of anything more important, frankly, that we face in the whole defense arena. One of the most frustrating things about our budget cycle, of all the processes we go through, is debating the authorization bill and coming back with the appropriation bill and preceding that by a budget debate on defense. We really are so caught up in the budget cycle we do not have time in the committee to give the attention that this kind of structural subject deserves and in fact demands.

I do want to point out to the Senator from Missouri that we have an excellent staff report which Senator TOWER and I have examined. I have been over it thoroughly once, and I anticipate going over it again before our committee deliberations in July. I commend it to the attention of all members of our committee and other interested Senators. It does not make recommedations, but it points out options that are available and gives the pro and con arguments on the various options. So that is an enormously useful document and I think this discussion today will be very helpful in our committee deliberations.

The House has several provisions with which I agree in their bill. They have several provisions with which I do not agree. We are going to have an interesting time in conference. I am hoping our House colleagues will accept the statement of intent by the chairman to deal with this subject in July and that we can deal with and complete it this year both in the House and in the Senate. If we do, I think this will serve as a landmark year in terms of looking at the organization of not only the JCS but the Department of Defense itself, our unified commanders, our planning process, our procurement processes, our budgeting process, all of which are of enormous importance. The only critique I have in general of the House approach is that they dealt with just the JCS part of the reform. They have not dealt with the more comprehensive parts. While I think the JCS may well be the most important, to deal with that without dealing with DOD and without dealing with the unified command in a very broad way is to isolate the problem beyond what overall is required.

So, Mr. President, I commend again the Senator from Missouri for taking this action, and I do assure him that I will work diligently on this side of the aisle to see that we have a bill for the Senate's consideration on this subject in early September.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I compliment and thank my friend from Missouri for a very obvious and deep understanding of the problem that has prevailed in the Joint Chiefs almost since its inception. I will not take much time of the Senate. But this has been of particular interest to me ever since the 1947 meeting when we set up the Joint Chiefs, we set up the different services with their Chiefs. The main reason we set up the departments was to do away with conflict of interest, to establish roles and missions, but instead of doing away with it, Mr. President, we seem to have in a way emphasized them a bit more. As the Senator from Missouri noted, some of the roles have not been understood, some of the roles are superseded or replaced by other services. He mentioned several in particular. For example—and this is not said in any way to indicate any feeling against all of this—we have four different Air Forces in the United States. We actually now find ourselves with other services interested in ships than just the Navy. So it goes on and on and on. I do not care how carefully we select these men to be Chiefs of their outfits; their loyalty is with that outfit, and when they represent their outfits on the Joint Chiefs of Staff I think it is only natural they would carry over some of this loyalty to the Joint Chiefs. I say to my friend from Missouri that this is not going to be an easy task. This is a task that the Armed Services Committee through the leadership of Senator TOWER and Senator NUNN have devoted many, many, many days and hours in the past 2 years to studying. Many of us have done it on our own. For example, when I took my training at air war college, I discussed this problem.

It is not a problem that is inherent in or particularly confined to the American system. All through military history this has been a basic problem.

Someone might suggest that one solution could be for a man like Napoleon or a man like Wellington to run the whole show. That is not the way we think it can be done best.

I do not know whether Senator NUNN will be chairman of the Armed Services Committee next year or whether I will be, but I think I am perfectly safe in saying that, whether he is chairman or I am chairman, this is a subject that is going to receive very deep study and, it is hoped, some resolution, so that our military services not only can perform better in military decisions, but also, just as important to me, perform better in procurement.

I am a great believer that procurement can be improved, and improved immensely, in our armed services if we merely pay attention to a simple, little thing like management. Today, not just under the Joint Chiefs but under the services, we pull some young major or lieutenant or lieutenant colonel out and say, "We want you to go to XX factory, and you'll be there 2 or 3 years, and during that time you're going to manage a multimillion-dollar or multibillion-dollar program." Then, the inherent desire of this man is to go back to his service, to get back in operation.

Somehow, in our studies and our discussions—and I have already started this—we will have to develop the management type as well as the operations type, a man who can take a program such as the X-15 and follow it through, until we have absolute perfection in the purchasing of that particular piece of equipment.

If there has been one glaring weakness in our whole procurement system, it has been in the management system. I have had some preliminary discussions of this problem. I think it can be solved, but first we have to overcome some of the problems inherent with the Joint Chiefs of Staff. By the very nature of human beings and human nature, there is not much we can do about it.

Mr. NUNN. Mr. President, will the Senator yield for an observation?

Mr. GOLDWATER. I yield.

Mr. NUNN. I agree with most of what the Senator from Arizona has said. I should like to pursue one point, because this business of managing the procurement system is enormously important.

As the Senator knows—I do not know whether our colleagues recognize it—the Senator from Missouri may or may not know it—in the procurement area, we have taken an important position in this bill. We have said that the tenure of a program

manager of our major systems has to be at least 4 years.

Mr. GOLDWATER. That is right.

Mr. NUNN. The Navy already has that. The Navy has been implementing it, and the Army and Air Force are not.

When you look at the short-term tenure the managers have on multibillion-dollar systems, it tells you why we have so many problems and so little accountability.

It is rumored that when Lyndon Johnson was President, somebody asked him about a program in the Department of Defense and asked if he was going to fire the individual involved. It is rumored that Johnson said: "Fire him, heck; I don't think I can even find him."

That is where we are in terms of managing these major procurement systems.

I hope all our colleagues will recognize that we have taken some initiative here, and we probably will have to go further, as the Senator from Arizona has said. We will have to have some career paths that lead not to isolation from operation completely, but operational experience followed by a long career in the procurement and management end.

There are some Members of this body and the House who are pushing for a totally civilian procurement system, removing the uniformed military from all management responsibility and procurement. I am not prepared to go that far or to bite that bullet at this point; but I think our friends in the Pentagon, particularly those in uniform, had better start thinking about this, themselves, because the frustration level about management and procurement is growing, and I think with cause.

Mr. GOLDWATER. The Senator mentioned the Navy. As long as I have been around here, the Navy has had the practice of observing a midshipman while he is in Annapolis and being able to pick out a man with good management policies. They see that he gets his 5-year sea duty, which qualifies him for any promotion; and, to the best of his ability, he stays with his class in promotion. But the man is pretty much confined then to management and procurement throughout.

I agree completely with the Senator from Georgia, that we should work to the end that we will establish a management branch of the services of equal importance to the operational branch of the services. If we cannot get a better job done on our procurement, we are not going to get a better job done on our operations.

While it is an inborn, inherent desire of every man who has ever worn a uniform to wind up his career in operations, I think we are going to see a lot of them—if we have our way, and I think we will—wind up in procurement.

It has been my pleasure to travel around and look at the qualifications of managers and results of good management, and I am in complete agreement with the Senator from Georgia that this has to be one of our major approaches in the coming year.

I thank the Senator from Missouri. I think he has done a great service to all of us by bringing this matter to its proper recognition in a very understandable way.

Mr. STENNIS. Mr. President, I commend the Senator from Missouri for bringing this matter to a head and for the work he has done on a very difficult subject. I am not versed in it myself, but I have been here during most of the lifetime of the reorganization, as it was called at the time it was passed. Despite some of its fine virtures, this is a need, and it had to be proven by time and experience. There have been those who have come and gone, and someone should put the program together who knows the subject.

I am not versed in that field, but I know enough about the problem to recognize the good work the Senator has done. The assurances by the Senator from Texas and the Senator from Arizona have meaning for all of us. I commend the Senator again.

Mr. EAGLETON. Mr. President, I thank my colleagues from Mississippi, Arizona, Texas, and Georgia.

May I ask one question of the Senator from Texas? He mentioned the report by the staff of the Armed Services Committee. Has that report been issued?

Mr. TOWER. It has not been. As a matter of fact, there are only two copies of the report extant, and they reside in the possession of the Senator from Georgia and myself, because it is only a staff report. It is not an official position of the committee. In due course, it will be circulated by the members of the committee.

Mr. EAGLETON. Would the chairman have any objection if I and a member of my staff took a look at the report—not to disseminate it or to make it public, but to further educate ourselves on some of the things the staff may have found?

Mr. TOWER. In a timely way, we would like to do that.

Mr. EAGLETON. Would timely be——

Mr. TOWER. Let me say that we are not prepared to do it at the moment, but before very long.

Mr. EAGLETON. Perhaps by the time the committee starts to work on the bill in July?

Mr. TOWER. Yes; certainly.

Mr. EAGLETON. Mr. President, let me say a word or two, as I am prepared to conclude.

I think the distinguished Senator from Arizona [Mr. GOLDWATER] made the best case of all. In his usual insightful and incisive way, he got to the heart of the matter.

One can belabor this issue back and forth, but I think the record speaks for itself. As I said at the outset, there have been 20 reports over 35 years, and while not every recommendation and every conclusion is identical in all 20, the common thrust is inescapable—to wit, the present system is unworkable and ineffective. It hampers military operations, military planning, and military procurement. We could debate long and hard as to the precise remedy or nature of the remedies that we might propound, and we should, but the urgency of the need for reform is clear. The record speaks for itself.

The present system cannot carry its own weight in the kind of world in which we live, and thus I am delighted that Senator TOWER and Senator NUNN have indicated that perhaps as early as July, they will begin work in the Armed Services Committee on a separate bill dealing with the Joint Chiefs.

I do not know whether in the 8 short workweeks that we have remaining in this year that the committee and the Senate will be able to complete their work, and the other body likewise, and have a conference.

I would hope that we could act this year but, if the calendar beats us this year, I feel comforted from their remarks that the Speaker from Arizona and the Senator from Georgia [Mr. NUNN] will seek to report a bill early next year which makes significant structural reform of an institution that has long outlived its usefulness in the age in which we find ourselves.

Madam President, I withdraw the amendment that is now pending.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The amendment of the Senator from Missouri is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3239

(Purpose: To limit the introduction of United States Armed Forces into or over El Salvador or Nicaragua for combat)

Mr. KENNEDY. Madam President, I send to the desk an amendment on behalf of myself, the Senator from Oregon [Mr. HATFIELD], and the Senator from Rhode Island [Mr. PELL], and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. HATFIELD, and Mr. PELL, proposes an amendment numbered 3239.

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

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

The amendment is as follows:

LIMITATION ON INTRODUCTION OF ARMED FORCES INTO EL SALVADOR AND NICARAGUA FOR COMBAT

SEC. .(a) None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the purpose of introducing United States Armed Forces into or over the territory or waters of El Salvador or Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to the introduction of United States Armed Forces into or over the territory or waters of El Salvador or Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

(d)(1) Any joint resolution or bill introduced at the request of the President pursuant to subsection (c)(1) shall become the pending business of the House in which it was introduced and shall be voted on within 3 calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(2) Such a joint resolution or bill passed by one House shall become the pending business of the other House and shall be voted on within three calendar days after it has been received, unless such House shall otherwise determine by yeas and nays.

(3) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than 2 calendar days after the appointment of the committee of conference. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than 1 calendar day after the conferees report back to their respective Houses.

(e) The provisions of this section are in addition to and should not be construed to suspend or amend the War Powers Resolution (Public Law 93-148).

(f) Nothing in this legislation is intended to alter the constitutional authority of the Congress or of the President or the provisions of existing treaties.

Mr. KENNEDY. Madam President, when President Duarte came to Washington at the end of May he made an important statement. He said clearly and unequivocally that he would "never ask for any presence of foreign troops in my country." That was a very welcome announcement.

Two days afterwards President Reagan was asked at an evening press conference whether he would state unequivocally that he would not send troops down to El Salvador, even if it appeared that without them El Salvador might fall to the Communists. He refused to answer that precise question, but he did tell the Nation:

First of all, President Duarte made it very plain that they would never request American troops. We have never had any consideration of doing that or any thought of doing that at all. I don't know how I can convince anyone, but all you'd have to do is look at all our friends and neighbors in Latin America and probably as a holdover from the past, we'd lose all those friends and neighbors if we did that. They want our help . . . but they don't want American manpower there.

And his Secretary of Defense stated on April 8 that the Defense Department had no plan, no strategy, no thought of putting U.S. combat troops in Central America.

That is what the administration has been telling the American people about its intentions. But what exactly has the administration been doing while at the same time denying any intention of introducing U.S. combat troops into Central America?

Let us look at the record of administration conduct:

The administration has embarked on a major effort to construct a vast military infrastructure that could support the deployment of American forces in a contingency. By the end of the present exercise underway in Honduras, the United States will have built or improved eight airfields in Honduras, with the two most recent additions within 25 miles of the Salvadoran and Nicaraguan borders. Two radar stations were established and manned by Americans. The administration sought $8 million to construct a prestock ammunition depot and an airplane hangar plus living quarters at Palmerola Airbase and a prestock ammunition depot at San Lorenzo, supposedly a temporary facility. (The administration only withdrew $4.3 million of that request after receiving great pressure from Senators BINGAMAN and SASSER.) And the Defense Department acknowledged in a May 4 letter to Representative LEE HAMILTON that "the possibility of U.S. participation in the construction of a Honduran naval and air facility at Puerto Castilla on the Caribbean coast has been discussed informally with the Government of Honduras."

The administration has staged repeated, large-scale, almost continuous military exercises in the region. Big Pine II last year involved up to 5,000 American troops over an 8-month period. Grenadero I, now underway, involved several thousand American forces. Such exercises, the administration has stated, "were conducted to demonstrate U.S. resolve and willingness to support our regional friends."

The American military presence in the region has increased. According to Defense Department figures, there are now 111 U.S. military personnel in El Salvador. The number of U.S. military in Honduras even when exercises are not underway has jumped to over 1,000.

U.S. military personnel in U.S. military aircraft over El Salvador are providing real-time intelligence for combat activities by Salvadoran forces on the ground.

U.S. military personnel in El Salvador have been in areas that came under hostile fire three times since November 1983.

And since we last debated Central America, we have learned about increased involvement of U.S. personnel in the hostilities in Nicaragua. Let me give you some examples:

We learned that, 3 months before the mining of the harbors in Nicaragua, U.S. personnel directed a sabotage raid against the Nicaraguan Port of Corinto, destroying 3.2 million gallons of fuel and forcing the townspeople to evacuate.

We learned that, with respect to the mining of the harbors, the involvement of U.S. personnel was much, much more direct than anyone had ever believed. U.S. personnel were operating a ship in the Pacific—called the mothership—from which the mining activities were supervised and directed.

We also learned that U.S. personnel directed two air strikes against Nicaragua in February. The planes and bombs used in the February attacks—and in other raids—were provided by the CIA. The attacks were planned and supervised in Honduras and El Salvador, and the people in charge of the operations were Americans.

We also know that U.S. financial commitments in Honduras and El Salvador have been steadily and dramatically rising.

In 1980, 1 year before Ronald Reagan became President, the United States sent $8.5 million worth of military supplies to El Salvador, Honduras, and Costa Rica. Last year, the United States agreed to send $170 million, 20 times as much. This year, if Congress approves the administra-

tion's request, we will be signing contracts to send more than $580 million in military equipment, 70 times as much as we spent in 1980.

This last figure does not include the money for training—$22 million—nor the tens of millions of dollars that have been used for constructing airstips, radar sites, and other facilities. Nor does this $580 million figure include the covert aid.

How is this assistance being used? What has been the involvement of U.S. personnel?

The answer is clear. In the course of the last 3 years, Central America has become an armed camp. Honduras is bristling with weapons and warriors. El Salvador has tripled the size of its military, and we are now paying for 12,000 Contras in Nicaragua.

And as for U.S. forces, on land, sea, and air, our people have become more and more directly involved in the conflict, and we are moving closer and closer to the fighting.

Do these activities sound like an administration with no intention of involving American forces in combat?

Do these sound like the activities of an administration seeking to promote a negotiated settlement in the region?

Or does this sound like an administration getting ready to pick a fight and commit American forces?

The conclusion is unmistakable: The Reagan administration is systematically placing U.S. ships, planes, and personnel in harm's way, by injecting them into situations where, directly or indirectly, they are becoming increasingly involved in hostilities in violation of the War Powers Act.

In Central America we need to give diplomacy a chance to work before the President of the United States takes the Nation any closer to combat in that region.

For this reason, I offer an amendment that prohibits the introduction of U.S. Armed Forces into or over El Salvador and Nicaragua for the purposes of combat. This amendment is identical to the one introduced last month by Congressman FOLEY and adopted by the House of Representatives by an overwhelming vote of 341 to 67.

This amendment reflects the deep and growing concern of the American people that the administration is taking us to war in Central America. Congress must not permit the President to go to war without the consent of the American people.

The amendment I offer today is straightforward. It bars the use of any funds in this bill to send U.S. Armed Forces into combat in or over El Salvador or Nicaragua.

As stated in the amendment, the word "combat" means "the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy." U.S. Armed Forces are not precluded from conducting military training in El Salvador. Nor does the amendment limit flights by American military aircraft in the region carrying out reconnaissance activities. Only the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy is prohibited.

The amendment does not apply in all circumstances. The exceptions are clearly stated:

This prohibition does not apply if Congress has declared war or enacted specific authorization for such introduction.

The amendment does not apply when such introduction is necessary to meet a clear and present danger of hostile attack upon the United States, its territories or possessions.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger to, and to provide necessary protection for, the U.S. Embassy.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger to, and to provide necessary protection for and to evacuate, U.S. Government personnel or U.S. citizens.

The amendment leaves to the President the determination of when force is necessary under the three circumstances I have just listed. The amendment thereby preserves the President's authority to respond to threats to the United States, its embassies, personnel, and citizens.

Some may say this amendment usurps the War Powers Resolution. I would reply that the War Powers Resolution is not enough for this President under these circumstances. We need to protect the right of Congress to exercise its constitutional responsibilities. We do not want to wake up one morning to find American troops fighting and dying in Central America without the consent of the American people.

Madam President, I want to point out that included in the amendment is section (e) which specifically states that "The provisions of this section are in addition to and should not be construed to suspend or amend the War Powers Resolution." We have added this to the text of the Foley amendment; this is one difference between our amendment and the Foley amendment.

A number of my colleagues have expressed concern about how this would basically change the War Powers Resolution. We know at the current time that if the President of the United States decides to send American troops into combat in Nicaragua or in El Salvador, he would be free to do so and would only have to notify the Congress under the procedures of the War Powers Act. He would then be able to maintain those troops for a period of 60 days. What this particular amendment provides is that, prior to the involvement of American combat troops in combat, as defined in the amendment, the President would simply have to obtain approval, positive approval, by the Congress of the United States before sending those troops. We are simply asking that the Congress be permitted to act prospectively, not after the fact.

It does seem to me, Madam President, that this is not an unusual precedent. There is a precedent for what we are proposing in our amendment in the action that was taken by the Congress on a resolution involving American troops in Lebanon. That was in response to the serious concern in this body about the application of the War Powers Act. We acted in this body to modify the War Powers Act in that particular country and on that particular resolution. I did not support it, but nonetheless the Senate did act in that fashion.

I believe, Madam President, that given the factual situation—the escalation of American involvement in El Salvador and in Nicaragua, with more military personnel in that area and with the kind of activities that I mentioned earlier in my statement, that it is important that we, the Congress, play some role in the decision before American combat troops are sent to these two countries "for the purpose of delivering weapons fire upon an enemy."

But the War Powers Act would still apply and be in effect. We have tried to make that clear, and I believe we have made it clear in the amendment itself.

President Reagan has stated that he has no intention of introducing U.S. Armed Forces in Central America for combat. This amendment simply takes the President at his word and puts into law what has been stated as the administration's official position.

We just want to make sure that the deeds will match the words. The stage has now been set for the United States suddenly, massively, and without warning to intervene with U.S. troops. I do not think we should go to war in Central America—nor should we send American combat troops to El Salvador or Nicaragua—unless the Congress has been consulted, and unless the Congress has given its consent. That is why I urge the Members of the Senate to support this legislation.

I would add, Madam President, that we have included in this amendment under section D an expediting of procedures by the Congress should the President ask for such consent. I think the Members of this body are familiar with this provision.

Madam President, at this time, to complete my presentation, I want to mention a few things that this amendment will not do. It will not affect the

activities of the current military advisers assigned to El Salvador, nor their role in assisting in the training of the Salvadoran military. It will not limit the current reconnaissance flights by U.S. military aircraft in the region. It will not limit the ability of the U.S. Naval or Air Forces in the high seas or in the air to monitor Soviet or other naval activities of concern to our Armed Forces.

It will not inhibit any duly authorized military operations currently under way in Central America or elsewhere in the Caribbean. It will in no way limit our treaty obligations in the regions, or in the hemisphere. It will allow the President to carry out his constitutional responsibilities to protect the United States from aggression, or to protect the U.S. citizens. And it will allow the President to use U.S. combat forces to eliminate any threat he deems is a clear and present danger to the United States, its territory or its possessions. The judgment is up to him; and under this legislation he would be justified in using U.S. combat forces in a preemptive strike against any missiles that might be introduced in Central America by the Soviet Union.

It will allow the President to use U.S. combat forces to protect American lives, if he deems that it is a clear and present danger to their safety. Again the judgment is up to him. Under this legislation, he would have been justified in using the U.S. combat forces to intervene in Grenada.

This legislation will require the President to seek authorization from Congress to invade Nicaragua with U.S. combat troops in the absence of any of the exceptions set forth in the legislation. It will require the President to seek the consent of Congress to send combat troops to El Salvador in the absence of any of the exceptions set forth in the legislation.

Madam President, I think that explains the amendment, what it does and what it does not do. Earlier in the spring when we debated the whole issue of combat forces in Central America, I think there was ample reference to what our Founding Fathers intended in terms of the division of responsibilities in the war-making area. The President is recognized as the Commander in Chief, but the ability to declare war is retained in the Congress of the United States. It is a balanced responsibility. That is what our Founding Fathers intended. And it seems to me that, given the particular fact situation that we find ourselves in in El Salvador and in Nicaragua, and given the type of activities that have been taking place, and given the increasing involvement of the American military personnel in that region, and given the dramatic escalation of the reliance upon military solution—it seems to me that it is appropriate for us in this body to make a determination and a judgment that before combat troops are going to be used in this particular area we ought to have some ability to express ourselves.

Madam President, finally, I would say that this amendment is presented in a bipartisan way before this body tonight.

It was offered in a bipartisan way in the House of Representatives, carried overwhelmingly in the House, and I hope that we could at least replicate that action in a way to fulfill our responsibilities under the Constitution as well as to insure that we are going to be involved in the takeoff, and not just landing, should American combat troops become involved in these two countries.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Madam President, the Senator from Massachusetts has introduced an amendment that has very, very far-reaching implications. I would like to address myself to it because originally when this came to our attention, we intended to answer it in two different sections: One, the money involved in this comes out of the Intelligence Committee's budget; and the Intelligence Committee's budget is included in the Armed Services budget as it has historically been done. But I believe from listening to the amendment offered by the Senator from Massachusetts, and reading it, that the amendment goes across the board.

While I will not confine myself to entirely the money end of it, I think it does raise some important questions. To begin with, the Senator from Massachusetts raises what I consider to be a very misunderstood point. It was raised constantly on this floor in the debate on the War Powers Act; that the President does have the power to go to war, but that only the Congress can declare war. What I want to make perfectly clear in my estimation of the Constitution's intent is that, yes, the Congress can declare war. We can declare war every 5 minutes. But we cannot send troops to war. Only the President has this power as the Commander in Chief. It is one of the great misunderstood parts of the so-called War Powers Act. We in the history of our country have called out the troops for different purposes—some very minor, and some very major—about 202 different times, believe it or not. But there have only been five declarations of war, and two of those have been in the same war.

Mr. KENNEDY. Would the Senator yield?

Mr. GOLDWATER. Yes.

Mr. KENNEDY. I wonder whether the Senator from Arizona believes that the President would be able to send combat troops into Nicaragua or El Salvador without the approval of Congress?

Mr. GOLDWATER. Yes. The President has that ability.

Mr. KENNEDY. Do you as a matter of policy believe that is wise? Do you believe as a matter of policy that it is a wise policy for us to have? Do you want to have young sons of Arizona citizens be sent down there, possibly into Central America for the purposes of combat without, as a Member of the U.S. Senate, having a voice and a vote as to whether they should go or they should not go?

Mr. GOLDWATER. While I might be inclined to understand the arguing of the Senator because I do have sons and grandsons, I would rather trust the important decision of sending troops to one man backed up by his advisers, or the National Security Council, the Joint Chiefs, and so forth than to a body of 535 people who might be influenced a bit by ancestral problems, by religious problems, and so forth. I am not going to stand here and argue that it is the ultimate way. If I had been one of the Founding Fathers I probably would have voted or argued against it. But it is something that the country has lived with for 205 or 206 years. As I say, only five times has the Congress expressed itself in a declaration of war. But that really is beside the point.

The Senator has pointed out one of the great problems that the Intelligence Committee faces. This actually is a subject, when we get into whether it shall be covert or overt, that I do not think the Intelligence Committee should be solely responsible for delving into. I would like to see the Armed Services Committee, and I would like to see the Foreign Policy Committee have more to do with it.

We reach this point: What the Senator is actually suggesting in this amendment is very, very comparable to the amendment passed by Mr. FOLEY in the House on May 23, when he said:

> I further try to be equally uncomplicated and direct in defining combat by saying that combat means the introduction of U.S. Armed Forces for the purposes of delivering weapon fire upon an enemy.

We have reached the point, I might say to my friend from Massachusetts, several times in the Intelligence Committee when many of us have said what we are listening to in the way of amendments like Mr. FOLEY's is to do away with overt operation and to become covert. The moment we do that, then we get into the problem of being at war, and then the question comes up, in a situation like this would we be better off at war or better off with covert action? We have stayed with the covert approach because we think it is manageable.

When the Senator's amendment covers everything that I see, it will do away with sending advisers down there?

Mr. KENNEDY. The answer to the Senator's question is "no."

I have two amendments. There is one in behalf of Senator HATFIELD, SENATOR PELL, and myself, which deals only with American combat troops. Later I will offer an amendment to terminate support of covert activities in Nicaragua. But that is not included in this amendment. You and I talked earlier about both of these amendments, but they are being offered separately so as not to confuse the issue. This amendment deals only with American combat troops.

Mr. GOLDWATER. In the Senator's opinion, would the application of this amendment eliminate the Contras immediately?

Mr. KENNEDY. No. There is nothing in this amendment that refers to any covert activity. I will have an amendment that follows this that will address that issue. But this amendment does not do so. This is only for prior approval for the introduction of American combat troops for the purpose of delivering weapon fire upon the enemy. It does not affect American advisers. It does not prohibit American combat troops being sent to even El Salvador or Nicaragua from defending themselves. All it does is to require that the American President come to the Congress prior to the time that American combat troops would be sent to El Salvador or Nicaragua for the purpose of delivering combat fire upon an enemy which is basically an offensive act.

Mr. GOLDWATER. I am glad the Senator cleared that up. I was under the impression that he might include overflights, the use of naval vessels, but he will next deal with covert.

I might reiterate that this is one of our big problems. On a committee that really has no legislative power at all, when our job is to oversee, there comes a time in the overseeing that we raise the same questions that are now in the Senator's mind and in the minds of others. So if the Senator intends to bring these other matters up in another amendment, I possibly will be better in defending our own budget then, than by trying to get any points across here. I do not see anything in the amendment at this time, other than the continued efforts to interfere with the powers of our President as Commander in Chief, that would do anything other than express the feelings of the Senators mentioned. That is all I will say at this time.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Madam President, the Senator from Massachusetts posed a question about whether or not we would want to send our troops into Central America. Of course we do not, and do not intend to do so. But at the same time, it does not behoove us to make it very clear to forces hostile to the United States and hostile to friendly governments that we will not do so.

Let me further note that the Senator from Massachusetts indicated that it is apparently the policy of this administration to seek military solutions in Central America. That simply is not true. But when a government friendly to the United States of America is confronted by military activity, being internal in origin or external in origin, by forces and/or countries hostile to the United States of America, it seems to me that it becomes incumbent on us to do what we can to assist that friendly government and prevent these hostile forces from imposing a military solution to a political problem.

The fact is we did not send military assistance to Central America in significant quantities until it became apparent that certain political elements were themselves seeking a military solution. I do not think anyone can now make a case that the guerrillas in El Salvador represent a majority of the people. They are trying to take over that Government by military force.

I might note that they are not just fighting Government troops; they are fighting the general citizenry. They are destroying the infrastructure of the country. They attack utilities, communication centers, roads, and transportation facilities. These are not very nice people.

It is they who sought to achieve a political goal by military ends. The United States of America seeks a political solution. But there has to be internal military security in a country before a political solution will last and a viable democratic government can be established.

I know that many of these military efforts in Third World countries start out as honest political movements, revolutions that are inspired by the fact that people are politically or economically oppressed. I think it is unfortunate that too often revolution efforts are exploited by the Soviet Union or her surrogates. When that happens, the political solution that insures or at least creates some kind of climate in which democratic institutions can evolve is not possible until the military forces have been defeated.

I hope the Senate will reject the amendment of the Senator from Massachusetts. The War Powers Act already puts detailed restrictions on the authority of the President to insert troops in Central America.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, there are really only five options, five possible outcomes in this whole conflict in El Salvador.

No. 1, the guerrillas win militarily; No. 2, the Salvadoran Army wins militarily; No. 3, a continuation of the bloody status quo; No. 4, to send in American troops; or, No. 5, to negotiate a peaceful settlement.

This amendment strikes through all of these to get to the most acceptable one, as far as the sponsors are concerned.

That is to get to the point of negotiations.

We can argue all the legalisms, we can argue all the constitutionality questions we wish and they are very legitimate. But let me suggest that there is also a moral and an ethical dimension to this whole thing, because in my view, too much Salvadoran and Nicaraguan blood has already been drawn in these unnecessary conflicts and wars down there and I do not see why American blood should be drawn as well, or even the possibility of that.

We have traveled this path once before in Vietnam and now the temptation grows to do it right this time. We may have only had five declarations of war, but, Madam President, that was one too few. The longest war in history was in Vietnam, which was never declared by Congress.

The temptation derives from the close proximity of this conflict and the absence of logistical impediments we faced trying to win a war in Southeast Asia. I believe we are being drawn in deeper, inch by inch, day by day.

We might ask ourselves a question: Why is there war in El Salvador in the first place? Because of the Soviet Union? Because of Cuba? Because the guerrillas have developed a significant military capability?

Madam President, no. There are no geopolitical origins; there are only geopolitical consequences. And there is nothing, nothing which can be resolved by sending American boys any more than El Salvador's problems are being solved now by the carnage taking place between Salvadoran boys.

The war does not have military or ideological origins; it has human origins. More people have died in El Salvador due to poor sanitation, malnutrition, and lack of health care in the last 4 years than all of those who have died in the war. Forty-seven percent of the deaths not caused by war in El Salvador are children under the age of 5 who died of malnutrition. One of every 20 children in El Salvador does not survive its first year of life. Fifty-three of every 100 Salvadoran children do not have access to education. More than 50 percent of the people in El Salvador are without safe water or proper sanitation.

Yet there is more than enough money flowing from the United States and multilateral organizations to El Salvador not only to feed and care for all the children living in poverty but also to provide housing and sanitation for all the El Salvadoran poor. If we really want to deal the guerrillas a fatal blow, we would send in an army of peace—doctors, farmers, and teachers—to eradicate these shameful and inexcusable conditions.

Second, there is a legitimate role, Madam President, for Congress to be playing. It is a practical response to the realities of modern warfare and the proven tendencies of a superpower to allow itself to be drawn subtly into a conflict without realizing the consequences.

Do not tell me we are trying the President's hands. We are only tying, if you want to look at it figuratively, a finger. He has nine fingers left and there is a social, diplomatic, humanitarian, and even a military option for each one of them. We are simply saying that this particular option is out of the question, sending combat troops in to fire upon a so-called enemy.

I think there is a third point to the reason, the justification for this amendment. It is the least obvious implication, but possibly the most critical. It is the positive impact that passage of this amendment is likely to have on the botton-line question which faces this Congress. That question is how are we going to end this war and when are we going to start the process?

I repeat, how do we stop the war? There is no step we can take here today which will lend more psychological impetus to this process than a prohibition of U.S. combat troops. There is no greater gift we can give to President Duarte to enable him to move to the negotiating table than to preclude, shut out, eliminate the ultimate option, the introduction of U.S. combat troops: "If things take a turn for the worst, we can bring the American boys to the rescue; we do not need to negotiate." That is the mentality we are up against.

Every Senator in this Chamber knows that it is at least a possibility to send in such troops. I am saying that that possibility provides enough psychological security for the Salvadoran military to effectively prohibit a bold move to end the war. Any reliance on this option must be removed from the minds of the policy planners in Washington and the military in El Salvador. If we are as committed as we say we are to prohibiting a guerrilla victory, we shall simply have to find another way. We should let the Salvadoran military know in no uncertain terms here today that they had better allow President Duarte to seek a political solution to the conflict, which is the only way to end this struggle and to bring peace to Central America.

Madam President, I hope the Senate will adopt this amendment. It has been carefully crafted. It does provide all the necessary exemptions to allow the President to continue his responsibilities as Commander in Chief. In no way does it deny the President the right to protect Americans or American property such as our Embassy by sending in such troops to do so. But it does signal to both El Salvador and our own people that Congress has to have a voice if a decision is made to send in American combat troops.

Mr. GOLDWATER. Madam President, just to answer my friend from Oregon very briefly, I do not think the question of morality in war enters into this debate. Nobody who ever discusses a subject can ever argue that there is anything moral to war. It is the most immoral thing that man has ever engaged in. There is only one problem: it is one of the instruments of national policy—that is, the instrument of power, the threat of the use of power, that sometimes will work when other instruments such as economics, political, and so forth have not worked.

The only thing I am exploring with this amendment, are we to give up every effort at trying to indicate help, whatever form that help would take, even to the exclusion of war or sending in troops? Or have we sent more troops down there now? Are we now actively engaged in overt action? I am not prepared to debate whether we are or we are not, but I can tell my friend that this is a subject that comes up almost every time we discuss the Central American situation in the Intelligence Committee.

Our job is merely oversight. It is not to judge whether or not we are going to have a shooting war. That is the whole point in my discussing with the Senator from Massachusetts and the Senator from Oregon and with others whether we want to do what we are doing or whether we want to give up all uses of the instrument of power and even actually see ourselves losing Central America or, even worse, seeing ourselves in a position of having to exercise that power.

I would be the last one to use that.

Mr. HATFIELD. Madam President, let me say again I reiterate the moral dimension I was referring to is in the causes that brought this conflict into being—depression, poverty, the kinds of injustices that have existed there for so long. I would not in any way suggest that anyone who is supporting this action in El Salvador is immoral or those opposing it are moral. But I do think there is a moral dimension to this action. When we recognize that there are these options before us as I listed them—five—I think we have a responsibility to bring this kind of immoral action to a close as quickly as possible. That is why I think this amendment helps hasten that day to bring these people to the negotiating table.

I met President Duarte. I was very impressed with the leadership qualities I sensed in President Duarte. But President Duarte was also very frank to admit that he has problems on the home front.

The question was asked, "Why do you think you will succeed now as President when you did not succeed before as a member of the junta in areas such as land reform?"

His response was:

> Because I now have a mandate from the people in a legitimate election.

He said, "I feel now I can bring the military into line in terms of having it commanded by a government rather than just by the generals, with the policy being formed by the elected legitimate government.

He said, "I feel I can bring in some of those business interests that have opposed me before."

In other words, I see this as strengthening the hand of Duarte, not saying, "Look, you can count on the American military coming in to direct a military action they are determined to pursue when maybe you want to go to the negotiating table."

What I am saying about the moral dimension is simply the proposition that when we have ways to leverage a conclusion and support the positions of such men as President Duarte, I think we have a legitimate reason to do so.

Mr. TOWER. Madam President, I want to read a statement from the White House dated April 10 of this year, a statement that was concurred in by the Secretary of State, the Secretary of Defense, the Director of the Central Intelligence Agency, and the Assistant to the President for National Security Affairs. I will simply read a portion of that statement. It says:

> Allegations have been made that we are planning for U.S. combat troops to conduct an invasion in Central America. We state emphatically that we have not considered, nor have we developed plans to use U.S. military forces to invade Nicaragua or any other Central American country. Secretary Weinberger made this point in his television appearance on Sunday. Some have chosen to disbelieve him—consciously or unconsciously confusing what they call "invasion" plans with our longstanding obligations under the 1947 Rio Treaty, our treaty obligations to defend the Panama Canal, or military contingency plans for disaster relief, humanitarian assistance, or emergency evacuations. For over a generation, as prudence would dictate, we have maintained and updated plans for these contingencies. We have not, however, planned to use our forces to invade any country in the region.

The Senator from Oregon, a man of enormous humanitarian instincts—he is known for that—a man who has a

deep-seated conviction that war is a desperate way for men and nations to resolve their differences, has suggested that if we send food, medicine, doctors, and I suppose technical advisers of various kinds to help rebuild the infrastructure of the country, it would lead to a resolution of that country's problems. I might note, however, that with guerrilla soldiers occupying a substantial portion of the countryside, it might be rather difficult to do anything constructive. And, too, as I pointed out earlier, these guerrilla troops have been busy destroying a portion of the country's infrastructure. I think all of the things suggested by the Senator from Oregon are things we should do. Again, I submit that the country has to be reasonably secure before those efforts can be successful.

I might point out that some of our medical people in Central America, there in an advisory capacity, there to provide humanitarian assistance, have themselves done a great job of both clinical and preventive medicine in that area. We are not without the presence of American medical assistance. In some instances there has been far greater utilization of military medical capability by civilians than by combat troops.

Now, I believe in the humanitarian objectives, and I believe that we should do everything to foster a climate for the evolution of democratic institutions in Latin America. I think we Americans sometimes fail to realize the institution of self-government cannot simply be thrust on a people with no experience or tradition of self-rule and expect them to function as responsibly as democrats— and I use the term with a small "d." In fact, it took centuries for legal political institutions of the United States to evolve beginning in Britain and being transferred to these shores where they were refined and evolved further.

Democracy is successful in this country because we have that background, that tradition. There are some highly civilized countries in which the people have not yet clearly demonstrated an ability to govern themselves simply because they do not have this background of tradition.

One thing is certain, that if Marxist authoritarianism is institutionalized in any of these countries, the prospect for the evolution of democratic institutions is virtually nil. So I think we must do what we must do to try to stabilize these countries. I think particularly of El Salvador. I do not think it is necessary for us to send American troops. I think it will not ever be necessary for us to send them there to protect our own interests if indigenous forces have the capability to do it for themselves.

I do not foresee any necessity of the introduction of American troops in Central America, but it would certainly be a terrible mistake for us to send a message to forces hostile to the United States and hostile to friendly governments to the effect that we will never intrude without some lengthy congressional process. I remember what happened in Korea. Most scholars agree that the statement the United States would not militarily intervene in Korea resulted in the invasion of South Korea by the North. I can cite something even more recent. It was an amendment passed in this Congress in both Houses, the Fulbright amendment, very similar to the one offered by the Senator from Massachusetts, that proscribed the use of American military forces in or over Vietnam, and that was the incentive for North Vietnam to mount not the usual type of guerrilla warfare against South Vietnam and the kind of infiltration that they had utilized by a conventional military attack on South Vietnam supported by the Soviet Union, which the South Vietnamese were unable to resist because we served notice that the United States would not use military force to enforce the Paris accords.

I hope the Senate does not repeat these mistakes. I do not think it would be conducive to peace or reduce the likelihood that American troops will ever be used. I think the absence of such a proscription is itself a deterrent and reduces the likelihood that American troops will ever be used. Therefore, I urge my colleagues to defeat the amendment offered by the Senator from Massachusetts.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DENTON). The Senator from North Carolina was first to seek recognition.

Mr. EAST. Mr. President, I should like to take a minute or two, if I might, to speak in opposition to this amendment which I think is ill-conceived and would be counterproductive to the very thing which its proponents seek to avoid in Central America—namely, a greater broadening of the conflict.

Former Secretary of State Henry Kissinger has indicated that in order to accomplish the very ends that the supporters of this amendment seek—namely, a more equitable social and economic system—that in order to build that infrastructure, there must be a shield, if you will, a military shield, in view of Soviet-Cuban military intervention in the area, behind which this process can take place. If you eliminate the military option completely, you certainly telegraph to the enemy the idea that they are free to pursue a military solution.

I recall that when President Duarte was here—at that time, President-elect—he said it is a very complex situation. It is military, it is social, and it is economic. But his point was that if you have one army on one side and one army on the other and one is armed and the other is not armed, the armed army will win and you, in fact, will have a military solution.

If, in fact, we say and we telegraph to the people in this area and to the world that the United States, under no circumstances, would give sufficient latitude to the President to utilize our conventional military capability, I think you bring about what President Duarte was talking about—namely, that there will be a military solution, and it will be imposed by the Soviet Union and Cuba and those military forces it is backing in that area.

I think it is simply impossible in our time to micromanage American foreign policy, let alone defense decisions, from the floor of the U.S. Senate. To do so will greatly imperil the effectiveness of this country to meet the very serious challenge it meets today from the Soviet Union and her surrogates in every continent in the world.

Let me put it another way: If we do fail in Central America, if the Marxists take control of the military solution, who will be held accountable? Yes, the President will be. I say that if we are going to hold him, as Commander in Chief, and his principal spokesman and formulator for American foreign policy responsible, we had better give him enough elbow room to do that which is necessary in order for his policies to succeed.

But if we try to micromanage every move he makes, we cannot hold him responsible. I think our policy will fail, and you will see, yes, a military solution in central America, and it will be dictated by Moscow, Havana, and Managua. That is what is going on currently.

Invariably, in a debate of this kind, I often find it interesting that our most honorable and patriotic opponents say there must be a political solution, in citing Vietnam. Of course, as Durate has pointed out, if you do not have the military shield, you will not have a political solution; you will have a military solution, and it will be imposed by the superior military forces, which in this case, again, would be those forces in the area backed by the Soviet Union and by Cuba.

Senator GOLDWATER, I thought, made a very perceptive point the other day, that we are always trying to fight a current conflict on the basis of the last war. The current struggle in the world today, going on right now in the underdeveloped world, is of a guerrilla type. It does not candidly lend itself to formal declarations. It does not lend itself to micromanagement from the floor of the U.S. Senate. Guerrilla warfare is the key to military success in our time.

I think that what Senator GOLDWATER is saying, in his very preceptive way, is that you are attempting to respond to the military challenge of our time by the standards of World War II or World War I or the Spanish-American War or the Mexican War, or something or other where you had formal declarations. That simply will not work in the kind of world in which we live and move.

Alexandr Solzhenitsyn remarked one time, "You need not worry about nuclear war in your time." Why? "Because," he said, "they are taking you with their bare hands," and they are. They are doing it in every part of the world. Solzhenitsyn said he did not think the West had read the Communist Manifesto. He did not think they had read the works of Lenin.

The point was that you would take the soft underbelly of the world, the underdeveloped continents of Asia, Latin America, and Central America. You would do it militarily. Yes, you would do it through guerrilla warfare. Those are the realities of warfare in our time. They cannot be denied. Solzhenitsyn is correct: We are losing. We lost in Southeast Asia. Cam Ranh Bay, which used to be a military base, is now a Soviet base. Yes, we were told we were looking for a political solution. What did we get? A military solution, Soviet and Vietnamese imposed. Then they moved into Cambodia, and so it continues.

The same scenario is being repeated in Central America. The same problem exists in Africa. It would exist in the Middle East, were it not for the strength of Israel. Syria and the PLO, backed by the Soviet Union, would impose a military solution in Lebanon—indeed, throughout the entire Middle East. Would it make sense to say to the Israelis, for example, "Disarm"? Or, should we say that we would never, ever, under any circumstances, intervene? That simply telegraphs to the Soviet Union and her surrogates that military solutions are possible. It rules out the potential for political solution. It rules out the shield to which Henry Kissinger has referred.

How are you going to build the infrastructure for social and economic justice and social and economic growth and development where the enemy, the opposition, is free to shoot its way to power, as President Duarte put it?

A few hours ago, we adopted overwhelmingly, as I recall, an amendment supporting the Monroe Doctrine concept of 1823, which stated that the United States would not accept foreign intervention and military presence in the New World from the Old. This is precisely what we are allowing to happen now in Central America. The Soviet Union and Cuba are intervening in Central America. They are supplying the armed support to Nicaragua, as Jeane Kirkpatrick has very ably pointed out, all out of proportion to the needs of Nicaragua to defend itself. She said: "What are they doing with the military capability? They are exporting it into El Salvador." For what? Purposes of murder, she said; for destroying the infrastructure, economically and socially, of that country, and eventually imposing a military solution.

If you tie the hands of the President of the United States publicly in the Senate and the House and say that under no circumstances can he do this without formal declarations or authorizations, and so forth, it simple telegraphs to Managua, to Havana, and to Moscow: "Gentlemen, full steam ahead." And what will we get? A military solution—the very thing that the proponents, the very honorable proponents, of this amendment hope to avoid.

Let me end on this thought in terms of the reality of international relations of our time. There is no question about it. It has been spelled out carefully that the Marxist-Leninist solution is through military guerrilla operation to take the soft underdeveloped parts of the world and ultimately, as Marx and Lenin stated it, "You surround the urban industrial continents of Europe, of North America, including ultimately now Japan, and they in time will fall like ripe fruit."

We have to develop the acumen, the astuteness, the alertness, the ability to respond to that military challenge and it is of a guerrilla warfare nature, and hence we must allow the President the latitude, because we will hold him accountable now, will we not? We will not bear the burden, we will not accept responsibility if the military solution is imposed. We will point down Pennsylvania Avenue to the White House and say they failed, he failed.

We can only blame him if we so tie his hand as to telegraph how limited his operations are.

The Marxist-Leninist approach then is clear, and as Solzhenitsyn said:

> If the West would only read the Communist Manifesto, read the works of Lenin, read the works of Mao Tse-tung, they will know what is occurring in the world.

I leave, one, with that thought and, second, I leave us with this thought: Has the United States no area in the world where we have self-interest to assert?

We were told during the Vietnam conflict that it was distant, far away, and it was none of our concern. We were told in the Middle East that that perhaps is distant and far away and none of our concern. We are told that Africa is distant and far away and none of our concern.

And now, we are in our own hemisphere. We are in Central America. We see the Monroe Doctrine repudiated de facto, and once again it seems to me the thrust of what the proponents of this amendment are saying again is we have no self-interest.

I ask you this: Where do we, as one of the two great superpowers in the world, have a self-interest?

The Soviet Union moves with impunity into Afghanistan. It sends its surrogates, such as Syria, into Central America. It sends its surrogates in Africa in the form of Cuban troops into Ethiopia, Angola, and Mozambique. It sends the PLO into Central America. It sends the Eastern European forces into Central America. It sends Cuban forces into Central America. In the Far East it takes over again Southeast Asia, uses Cam Ranh Bay, our former base, as its own base of operation. It gives the moral, logistic support to Vietnam to take over Cambodia, to threaten Thailand, and to broaden and expand its power in that whole part of the world.

Apparently, we have no self-interests in either we are told.

Now, here we are right in our own hemisphere and, again, it seems to me it is the old refrain: So we have no self-interests there. It makes no difference.

But it has been pointed out repeatedly if you allow Nicaragua to become the model in Central America, El Salvador will fall, Costa Rica will fall, Honduras will fall, Guatemala will fall, and Belize will fall. The pressure will be on Mexico and it ultimately will have no option except to itself to succumb to what? Yes, a military solution imposed by Moscow, Havana, and Managua.

Now, as has been pointed out repeatedly between the Rio Grande and the Panama Canal are 100 million people. We have heard this before, but let me say it. I think it is worth repeating. We have learned from past experience that at least 10 percent of the population invariably flees when the Communists take over. All the voting is one way. Where they can vote with their feet, they come here.

Look at the poor pathetic boat people who went out and drifted in the South China Sea, just waiting for any vessel to come along and pick them up. Is it not curious where people have a choice, they leave? They leave the Communist system. We have to build up walls to keep them out. They have to build up walls to keep them in.

Now, I ask this, and in this case they would not even have to get into boats, they would simply walk. If they take over that area between the Rio Grande and the Panama Canal, of 100 million people, 10 million people will move northward across the Rio Grande. How will you stop it? Will you machinegun them down? Of course, you will not.

It will create enormous economic and social disruption in our country and it poses an enormous geopolitical threat to the peace and the freedom and the security and the well-being of this country. It jeopardizes not only your freedom and mine in our time, let alone that of our children and our grandchildren.

Come now, gentlemen, this amendment is a part of that whole fabric of thinking that seems to operate on the assumption that nothing is going on in the world today of consequence. I put it this way: We fiddle while Rome burns. We are excused by two facts. We do not know, first, that we fiddle and, second, we do not know that Rome burns. But Rome is burning in Central America and if you do not allow the President of the United States, who has the responsibility as the Commander in Chief under the separation of powers, who has the principal responsibility for the conduct of foreign policy and for the protection of this country, the latitude to do what must be done in this area, I think that what you are going to see is all Central America fall under Soviet and Cuban control and domination and the whole Caribbean Basin will simply become a dominant sphere of Soviet influence, military influence.

That I find totally unacceptable. Totally unacceptable from whose standpoint? From not only those people in that part of the world who must fall under this tyranny, but from the standpoint of the security, the freedom, and the well-being of this country.

So, I urge my colleagues to reflect very seriously on this. The stakes are high in Central America. They are in our own hemisphere, and if we will not defend our friends, our democratic friends, such as Duarte, in our own hemisphere, I simply question, gentlemen, who will we help? Who will we defend?

It is an eminently fair question to ask where would you draw the line—anywhere? Apparently not.

And that would be the great tragedy of our time and World War III has been subtly lost and it has been lost to Moscow. It has been lost to the Marxist-Leninist world vision. And it is over with a whimper.

And I suspect in due course, as Marx and Lenin predicted, the industrial, urban continents of North America, Europe, and Japan will eventually have to succumb to the realities of power in their time. Solzhenitsyn has said the world is finite in geography. At some point the balance tips against you.

I do not know if it has occurred or not. He said psychologically it occurred in Vietnam. Perhaps it has. But it will have occurred, as a matter of reality, if we tie the hands of the President of the United States and allow the Soviet Union and Cuba and her surrogates such as in Managua to take over that area.

It is a very heavy question we face; I think the most serious facing this Congress and this country at this point in our history. And I vigorously disassociate myself from this amendment. I vigorously oppose it. And I hope my colleagues would reflect long and hard and repudiate it, vote it down. I will support Senator TOWER when the time comes for him to make his motion to table, and I hope you will do likewise.

Thank you, Mr. President. I yield the floor.

Mr. HATFIELD. Mr. President, the debate and comments of the recent hour reminds me of an incident that took place in a Cabinet meeting with President Eisenhower following the unsuccessful project of intervening in Guatemala. Former Ambassador Henry Cabot Lodge said to the President:

> Mr. President, we know how to win wars, but we don't know how to win revolutions. We should spend less time reading the Communist Manifesto and more time reading the Declaration of Independence.

Mr. President, I think the crux of the question we have before us is that we are looking at this situation in El Salvador today, and those who support the policy, those who advocate it, those who defend it, recognize, like all of us, we are in a stalemate.

We are asked to lay aside these major alternatives of policy which I have outlined until the country is secure. But let me remind you, according to my recollection, in 1980, it was estimated we had 500 guerrillas in El Salvador and my latest understanding of the estimate is 15,000.

Mao Tse-tung did have one or two thoughts to offer on the question of guerrilla warfare. One of them was that guerrilla warfare can only be as successful as the support of the countryside is forthcoming. Obviously, those guerrillas exist in El Salvador today in some part due to the fact they have local support. Why? I think those who ask us to continue a bankrupt policy that has failed up to this point ought to tell us, the proponents of this amendment.

Are we going to be in another Vietnam? It is a relevant analogy. It is a parallelism.

I said on the floor before, and I will repeat it again, I was in Hanoi during World War II when we cheered the flag raised over the city hall because we saw in that flag an ally who was fighting the Japanese, as we were, a flag not with the hammer and sickle of communism. He was a Communist, yes; Marxist. But he was our ally and we were fightng a war as allies at that point. It was a flag of Vietnamese nationalists. But we could not reconcile the testimony of nationalistic revolution with the knee jerk temptation to reimpose the imperial colonial system of France upon that part of the world.

And now we evolve some kind of justification to make this—El Salvador—a Communist and non-Communist issue. Let us go back and read our history.

There is no one that hates it and fights it more than I would any place. For anyone to imply that we are on the side of Moscow is utterly ludicrous.

For whatever credentials this gives me, I fought in the China civil war on the side of Chiang Kai-shek. I fought communism on the battlefield; laid down our gunfire on the beaches to drive them back from Chiang Kwen Tau when we landed our troops in there with the Chinese Nationalists.

I do not understand those who fail to understand that guerrilla warfare—we are dealing with a totally different animal than we were dealing with in World War II where we had battlelines and geography that we could determine.

Let me tell you, guerrilla warfare obviously is different. And we better start recognizing the difference between that kind of warfare and the kind of warfare we fought with the Maginot Line or some other battleline of demarcation where the enemy was on one side and we were on the other side. It is a simplistic look at this conflict down there when we begin to try to make it the battle of Armageddon between communism and noncommunism.

Of course, the Communists are involved. But why? I come back to the original proposition that I offered the Senate here, and that is because we are not dealing with geopolitics in the traditional sense. We are dealing with human misery as a cause of the conflict down there. We better start dealing with those causes rather than trying to define it as a military issue.

Why are the guerrillas gaining support? Well, I suggest that if Mr. Duarte wants to lay out some of these alternatives about land reform now, as he tried to do in the junta and was rejected by the business interests and military, if he reaches out, as he says he will, and tries to bring the business sector to support his administration, then this is strengthening his hand because the military can no longer rely upon the bailout of an American military expedition.

I think the burden of that question lies with those who have been supporting this failed policy. Why not support this proposal?

I am deeply concerned that until we start addressing those causes of misery, human misery, we are going to have a continued expansion of the guerrilla warfare that will be encouraged by Moscow and Cuba and all the other Communists because they do

not have to do it directly. They can just supply the materiel and the environment if necessary, for that kind of revolution will take care of itself.

When Dr. Walter Reed discovered that the mosquitoes were the carriers of malaria of the Panama Canal areas when we were building it, he said you don't go out and kill all the mosquitoes to destroy malaria but, instead, you drain the breeding swamps. It is about time we begin to look at the breeding swamps of communism, fascism, and all the other autocracies. And in draining those breeding swamps, it seem to me we would find greater possibilities of solving this conflict than trying to impose upon it a military solution.

I say again, Mr. President, send in the marines, no; send in the American fighting troops, no, no, no, no. Send in the army of peace soldiers—the teachers, the doctors, the others that are dealing with the those problems of human oppression, human misery. Let that become part of Mr. Duarte's whole era of life and hope for the people of El Salvador. I am convinced it will do more to strengthen his hand than this idea of holding in reserve somehow the possibility that we may send in troops down there. To do what? To obliterate the countryside in order to get the last guerrilla?

Do not forget that marvelous statement made by one of those military leaders who was leading us in Vietnam. He said, "In order to save the village, we had to destroy the village."

That does not provide the solution. We are not going to provide solutions, in my view, following this kind of policy.

I hope this amendment is adopted to send a signal of hope to Mr. Duarte and those who want to see a stable El Salvador.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, it appears that the Senator from Oregon makes haste about dealing with human misery. That is, in fact, part and parcel of the report of the Kissinger Commission.

But you cannot read one part of it and neglect the rest of it and have a policy that is going to work. There is human misery down there. But I would directly and personally quarrel with the assumption of the Senator from Oregon and the Senator from Massachusetts that guerrilla warfare in El Salvador is a popular movement.

I hope that the Senators would avail themselves, both of them, of the Washington Post this morning where it said that the guerrillas are, in fact, going into villages, and taking young people away from their homes, and conscripting them by force. Now, how are you going to confront a warfare such as that solely with kindness? The answer clearly and truthfully is that you are not.

To recognize one thing and fail to recognize another thing is to do just as much harm, to create just as much failure as is what the Senator from Oregon and the Senator from Massachusetts are suggesting; that this policy that is sought to be sustained by Senator TOWER and the Armed Services Committee is failing on the same basis.

The Senator from Oregon's heart is clearly in the right place. The historical heart is not altogether in line with what history has been. The Senator mentions Guatemala. Guatemala was not such a bad deal. It provided over 20 years of stability with a democracy that was not there when we went there. What is happening now is another thing. But there were 20 years when they had what lots of Central America has not had for over 20 years.

I believe that the amendment of the Senator from Massachusetts, despite what he would say, is an invitation to hostility. It is a plea to Nicaragua to come and test the waters. His question to Senator GOLDWATER about Arizona children is a fair question, and it has an answer in his own amendment. His is the procedure. His is the amendment. His is the policy which is going to bring Americans, and American people, into a conflict. It is an invitation to cross the border. It is an expression, lack of will, an invitation to test and see if there is anything left in this country.

Just take one-half of a minute to look around the world and see what is taking place. Does any Senator in this body think that it is some kind of a coincidental uprising of human aspirations, that there is a belligerent, brutal, and ghastly thing going on in Afghanistan where 150,000 Soviet troops are trying to beat into submission a proud people, or would somebody look at the map and tell us that maybe that is an approach to the Indian Ocean, and the two major oil straits of the world, that of Hormuz and the Straits of Aden?

Does any Senator in this body think that Angola is an aberration in history, that it is some kind of a little thing that is being supported by Cubans and Soviets, some uprising of people who want something better than they had, or does somebody want to take a look at a map and see Walvis Bay in Namibia a deepwater port in the South Atlantic? Does anyone in this room now believe that Nicaragua and Central America is an accident, or is perhaps Panama Canal, the Pacific, and the Caribbean Basin a portion of a geopolitical expression of the advancement of power?

We simply just cannot view the world the way we would wish it to be. We have to view it the way it is, and the map will tell you what is taking place. It would be lovely. I would like nothing better than to have the world the way the Senator from Massachusetts and the Senator from Oregon would like it. I would like nothing better than this to be a war of human aspirations only in El Salvador and in Nicaragua. What a wonderful thing. We could win that in a little bit. But I would remind this body that it was unwilling to do very much in the Caribbean Basin Initiative, unwilling because of the domestic political interests to even give a few jobs down there, and how much money are you willing to spend to fight the war of medicine, of teachers, of agriculture? How much agriculture is the Soviet Union providing to Nicaragua, with the PLO, with Bulgarians, with East Germans, and North Koreans, all of whom are known worldwide for their expertise in growing tropical fruit and raising cattle? Come on, my friends. Look at what is real.

How important is it for us to know people live with little spies in their families, and cannot contest the point of view that the Government raises?

The Kennedy amendment is really not a legal question. It is a question of constitutional authority. We ought to view it as that. But we ought to view it as well as what it seeks to do, to cripple this country's ability to deal with its own self-interests at least in this hemisphere.

Mr. KENNEDY. Would the Senator yield?

Mr. WALLOP. I would be happy to yield for a question.

Mr. KENNEDY. Is it the Senator's position that you would welcome the President of the United States making a unilateral decision about sending the sons of Wyoming constituents down to combat in Central America without a vote, or without a voice, or without an opinion? Is that what the Senator from Wyoming is advocating here this evening?

Mr. WALLOP. The Senator can ask the most flamboyant questions in the world—and I do not yield for a comment. I yielded for a question and will provide it.

Mr. KENNEDY. That is fine.

Mr. WALLOP. The comment is this: I would not welcome it. But I would perfer it to a catastrophic loss of the Central American countries and—I will not yield again. Let me finish this because the Senator cannot believe that there are 15 million to 20 million Hispanics in this country who are employers, are employees, our friends, our neighbors, our police, our soldiers, our sailors, all kinds of other people, and when the great exodus comes out of there, when the PLO's little teams that are being trained down there are coming across this border and doing what they do in Israel, keep in mind

that this country cannot defend its border against the most simple-minded peasant who only wants a better job let alone drug smugglers and other things. And I would ask the Senator if he knows what the PLO has done to the border in Israel which is the most sophisticated border defense in the world. They can come across there and blow up a bus full of senior citizens touring, take over a school and machinegun children. No, that is not going to topple the United States if they do that in Texas, or if they do that in any of the Gulf States. Of course it is not. But what is it going to do to us and the people who are our brothers, our neighbors, our employees, our employers, and all of those Hispanics? Terrorism is terrorism, and it is designed to do just that. It is to create doubt amongst us; to create wonder of who is going to be doing what; to wonder if somewhere along the line, somebody who looks a little Hispanic, or has a Hispanic surname, may be one of those PLO-trained teams.

The Senator is asking me, would I want those boys to be sent to prevent that? The answer is clearly yes. Would I want them sent? No. And my guess is that I will have much less chance of having them sent with the Senator's amendment failed than with it passed, because that is when we are going to be tested. I believe the Senator is asking us to have this question asked of us in blood, not in a debate on the Senate floor. I believe that is the most likely event for the blood of children of Massachusetts, Wyoming, or Arizona, or anywhere else, to be spilled, in following a path that you seek to have us follow. My point is that I believe that if we can stand as a country strong, stop what we see to be taking place, it is very unlikely that we will see American blood shed. But give that cancer a chance to grow, which the Senator's amendment seeks to do, to provide flesh to grow upon, and that is when we will see it. That is when American choices that are too difficult for Americans to confront until they are on our doorstep is going to take place.

That is what I am saying here tonight both in this and the amendment which the Senator seeks to follow in a little while: that if there is no place in this world that is in our self-interest but our own border, then there will be bloodshed, lots of it, and there will be constitutional crises as we seek to try to deal with our neighbors who have Hispanic names or who look a little Hispanic. That is when we are going to face this world in a way in which everybody will wonder why we did not do something when it was worthwhile, and in our interests.

Now we have a simple situation where people are willing to fight and die with their blood in behalf of their freedom, as our ancestors did; and, that is, leave the comfort of their homes to go to the bush, to hope somehow or another that when they worship it will be permitted, when they vote they will have a choice to speak, be heard, and not be obliterated.

That is what we are talking about. Why is it that America sits here doubting whether it is a good idea to support people who seek freedom? What is there possible in the minds of Americans who doubt that is a good idea when somebody says, "I am willing to go put my life on the line. I have left my home. I have no more to earn. I am in the bush. I want what you have every day. I want to vote. I want to go to my church. I don't want to have them obliterate the Pope when he comes in, or establish a new Catholicism, take away the press, say that I cannot join the union, say that my candidate cannot run."

This little freedom is what they want. And we are saying, "We doubt your sincerity in that," when all they are asking from us is a little help, a little money, a little technical advice.

I just do not believe that there was a reason that was related to that which was behind the Senator's amendment. But whether that was the reason or not, that is the result and that is the signal that is being sent.

There are two questions involved here. One is the constitutional authority and one is the question of prudence. A third perhaps is the question of the signal we wish to send to friends and enemies abroad.

In the Constitution and in the essence of foreign policy, according to the Federalist Papers, is "secrecy and dispatch." That is why the Constitution vests the power in the Commander in Chief, in one person, not in 535 additional ones who do not run for that office but wish to exercise its powers.

The President in our system must be able to attack the enemy and defend allies on a moment's notice, not with the question of Congress, when one notes how quickly we do things. The fastest thing this Congress has done in a long time is to make certain they could watch Redskin football games on television.

The Constitution gives the President this power and no legislation can take it away.

On the question of prudence, why would anybody want to deprive the President of the ability to combat hostile military forces on our own doorstep?

Would the Senator from Massachusetts or anyone else believe that hostile military forces are not in existence in Central America? Sandinista Armed Forces are larger than those of all the other Central American forces combined. Does anyone think they will not attack their neighbors? Why not? That is the question of the signals. The main reason why the Sandinistas do not attack now is because they are afraid of what this country might do.

There is another reason and that is perfunctory. In two amendments, the Senator from Massachusetts wishes to remove these two disincentives of war. I say war. It is an invitation to war that the Senator is asking us to do. Perhaps not us, but war with neighbors, with Nicaragua, war with El Salvador, war with Honduras, war with Costa Rica. It is an invitation to aggression.

Recall the statement by the Secretary of State in 1949 that initially left South Korea outside the U.S. zone of military concern. That invited the Korean war, and a congressional prohibition of congressionally directed involvement of America, though it would unlikely be recognized.

It is a powerful signal of America's disinterest in this hemisphere, its friends, its liberties and democracy as requested by its friends and neighbors.

A civil war is not engulfing Central America. It is not a war of passion by peasants who will somehow or other seek to join some force and grow on their own. The evidence is to the opposite. The evidence is that those are not growing but they are forced. And now the Senator wishes to give the signal that they really ought to grow because that is the side that is likely to win.

I do not believe this Congress will do that. I do not believe it ought to do that. I believe it would be immoral if we did do that.

Mr. President, I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not think that anyone in this body has a monopoly on devotion to democratic ideals and values. I reject any suggestion that those who oppose this amendment have a higher set of values, or are more patriotic, or are less concerned about the movements of the people of Central America, or are not concerned about the progress of democratic values in Central America or throughout the world.

Members of this body can distort, can misrepresent amendments, and that was just done by the Senator from Wyoming.

I will just take a moment at this time in the debate to suggest that the people of Massachusetts understand that we live under a Constitution. The people of Massachusetts believe that the warmaking powers are divided between the President and the Congress of the United States. I believe, contrary to the view or the position of the Senator from Wyoming, that when I

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took the oath of office right at that desk where the Senator from Alabama is now presiding, that they expected me to abide by the Constitution and to fulfill my responsibilities and not walk away from them.

If it is the position of the Senator from Wyoming that he wants to see the children of his State go down to Central America without his voice and his vote either of approval or disapproval on a resolution, so be it.

But I was here, Mr. President, at the time that the Gulf of Tonkin Resolution was considered and passed. Only two Members of the U.S. Senate at that time said: "Hold up. Let us get into this. Let us find out what is really intended." That, to my regret, was the most unfortunate vote I have cast in the U.S. Senate. I am going to make sure, to the extent that I can, Mr. President, that the Members of this body are going to vote yea or nay before the young people of my State are sent overseas again, whether it is in jungles in Central America or in other parts around the world.

If the Senator from Wyoming believes that we can yield that particular constitutional responsibility, so be it. But it seems to me we have been reminded in recent times, whether it has been in Lebanon or in other places around the world, what the failure of us to meet our obligations can lead to.

I would hope that those Senators who have been listening and following this debate will understand that the purpose of this amendment is to ensure that the Members of this body and the House of Representatives under expedited procedures would have a voice and a vote on any decision to involve American combat troops in Central America in a way which would ensure their continued involvement.

Mr. SYMMS. Will the Senator yield for a question?

Mr. KENNEDY. I do not have the floor. The Senator from Delaware has the floor and has been waiting to speak. But I plan to be around here. I know the Senator from Connecticut, Senator DODD, wants to speak, and the Senator from Tennessee wants to speak. Also, my colleague from Massachusetts wants to speak. But I will be here for the remainder of the debate and will welcome the opportunity to respond to any question of the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am a little confused. I am not sure, listening to the opposition to this amendment, whether or not we are talking about the same amendment.

I heard the Senator from North Carolina, Senator EAST, talk about a fabric of thinking, that he was worried about, developing here.

I heard one of my colleagues in opposition to this amendment talk about telegraphing to the—I think they have all used the phrase—"telegraphing a message to the forces of darkness" in some way. Let me suggest to my colleagues assembled here and those who are listening to us on the squawk boxes the reason why, over a year ago, Senator DODD and I, in the Committee on Foreign Relations, attempted to attach language to the foreign aid bill which would have restricted U.S. combat troops engaging in combat in El Salvador. It was very simple.

I do not know where you have all been in the last 15 years. Maybe there is a sort of generational amnesia on this floor. Because it seems to me that my generation thought that we had a little problem with the policies of this body and the Congress relative to the question of under what circumstances we would be asked to go to war.

In the meantime, whether or not we were right or wrong, whether or not the leadership of the time was right or wrong, I doubt whether many of us would disagree that one of the lessons we have learned out of Vietnam, whether or not Vietnam is analogous to El Salvador, standing all by itself, has taught us in that a foreign policy, no matter how well conceived, no matter how brilliant in its origin, no matter how precise in its execution, cannot be sustained in this country absent the consent of the governed—absent getting a majority of the people in this country to say: "Hey, that is a good idea. We sign on."

I do not care whether you think, as the President thinks, that we had a noble conflict in Vietnam and we lost and we should have done more, or you think, as former Senator McGovern thinks, we should never have gotten involved. I do not know how any of us can deny that one of the prices we paid for Vietnam is that the American people want to know ahead of time, want to have some idea of what they are signing on to.

In case you fellows and ladies in this body have not figured it out, the folks are a little worried about El Salvador. Whether they lie out on the prairie in Wyoming or in Dagsboro, DE, or in Salem, MA, they are a little bit worried. They wonder what we are doing. We have a President who says: "Ladies and gentlemen, my fellow Americans, I am not sending any American boy to fight and die in El Salvador. I want to make it clear to you, my fellow Americans, that is not the case."

I am prepared to believe him. Let us assume, which I do, that he is telling us the truth. And let us assume, and I do, that the Senator from Wyoming wants no part of sending Americans in there except as the absolute last resort. I believe that of the Senator from Wyoming.

In case you have all not figured it out, any President, including this one, is going to have trouble, going to have a little difficulty maintaining the policy of supporting El Salvador by sending American troops.

In case you have not figured it out, we are having difficulty, I say to Senator WALLOP, getting people to say we should support the Contras active in Nicaragua at all. I do not know how we ever missed that.

There is not a snowball's chance of the House of Representatives saying: "More aid to the Contras." And I will say on record what I have said before, under circumstances that limit the Contras' objectives, I am prepared to support them. But the folks are not.

Mr. SYMMS. Will the Senator yield?

(Mr. GRASSLEY assumed the chair.)

Mr. BIDEN. No, Mr. President; let me finish and I shall be happy to yield. I shall not be much longer.

Mr. President, I think it is about time we got both tough and smart around here. We have a lot of tough, dumb people and a lot of smart, weak people in this country. I think it would be nice if we could be tough and smart. And regardless of what your ideological disposition is on Marxist-Leninist communism or whether or not you believe the best way to deal with it is to send teachers and Peace Corps, I do not give a darn what you believe: Just stop and think for a minute. We have to get the American people to support a policy. And what is the one thing they are most worried about?

The Senator from Connecticut is taking off his glasses and wiping his eyes because he has heard me make this argument hour on hour in committee. I respectfully suggest that had we adopted it a year ago in committee, the President might have a lot more support for his policies in Latin America, because the one overwhelming thing the American people want to be assured of is we are not going to ask Americans to die in the place of them, fighting for their freedom.

I find it absolutely incredible that we have men stand on this floor and talk about the fact that the other side is supported by, funded by, and so forth—Moscow, Havana, and Managua. I would think the logical response to that, assuming it is true, is let us then fund the other guys—not send Americans.

I have had it up to here and my whole generation has had it up to here with the motion that what we should do is to send an American to fight in the place of a Salvadoran, to defend the Salvadorans' freedom.

Is anybody here telling me that the rebels have more arms than the El Salvador Army?

Is anybody here telling me there are more rebels than there are military personnel in El Salvador? I challenge anyone to tell me that and substantiate such a claim.

So I say to my friends in the Senate, "them" first, my brother last; my son last. Freedom starts here.

If the Senator from Wyoming is correct and they are willing to die and fight for their freedom, I will support them. And when the Soviets roll in tanks manned by Soviet military, when the Cubans invade, then I will send Americans.

But let me tell you something, gentlemen: I think it is about time that we understand what we are talking about here. I do not want to hear about the Vietnamization of El Salvador or any other place in Latin America. I ran for this job because of a war in Vietnam and I swore I would never vote to send any American into combat, unless two conditions prevailed before they were sent: One, there was an absolute clear definition of what their mission was and some reasonable prospect of accomplishment; and, second, they had the full faith and support of the United States of America behind them whatever it took to meet the mission as we defined why we were sending them.

Now, even I have gotten a little afield because that is not what this amendment is about. The reason why I proposed something similar to this amendment in the Foreign Relations Committee was to get the support of the American people for a policy that my friends on the right, including the ideological right, not just the right in this room, are partially correct about. With all due respect to my friends who talk about the Peace Corps and economic aid, that will not do it, in my humble view. But what are we doing? Look, their boys versus our boys, our boys being Americans, their boys being El Salvadorans. "We got a dog in a fight. I am prepared to back the dog in the fight," to quote Howard Baker when he talks about not wanting to get involved in a matter, but I am not going to send "us" to fight for "them" unless you can show me that the conditions asked for in the amendment of the Senator from Massachusetts prevail, unless the President of the United States of America, whoever he or she may be, says that there is a clear and present danger of a hostile attack upon the United States of America, and so on.

Now, look, I do not know why we cannot just get together in and try to drop all the ideological garbage that we keep spreading on both sides, left and right, and say, "Hey, we have an interest in Latin America; it is real; it is genuine. We, in fact, wish to and we will support President Duarte, and we will in fact support, to the best of our ability, other governments in the region who are fighting for their freedom with economic and military aid."

But, folks, let us level with the American people. If you want them to sign on, if you want more Senators to stand up and support a policy of economic, military, and political aid to the region, tell them straight out that only under the most extraordinary circumstances, which is a request from a President signed on by the Congress, will their boys go. And let me tell you why they are suspect. There are a lot of people in my generation who went to Vietnam and an awful lot of parents who watched them go and they remember how it worked before. In case you have not figured it out, there is not what you would call a reservoir, a deep reservoir, of trust for American elected officials. When is the last time an American President or Senator could stand before an audience in their hometown or in the Nation and say, "I can't tell you the detail of that but just trust me."

The gallery is not supposed to respond, but they snicker because they are just like everybody else in this country. We all know we would be laughed off the stage because we have so, as a nation, depleted their faith in our judgment, and, so, guess what? They are in a position now where they say, "I remember how it was in Vietnam. I remember when that training flight went out and we were just training the Vietnamese first. And then we found the next thing was there was an American pilot in that plane, and then we found the American pilot was directing the fire in the attack. Then we found the American flyer was shot down and brought home in a body bag." But we were told, "We are not involved, we are not going to do much." And they watched it build incrementally.

Let us assume there is nothing in fact analogous between Vietnam and El Salvador. In the minds of the American public there is. So why do we not get together and just say simply, "We in the U.S. Senate and the U.S. Congress take the President of the United States of America at his word when he says we will send no Americans down there to be engaged in that fight. Mr. President, if circumstances change, and you need to send them, come on back up and let us talk about it." I suspect you would find the pressure on the Latin American policy of this administration, which is its weakest link, notwithstanding what the Heritage Foundation may say—read the polls—would change considerably. And we might be able to have a reasoned, balanced policy along the lines of what the Kissinger Commission called for. I find it fascinating to hear Senator EAST intone Kissinger as authority. Does he know that means excommunication for him? That is like the President of the United States of America, President Reagan—I have never heard one President quote Franklin Delano Roosevelt more in my whole life.

Well, folks, we need to establish a bipartisan foreign policy, but we will not establish a bipartisan foreign policy unless we have a policy we can sell to the American people because, if anything, one of the criticisms I would make of the Congress is that we tend to be sometimes too responsive to the immediate whim of the American people before they have had a chance to think it out. So if we want a bipartisan foreign policy, why do we not say what we mean? Give them a guarantee. It is a little bit like, folks, the alcoholic. The alcoholic goes to the rehabilitation center and comes back and says to the husband or wife, "I'm going down to the bar with Charlie but trust me." Not a smart move. Maybe the way to do it is say, "Honey, would you like to come down to the tavern with Charlie and me and watch me not drink?" We have to build a little confidence or I predict to you this policy is going to go tumbling down and what the Sentor from Wyoming predicts is going to happen will happen. We will have a total loss of faith and confidence in American policy in the region; things will begin to fall and things will become a self-fulfilling prophecy for a totally different reason than the Senator from Wyoming or my other friends who oppose this amendment suggest.

The last point I will make, I find it somewhat—I want to say this in a way that is constructive and not destructive—educational that the Senator from Wyoming mentions the Panama Canal Zone. I find it interesting the President of the United States mentions the Panama Canal Zone in his speeches about the region. I would ask the rhetorical question: What shape do you think we would be in today in Latin America had we not passed the Panama Canal Treaty? What do you think we would be having to deal with now? Those of you who were critics of the former President, and I have been on occasion, I think would have to admit we are for the moment at least better off having a treaty there than we would have been had we had no treaty. Let us try to establish a bipartisan foreign policy.

You do not have to accept every reason offered by the Senator from Massachusetts, although I am comfortable with all of them, for this amendment. You do not have to accept the reasons offered by the Senator from Oregon. Just accept the reality of present-day political life; a foreign policy absent the consent of the American people, no matter how well conceived, cannot last. And until the American people are convinced that this is not a subterfuge to incrementally get their sons and daughters in-

volved in a war that should be fought by those who in fact say they want their freedom—and I believe they do—we are going to have trouble maintaining our policy.

So I thank my friend from Massachusetts for introducing the amendment. I think it is a good amendment, and I hope before we all shift into our ideological mode when we vote we just stop and think; we are not in any way damaging the President of the United States of America and we may be doing the single most important thing that must be done in the formation of American foreign policy, building the confidence of the American people to take a chance with us and their leaders in the formation of a policy. I yield the floor.

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

Mr. BIDEN. I am happy to answer a question, but I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have just listened with great interest to what I think is an outstanding debate on the part of Senators on both sides of this issue.

I pose a question to the Senator from Delaware. Earlier this afternoon, the Senate adopted an amendment by a resounding margin, with only three Senators voting against the amendment. That amendment reads, in part:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

I appreciate my colleague's support for that amendment. It also had a section that made it very clear that it was in conformity with the War Powers Resolution.

How does he square that prior amendment with the pending amendment that you have to have a vote first, as he is projecting? In my judgment, this prior language, which the Senator voted for, simply makes a very clear statement that we will do what is necessary.

I think the Senator from Wyoming spoke very eloquently to that point—that we cannot and we must not deliver and announce in advance that we are not going to do anything.

The fact is that the liberation of Grenada may have done more for the credibility of the United States than anything that has happened in the Western Hemisphere in the last 20 years, including the Senator's rhetorical question with respect to the U.S. Canal Zone Treaty.

I ask the Senator how he squares this with the language for which he voted?

Mr. BIDEN. I think that is a fair question. Let me answer it by making two points.

Mr. SYMMS. I yield to the Senator for the purpose of answering the question.

Mr. BIDEN. I think the Senator is correct, that what happened in Grenada may be one of the most positive things that happened in the region.

The Senator may recall—there is no reason why he should—that this Senator was on the floor of the Senate making a speech in support of the President's actions in Grenada, which aggrieved many of my friends on the left of me, and that disturbed them. But I think the Senator is right.

Under this amendment, the President would be able to do that. Under this amendment, drafted by Senator KENNEDY:

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

The second part of the Senator's question, clearly as important, is whether or not the second part of the Senator's amendment which I voted for, which calls for invoking the War Powers Act, is inconsistent with the mechanism employed by the Senator from Massachusetts in his proposal. I argue that it is not inconsistent. It is different but not at all incompatible.

The point is that in both cases, as the Senator knows, there is some doubt as to the extent and validity with which the War Powers Act is to be employed, in view of the recent Supreme Court decision regarding legislative vetoes. We all have knowledge, including the leadership, that one of the matters on the agenda that must be taken up, if not in this Congress, the beginning of the next Congress, is clarification of the War Powers Act.

So this, in fact, is an interpretation and an application for the War Powers Act rationale, which is to get Congress involved in the process.

If that is the Senator's major concern, I suggest that perhaps the Senator and I could come up with an amendment to amend this, to require the limitation of the War Powers Act, if that is the language about which the Senator is most concerned.

I hope that answers the Senator's question.

Mr. SYMMS. Mr. President, I thank the Senator for that lucid answer.

It would appear that one of the purposes of this is to try somehow to strengthen the War Powers Resolution. But what I think all Senators should consider is that in politics, whether it be domestic politics or international politics, the perception is what ultimately becomes the truth. It is an open invitation to aggression, in my judgment, if we tie the hands of the President of the United States in advance.

The Senator from Delaware and this Senator came to Congress together. I was in the other body. I opposed the War Powers Act. I will be candid with my colleagues. I think the War Powers Act is a mistaken piece of legislation. I know that many of my colleagues will disagree with that. But I think it telegraphs in advance and ties one's hands.

As Lenin said his guidelines on the utility of compromise:

To tie one's hands in advance, to tell the foe openly—a foe now armed better then we are—whether or not we shall fight with him, and when, is not the revolutionary spirit, but stupidity. To accept battle when this is known to be an advantage of the enemy and not ourselves is a crime. The policies of the revolutionary class which do not know how to carry through an adroit maneuver, a tolerationist policy, and compromise so as to evade a battle known to be disadvantageous are good for naught.

That is Lenin speaking, telling his people notifying the enemy of one's plans in advance would be stupid. He is giving his own people this advice.

I say to my colleagues that there is no way the amendment offered by the Senator from Massachusetts can be accepted by this body without in advance saying that the United States will not use its force, its power, its wherewithal to defend freedom and liberty in this hemisphere.

I recall to my colleagues—and I am sorry I do not have the very articulate quotation at my fingertips—the words of the late President Kennedy. I am sure the Senator from Delaware is very familiar with the passage from President Kennedy's inaugural address:

We will pay any price and bear any burden to support those in the cause of liberty and freedom throughout the world.

I support what Senator EAST said earlier: If not here, where will we draw the line? And where will we stand with our fellow Americans? Those people in Central America, we often forget, are Americans just as we are. They are right here in our back yard, or rather, our front yard.

For the life of me, I cannot see how this amendment can be accepted by this body, this evening, without making a policy statement that, no, Central America is not close enough to home yet. We are not going to stop Marxist-Leninist expansionism there.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I yield.

Mr. BIDEN. I am not being facetious in this, so I ask the Senator to hear the question.

Would the Senator, given the option of having this amendment as law and also having full financial and military support for El Salvador—those two things: This amendment as law, and increased support from Congress for the President's military support package in El Salvador—would he rather have that or would he rather have this amendment fail and less of that support?

I am not being smart with this. I believe that the best chance to get more coherence in and cohesion on the President's military package is if the American people are assured that "we are not going" unless the President formally acts and invokes one of the exceptions enumerated in the amendment.

That is how I see it. I see the absence of such an amendment diminishing the prospects of aid and its presence increasing the prospects of aid.

I am asking the Senator whether he thinks they are reasonable alternatives?

Mr. SYMMS. I just say to my colleague, and I appreciate his question, that in an either/or situation, I view the amendment that is now pending as tying the President's hands to effectuate a strong policy for the United States. So I have to reject that.

Mr. BIDEN. I see. Let me ask another question.

Mr. SYMMS. Second, I just also wish to say, though that my biggest concern is with respect to Nicaragua and El Salvador. We are just giving our allies and our friends down there barely enough ammunition, weapons, and support to keep them from bleeding to death but not enough to win. I think that is a concern that the Senator from Delaware put his finger on, and I share his concern in that respect. That I think would be tragic, but you just cannot put a pricetag on the President's constitutional powers and by the Senator's own answer to my question he is talking about the fact we want to strengthen the War Powers Act.

I wish to see the War Powers Act taken completely to the Supreme Court and thereby force the Supreme Court to make a decision.

I might point out one other thing to my colleague. When I say we are giving the El Salvador Government and Nicaragua's freedom fighters enough just to keep them fighting and to keep them from bleeding to death, but not enough to win, I want to point out that we are actually requesting less money for El Salvador and Nicaragua than the administration has requested this year for the National Endowment for the Arts. We are talking about human freedom and human rights right here in this hemisphere. For a country with all the wealth, the power, the wherewithal, and the opportunities that we have here in the United States of America, I find it hard to believe that we cannot give the meager supplies that are necessary to the Contras and to the Duarte forces and those people in the newly elected Government of El Salvador, so that they can be successful in carrying out this war effort. They are seeking desperately to free themselves from the tentacles which reach clear from the Soviet Union into South America, and it is absolutely inexcusable in this Senator's opinion that we are not doing more to help our neighbors in Central America escape the fate of Cuba.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I am happy to yield for a question.

Mr. BIDEN. In the tradition of the Senate I will try to sneak in a statement with the question.

I understand the Senator's concern, as to why the American people will not do it and why we will not. There is a short answer. They do not trust us.

The question I have is this: If the Senator will recall that immediately after Watergate, there were a rash of proposals here in Congress relating to financial disclosure of Senators and Congresspersons, some of which went far beyond any constitutional requirement, and quite frankly, some of which were just downright humiliating.

Did the Senator not feel that, in light of the fact that public confidence was so low at the time, there was an institutional requirement to demonstrate to the American people that all of us were not like the press was painting everyone here out to be and one of the ways to deal with that was to pass a stronger than necessary disclosure legislation? It was done to bring about some confidence. We did not have to do it. In ordinary times we should not do it, and we do not do it now. But at that time in our history when Gerald Ford was being appointed President, the major issue was the honesty of Government, and that is why I think Gerald Ford served such an incredibly useful purpose because he was an honest and sincere man.

Does the Senator not think that under certain circumstances, it is required that we take extraordinary procedures to send a message to the American people? That is the message that will be sent tonight if we pass this to the American people.

Mr. SYMMS. Mr. President, I would just say to my colleague, first on the answer to his question, I do not think in the hysteria at that time it was necessary to pass the Watergate legislation. I would say unequivocably, no, I do not think it was necessary. In fact, this Senator voted against it when I was in the other body, and I still do not believe that it has changed the quality or the respectability of the public esteem, or lack of, for Congress.

You earn respect and credit. The word "credit" itself means credibility. That is earned.

President Ford did go into the White House, and he did have a great deal of credibility with the American public.

Mr. BIDEN. I respect the Senator's answer.

Mr. SYMMS. That credibility was not because of any ethics in Government law that was passed. That was because of the sincerity with which he carried out his responsibilities.

I think, as we mentioned earlier, the best thing that has happened in this whole equation in the last few months with respect to gaining credibility was the liberation of Grenada. That is where we gain the credibility and the respect. The American people supported President Reagan on his efforts in Grenada.

I just think that passing of more laws or more amendments micromanaging the political situation in El Salvador is not going to do anything toward fulfilling the promise that those people in that part of this hemisphere I think deserve.

I think what is going to solve this problem is a clear, concise, credible position of the United States of America and the full force and support of the United States economically, politically, ideologically, and militarily, if necessary, in order to see that we do not allow another slave state to be built in Nicaragua.

For Heaven's sake, why are they going to need a 12,000-foot runway in Nicaragua? They are going to put Backfire bombers in there.

We should start answering those questions.

I yield the floor.

Mr. BIDEN. Mr. President, I do not wish to speak any more.

I publicly thank the Senator from Idaho for being so gracious in letting me interrupt him as many times as I did and for the way he did answer my questions.

I yield the floor.

Mr. DODD. Mr. President, I will not take a great deal of time. I have been here for a couple of hours, and I suppose much of what was to be said has been said on this issue.

It is not the first time that this body has debated the question of Central America or debated the substance of the amendment that is pending before this body.

I did not want to let the debate conclude without adding a few thoughts.

This debate has moved from the substance of the amendment to the ques-

tion of what our policy should be in Central America, certainly a very legitimate discussion. I think we are all enlightened a bit as a result of that debate, but unfortunately the substance of this amendment has become the question whether or not you are willing to allow Marxist governments to emerge in our hemisphere and to become solidified. It has not even been implied—it has been stated unequivocally by those who oppose this amendment that if you support this amendment, then you clearly come down on the side of those who would like to see or are willing to allow, anyway, the emergence of Marxist states that could prejudice our security interests in this region.

Unfortunately, that has been the case.

I do not take a back seat to anyone in this Chamber or anyplace else in my opposition to the establishment of Marxist states in this hemisphere or anywhere else. I wish for once we might get beyond the question of what our goals are because I think by and large the Members agree on that. None of us here want to see that happen. We would like to take the intelligent steps to at least minimize if not eliminate the possibility of that occurring.

I think that is the common denominator which unites us in this debate.

So the question is not over the goals but the means we choose to minimize the possibility of that occurring, and that is where the debate, it seems to me, should be focused.

This amendment that has been offered by the Senator from Massachusetts is really a procedural question. It is an effort that would suggest that if the President, this President or any other future President, may decide that it is in our interests and the interests of our allies in this hemisphere to send U.S. forces to protect our interests because no other option exists then he should be able to do that, but that he should request and seek the support of a majority of Members in this body and the other body, the House.

I do not know of anyone here, if we were dealing with an abstract situation who would probably disagree with that formulation. That is basically what our Constitution insists upon, that there be the shared responsibility, the shared power of making that kind of a decision.

The issue is not over whether or not we ought to utilize this power. I happen to believe very firmly that the use of military power is a very legitimate tool in protection of our foreign policy interests. There ought to be no doubt, no equivocation, on that particular point.

The debatable issue is whether or not that particular force or that particular power ought to be used prior to the consideration of other options which are available to us which could achieve the same result, and minimize the possibility of longstanding or perpetual hostilities. That, it seems to me, is what is the essence here. As I said at the outset, it has unfortunately became the question of whether those who support it are willing to accept the emergence of Marxism in the region and those who oppose it are unequivocally against it.

A historian in this country once said that when governments are confronted by perceived menaces they usually try to smash it rather than try to define it and to understand it or to examine it. It seems to me it would do us all a great deal of good if we try to understand and to examine and to define what is going on in our hemisphere.

The simple quick response, of course, is to see it as a threat posed by the Soviet Union with its surrogates in Cuba and Managua. That is certainly a dimension to the problem in Central America, and to deny so would be naive. But that is not the sum and substance of what is occurring in our hemisphere.

A few short years ago a well-respected individual said the following, which I think is somewhat enlightening. He said, "There is absolutely no doubt in my mind that revolution is inevitable in Latin America." By way of explanation, he offered this:

> The people are angry—
>
> Speaking of the people of Latin America—
>
> They are shackled to the past with a bond of ignorance, injustice, and poverty. And they no longer accept as universal or inevitable the oppressive prevailing order which has filled their lives with toil, want, and pain. The terrible realization dawned upon them that the futulity of their lives and that of their parents' lives need not have been, that it is the bitter fruit of an evil system of justice. And so they are filled with a fury and a determination to change the future.

Now, I suppose if I were to ask my colleagues who made that statement or quote, they may say Che Guevara, or Fidel Castro, or some other purveyor of revolution in Latin America. The fact of the matter is it was Milton Eisenhower, the brother of the former President of the United States, speaking back almost 2½ decades ago. And those prophetic words have come true.

Now, it is not a hopeless situation. It is not a situation which is absolutely inevitable in the sense that the only course in front of these people is to turn to radical elements to resolve their problems. We have a chance in this hemisphere to do something differently, to approach a problem that we have avoided for far too long and to come up with some creative solutions to it.

If I felt this evening that we had no other option as a way of retarding the aggression that we see before us, then I would support a military solution.

But what is available, what is staring us in the face is an option other than the military one. We see the Contadora nations, we see the efforts being made to try and come up with some resolution of these difficulties, short of expanding the military conflict. And I think we ought to take advantage of that and try it.

I do not have the total confidence that it is going to succeed. It may not. But it seems to me that ought to be the option we choose in this country.

I spent several hours only a few short months ago with Lech Walesa in Gdansk, Poland. It was an enlightening experience. I found him to be creative, uncorrupted by the attention, and fascinating to talk with not only because of what was going on in his own country, but his perception of Eastern Europe and other parts of the world. It struck me, talking to him, that the last thing we want to do as a nation, is engaging in the same basic foreign policy that the Soviets have engaged in Eastern Europe.

We have the ability to do it. There is no doubt about that. We have the military prowess and power to be able to absolutely curtail any activity in any of the Central American countries. We can, in effect, create a mirror image of the foreign policy that the Soviet Union has cruelly foisted on the people in that part of the world. That is an option available to us. But I do not think anyone in this Chamber or anyone in this country wants to see the United States develop a foreign policy in what we perceive as our sphere of influence to engage in the same type of behavior which has condemned Eastern Europe to the hostility and to the deprivation that the Soviet Union has foisted on those people.

Yet that is what I seem to be hearing from some; that there is no other way to deal with the problem of this region than by engaging in that particular approach.

What I think the author of this amendment and others are suggesting is that we ought to proceed on another course, not to rule out the military option, but to at least put it on a back burner and to give these other opportunities a chance. That, it seems to me, is something that all of us, regardless of one's philosophical or ideological leanings, ought to be able to support.

So this evening, Mr. President, I hope, given the delicate and careful wording of this amendment, which takes into consideration many of the concerns that others have raised when similar amendments have been offered, that we would be able to get behind this choice; that we would be able to say that this is what we want

to happen. Not that we rule out the military option, but that we feel that if a President, not necessarily this one, but any President, decides to exercise that, this body would have an opportunity to participate in that decision.

I do not find that to be such a radical thought. I do not think it sends an improper signal. I think it is merely stating what has been the longstanding tradition of this country going back almost 200 years, that both the executive branch and the legislative branch should be involved in that decisionmaking process.

Let me add one last thought. The question of Vietnam has been raised this evening—and there are distinguishing features between the war in Southeast Asia and what is going on in Central America. I do not want to draw too close a parallel, but I think it is enlightening to remember that this Congress never once authorized that particular conflict. It was too easy an issue to duck. The only battles were over appropriation levels; never on the fundamental decision of whether or not we ought to have been there.

There were some who are in this Chamber today who had the courage to stand up and to say they supported that war. There were others who said they did not. But far too many waffled back and forth on the issue.

What the Kennedy amendment is trying to do is to see to it that we do not find ourselves in that position once again; that we, as a body, would be able to make that decision to be involved in that decisionmaking process.

My hope would be that we have the intelligence and the wisdom to understand that this is a worthwhile step and something thought ought to be supported in a bipartisan way.

Mr. LEAHY. Will the Senator yield for me?

Mr. DODD. I am glad to yield to my colleague from Vermont.

Mr. LEAHY addressed the Chair.

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

Mr. DODD. I was yielding to my colleague.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. LEAHY. Mr. President, the Senator from Connecticut has made a point that has been raised before in this discussion on Vietnam. I will refer to that in a question: Is it not a fact, I asked my friend from Connecticut, that the Kennedy amendment is not to determine aid levels, to say whether we shall or shall not give economic aid or any kind of aid, for that matter, to El Salvador? It is not an amendment to say whether we do or do not support the President's Caribbean Basin Initiative.

It is not a foreign aid appropriations amendment, but it is simply an amendment saying what would be the conditions under which American troops would be sent to fight a war in Central America. Is not that basically it?

Mr. DODD. That is the sum and substance of the amendment.

Mr. LEAHY. I also ask my good friend from Connecticut, is it not basically a simple issue, clear and to the point? Are we going to send U.S. troops into Central America, and, if we are, should not the American people through their elected representatives have a voice in that decision?

Mr. DODD. That is true. It also adds, of course, the important clause referring specifically to the War Powers Resolution. Nothing in this amendment would in any way expand or detract from that particular act of Congress.

Mr. LEAHY. I also ask my good friend from Connecticut—he mentioned Vietnam—to think back to the last 2 or 3 years of the Vietnam War. I remember the great speeches up and down on the floor of both bodies of Congress, but nobody ever really grappled with the question of whether American troops should be there fighting that war. We even had discussions of what we should say we accomplished over there, or did not accomplish over there, but yet the same people would not say, "I am now going to stand up to vote to put restrictions," or "I am now going to stand up to vote to bring them home." I ask the Senator if he will recall back to 1975? I recall well. I had just come to the Senate. We finally had a vote in the Armed Services Committee for a further authorization of money for the war in Vietnam. We had a whole series of votes, and the Armed Services Committee had voted each time to authorize more money for Vietnam.

This time by a one-vote margin it refused to authorize any more money. I remember when the most hawkish member of that committee, one of the most supportive of the war in Vietnam, was asked by a rather incredulous chairman of the committee if he realized he had voted no on the matter. He said, "Yes, they have lied to me long enough."

The majority of that committee always voted—every single time without exception—in a whole series of votes throughout a day in April—against any more money to Vietnam. And the war ended as it was going to end eventually anyway. We left, and I think accomplished really nothing there except the deaths of 55,000 Americans and hundreds and hundreds of thousands of Vietnamese.

But what struck me in April 1976 was a discussion among a group of Senators, and how all of them were opposed to the war in Vietnam; all of them. I started paying more attention a year later. I started paying more attention to the House and Senate Members. All of them were opposed. I could not find any supporter of the war in Vietnam. Yet these were the same people who made up the majority of the vote year after year for further authorizations, and further appropriations for Vietnam.

I ask my friend from Connecticut: Does he not think if we were to go out to the people of Connecticut, Vermont, or any of the other 48 great States and say should not the United States, if it has vital interests in Central America, or anywhere else, be allowed to defend and protect its vital interests? I think the general answer of course would be yes. Is there anything, I would ask my friend from Connecticut, in the Kennedy amendment to stop the United States from doing that?

Mr. DODD. None whatsoever.

Mr. LEAHY. Also, if we were to ask that based on the facts, the situation as we see it today, and as the American people know it today, if we were to ask them do you want American troops to go down and take over the war or oversight in any way in Central America, is there any question in the mind of my friend from Connecticut about what the answer of the vast majority of Americans would be, Republicans, Democrats, Liberal, Conservative, Independent, whatever? Would not the response of the vast majority of them be negative based on what we know in Central America today.

Mr. DODD. I say to my colleague the answer is probably yes, given the present situation. I tried to make the case in my own remarks. I think, however, there are circumstances under which the American public would say something quite different, and it is my view as I believe it has been that of my distinguished colleague from Vermont, that we do not foreclose or suggest by this amendment, that that option of a legitimate extension of our foreign policy ought to be eliminated, and there is nothing in this amendment which would suggest it ought to be the case. That situation may arise where that is the only opinion. But based on the present facts I would say that the answer would be a resounding no.

Mr. LEAHY. Does not the amendment for that matter specifically lay the groundwork, if indeed America's vital interests are at stake, for America to act?

Mr. DODD. It does. In fact, it uses that vague terminology as well. It does not even define what those interests may be.

Mr. LEAHY. I should start off by saying that I do not want to draw or try to draw too much of a parallel between Central America and Vietnam, because there are significant differences. But the principle of when and how American troops are going to be committed is the same, whether it is in Central America or whether it is in

Vietnam. I think that is something we should not lose sight of. Nobody is trying to draw some kind of a geographical or historical parallel with Vietnam because you can find enough differences between them. But the principle of when and how American troops should be utilized or committed is the same, or was the same, at the time of Vietnam as it is today.

I think one of the things we should do is learn from history, and learn from the mistakes of history. And I think most people in America recognize that we have made a mistake, that the Congress made a mistake in not stepping in, in not representing the will of the people, and in not giving the people of this country, the greatest democracy in the world, a chance to have a say in how our power is being committed abroad. Really, we are giving them at least a little say here—at least a little say. I would suggest to my friend from Connecticut that this is the minimum say that most people certainly in my State would be willing to have. At some point we are going to have to realize that we do not serve here in the Senate to go poll by poll, or whim by whim, or pressure group by pressure group, or administration lobbyist by administration lobbyist. Rather the Senate of the United States should be here as the conscience of the United States.

We are elected for 6-year terms. There are only 100 of us for 235 million Americans. This is an awesome responsibility. We should be here as a conscience of America. And the conscience of America is crying out, saying ". . . go slow, ask some questions, do not commit our forces, our honor, and our morals as a Nation without some substantive reason."

I commend the Senator from Massachusetts, the Senator from Oregon, the Senator from Rhode Island, and the Senator from Connecticut for pursuing this line similar to the one I tried once before on the foreign aid emergency supplemental, because it allows us to act as a conscience of the Nation, and it allows us to say when the United States could make such a commitment.

I wish to God that had been done at the time of Vietnam. But let us not have a lot of us standing here years from now saying, "I wish to God we had done that at the time we had the chance."

We do not tie the President's hands by this, but we say, "Here is how the American people feel through their elected representatives. Go slow, Mr. President. Make sure that indeed America's vital interests are there."

That is why I support it. I appreciate the Senator from Connecticut yielding to me for my questions.

Mr. DODD. I thank the Senator for his comments. He has taken a significant leadership role on this issue in the 3 or 4 years that I have been in this body. As the Senator from Vermont knows, I have a deep and abiding interest in this part of the world, having spent 3 years of my life there. I think I have more than just a passing knowledge of what life is like among these people, and also what the Marxist threat is like and how we are perceived in our own hemisphere. My hope would be that this amendment would be agreed to so that we might put ourselves in a position far better to manage our foreign policy interests in the coming weeks and months in this part of the world.

Does the Senator from California want me to yield?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, the proponent of this measure, my friend from Massachusetts, is off the floor temporarily. I will simply ask, when he returns, if his answer is in the negative he may have the opportunity to insert a clarification in the RECORD. I will ask whether or not he intends the same legislative intent as was carefully spelled out by his colleague [Mr. FOLEY] in the House. The measure before us is essentially the same if not identical to the one upon which the House recently voted.

In his floor statement, Representative FOLEY took great pains to make clear what this resolution would not do, at least in his view. He sought to persuade his colleagues in the House that it does not limit the current reconnaissance flights by American military aircraft in the region. It does not impact in any way on current military advisers assigned to El Salvador in their role of assisting in training and development of El Salvador Armed Forces. It does not limit the ability of the President to declare the danger of a hostile attack upon the United States, its territories or possessions. It does not limit the ability of the President to see a clear and present danger and provide necessary protection for Embassy personnel in any country, meaning El Salvador or Nicaragua. It does not limit the President in his ability to provide protection for and to evacuate U.S. Government personnel or U.S. citizens from any country. It does not inhibit or limit the ability of U.S. naval or air forces on or over the high seas to monitor Soviet or other naval activities deemed inimical to our national interests.

If the proponents agree that these are things which the amendment does not do, then I think it would be useful, perhaps, to him, and were this measure to pass to those who would later construe it, to provide this clarification as legislative history.

Mr. President, having said that, I will say this: My colleague from Massachusetts indicated to the Senator from Wyoming that those who oppose this amendment need not feel that they have any reason to think that they have a monopoly upon virtue, that they have a monopoly upon patriotism.

Well, that is quite true. No one doubts the patriotism of those who are the proponents of this amendment.

But, Mr. President, What I would say to the proponents is that those who support this amendment have no monopoly upon the concern for the lives of young American servicemen. Those who have expressed resentment at some implication that they might feel from our opposition to this amendment might well understand our resentment at any implication that those who oppose this amendment do so from any reason other than our imperative concern for the lives of young American servicemen.

The question is, How shall the United States best avoid jeopardy to them? It is not just in 1984 on the eve of the Presidential election. The question is, How do we avoid jeopardy to those same young men in 5 years?

I think perhaps we should look at history as so many have urged us to do on both sides of this question. I think we should be concerned with what kind of signal we are sending both to our allies and to our adversaries. We should be concerned with whether or not the image of the United States is that of a reliable ally. We should wonder whether we are doing what is required in order to satisfy the hunger, which I found last August and on three subsequent visits to Central America, for a credible American presence, whether I was talking to the Government in each of the six nations that I visited—or five. I do not find a hunger for American presence in Nicaragua.

Mr. President, let us indeed determine whether or not the signal that we are sending to our allies is the kind which so many have warned about on this floor.

The Senator from North Carolina, with eloquence rare even for him, has outlined the fear, the very real fear, that should be shared by every Member of this body. That is that we are sending the wrong signal, a signal to our allies that we are not a reliable ally; a signal to our adversaries, a very dangerous signal, virtually an invitation, for them to increase the pressure to engage in misadventure. Mr. President, if we do that, then we are guilty of a tragic dereliction.

Let us indeed examine history. We have been told that those who ignore its lessons are doomed to repeat its mistakes.

A very clear perspective on a pertinent piece of history is provided by Robert F. Turner writing in the War

Powers Resolution, "Its Implementation In Theory And Practice" for the Foreign Service Research Institute. On page 130, Mr. Turner has written:

The Senate, for example, rather gratuitously passed the National Commitments Resolution, putting the world on notice that the United States had no national commitment to any country with which it did not have a formally ratified treaty or other congressionally approved defense relationship.[62] In a similar vein, shortly thereafter the Congress announced to the world in section 8(a)(2) of the War Powers Resolution that in the event of an enemy attack on our closest NATO allies the president would not have legal authority to commit U.S. forces unless Congress decided to vote him that authority.

The Senate, in other words, essentially went full circle. It assured the world's potential aggressors that the United States had no obligation to assist any country with which it did not have a congressionally approved defense agreement, and it then joined the House in saying that for the president to have the power to execute our solemn treaty commitments he would need to seek the same type of formal congressional approval that would be required to assist a state with which the United States had no relations at all. This gave a new meaning to the concept for a commitment.

Senate passage of the National Commitments Resolution reminded some observers of a January 1950 speech by Secretary of State Dean Acheson outlining a U.S. defense perimeter that excluded South Korea. Pyongyang was apparently listening, because within a few months more than 60,000 North Korean soldiers invaded South Korea. At that point Acheson apparently decided that he had been mistaken and that South Korea was worth defending. Nearly 34,000 U.S. soldiers lost their lives in rectifying that mistake.

During the height of its anti-Vietnam irresponsibility, the Congress ignored this lesson. Not satisfied with having assured our adversaries that genuine U.S. defense commitments were few—and that those which existed were, legally speaking, essentially meaningless—the Congress began enacting other legislation limiting the president's flexibility in dealing with national security problems. According to Senator Tower, during the 1970s "over 150 separate prohibitions and restrictions were enacted on Executive Branch authority to formulate and implement foreign policy." Several of these laws virtually guaranteed our enemies that the United States would not effectively help to resist aggression in specific trouble spots like South Vietnam, Laos, Cambodia, and Angola. It may have been coincidental, but it is worth noting that upon enactment of those laws external communist forces substantially escalated their activities, and each of those states is today under Marxist rule.

Mr. President, I think the lesson of history is clear: this resolution is at best gratuitous and needless. It is arguable from the lessons of history that President Reagan and President Duarte may have gone too far in giving assurances that one will not ask and the other will not send American troops into El Salvador.

In that respect, this entire debate is academic. What is true is that by doing what is proposed this evening, we are giving assurance of the kind which the Senator from North Carolina quite correctly indicated is an invitation. We are needlessly and gratuitously giving assurance not to revolutionaries, as my friend from Oregon mistakenly believes these insurgents to be, but to those who are armed and directed from Managua in a Marxist effort to expand the Sandinista revolution beyond the borders of Nicaragua, that they need never have any fear that American troops will be used, perhaps not even to honor our commitment under the Rio Treaty.

Let me just say, Mr. President, whether it is intended by my friend from Delaware or my friend from Connecticut, this amendment is, for many on this floor and off it, a foothold for those who seek a position on the part of the United States of opposition to a military solution in El Salvador, whether it involves U.S. troops or simply U.S. aid.

To my friend from Oregon, I shall have to say that I think he should go back, I think he should heed the lesson of the newly elected President, his friend, President Duarte, who will tell him in the clearest possible terms, whether he likes it or not, whether anybody likes it or not, a military solution is imperative if anything in the way of a peaceful reconciliation is ever to be possible. It is not enough to send a Peace Corps, it is not enough to send doctors, it is not enough to hope that we can quickly undo with social and economic remedies all of the ills that have, indeed, been the terrible and tragic lot of generations in El Salvador.

We can send billions in social and economic aid, and send teachers, and send physicians, and should do so. But there cannot be economic revival in El Salvador if, day after day, week after week, bridges are blown, powerlines cut, busloads of workers ambushed—not by revolutionaries, Mr. President, but let us call them what they are: Marxist terrorists armed and directed from Managua. The social, the economic revival is not possible unless we can at least so suppress the level of terrorism that people will be encouraged to have the courage to reinvest in an economic revival.

Mr. President, I say also to my friend from Oregon, the military solution is imperative not because these are revolutionaries; these insurgents for whom he seemed to feel there is a broad base of popular support are not supported locally. The reason there must be a military solution is precisely because their support is external.

If he does not believe that, he should talk to the archbishop of San Salvador—no cheerleader for the United States, for the Magaña government in El Salvador, but someone who are least has seen clearly there is not popular support for the insurgents. To quote him in the answer that he made to those of us who were there with the United States observer team: "Their support is external." By external, he meant that they are armed and directed from Managua.

Mr. President, I shall take no more time. I shall simply say that I could have simply dismissed this amendment as gratuitous, but I think that is more. I think it is dangerous. I think it sends the same kind of signal of which Robert Turner has written so eloquently. I do not think it is any comfort to those who understand that a military solution is required, a solution without U.S. troops. Let me say that many on this floor have repeatedly voted to end U.S. military support to El Salvador. They have done so recently. This is welcomed by those who voted in that fashion, because it is a foothold. It is a basis for them to argue next that we should not be involved in sending trainers, that we should not be involved in sending arms.

Mr. President, we have defeated this amendment before by a lopsided, bipartisan margin. We should do so again.

Mr. THURMOND. Mr. President, I would like to voice my opposition to the pending amendment. Although I am also concerned about the possibility of conflict in Central America, I feel that this amendment is clearly not in the best interest of our Nation. The Constitution designates the President as the Commander in Chief of our Armed Forces, and at times it may be in our best interest for him to commit troops to shore up an ally or protect American lives. The Congress should not tie the President's hands by requiring prior approval from Congress before a commitment of U.S. forces to Central America.

We have not enacted similar provisions concerning the defense of Europe, or Korea, or the Persian Gulf. Therefore, it makes no sense to adopt such restrictions for Central America.

Additionally, Mr. President, during consideration of this bill, the Senate voted 77 to 3 to reaffirm support for the principles of the Monroe Doctrine. Adopting this amendment would completely contradict that vote. I urge my colleagues to oppose the pending amendment.

Mr. MATHIAS. Mr. President, no one can seriously argue against the spirit of this amendment which is based on a fear that American soldiers will be sent to fight in the jungles of Central America. No one wants that.

But I believe the amendment is redundant. What it seeks to do can already be done under the War Powers Act. And by legislating in this way for one region of the world, we may raise doubts about the vitality of the War Powers Act everywhere else. Sections 2 and 3 of the act make it clear that the

President is now bound by law to seek congressional authority to order troops into battle except in specific and defined circumstances.

By adding a regional chapter to war powers legislation, we would risk new interpretations of new language that may impact adversely on the original law. No thoughtful American wishes this to happen by either design or happenstance; so I think it prudent to vote against the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Massachusetts to make a statement without losing my right to the floor.

The PRESIDING OFFICER (Mr. QUAYLE). Is there objection? Hearing no objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wish to make a final comment on the points that were raised by the Senator from California. We have been on this amendment now for about 4½ hours. Prior to his presence on the floor, I did, as a part of my presentation on this amendment, indicate not only what this amendment does, but also what the amendment does not do. The Senator from California, quite correctly, stated the positions that have been expressed by the originator of this amendment, the Representative from the State of Washington [Mr. FOLEY]. I would have considered that any fair reading of the amendment would certainly support that expression of the purposes of the amendment as what activity is covered and what activity is not covered.

The Senator from California is quite correct: reconnaisance flights are not covered; military advisers are not covered; there may be the introduction of U.S. troops if American Embassy personnel are in danger or American citizens are in danger. The President can make that judgment and send troops without the consent of Congress.

Of course, the War Powers Act then would apply. We have expressly included in this amendment reference to the War Powers Act. Should those emergencies arise which have been suggested by the Senator from California—where the President would not be required under this amendment to get the approval of the Congress—the War Powers Act would very definitely apply. So that has been included in our proposal. The War Powers Resolution would permit the President to wage war with combat troops in El Salvador and Nicaragua for 60 days and only then would he have to withdraw those troops unless Congress acts in a positive way. This amendment turns that proposition around and says before the President sends combat troops in there for the purposes of offensive action—not for defensive action—he is going to have to get prior approval. But if the President does take action along the lines stated by the Senator from California, the War Powers Act would certainly apply.

The final point I would like to make is that the Senator from California talked about concern for the sons of American families from those States whose Senators oppose this particular amendment. Let me point out that it is true that I inquired of the Senators from Wyoming and Arizona whether they were being sanguine about the situation where the sons of their constituents would be sent into jungles of Central America without either a voice or a vote on sending them there.

I did not intend to suggest that they were, by rejecting this amendment, less concerned about the sons of their constituents. What I am saying, however, is that it does appear to me that this amendment links their concern about their constituents to their participation in the decision of whether they should or should not be sent to fight in Central America. I think that has been clearly stated by a number of those who support this amendment.

I thank those Senators who have spoken in support of this amendment. I think it has been very constructive, very positive, and very helpful to our general understanding not only of the particular provisions of this amendment, but also in the discussion of our policy in Central America. I am hopeful that the Senate will permit us to vote on this amendment. I know the Senator has yielded for the purposes of making a brief comment. I hope that we would have an opportunity to get the yeas and nays on the amendment or any other motion that will be made at this time.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER (Mr. WILSON). The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I have heard a number of speakers this evening say that a matter of such serious import as the dispatch of troops to Central America should be submitted to the affirmation of the people through their elected Representatives in the Congress of the United States. In fact, of course, we do not have direct democracy in this country. We have representative democracy. But it is also a fact that Members of the Congress are very often more guided by domestic political considerations on foreign policy issues than is the President of the United States.

I note further that the Constitution vests in the President the power of Commander in Chief of the Armed Forces of the United States. The President has the power to formulate foreign policy and engage in day-to-day conduct of diplomacy, a power that, according to the Curtis Wright case, would reside in the Presidency, even in the absence of specific authorization by the Constitution. The President is elected by all of the people to fulfill that responsibility. He is the only person in the United States except for the Vice President, who is his subordinate, who is elected by all of the people of the United States. You cannot submit every major issue to popular referendum. Indeed, we submit virtually none on the Federal level, except in rare instances when it is specified that amendments to the Constitution will be ratified by popular referendum in the separate States.

And so in the interest of orderly government, in the interest of being able to maintain a sustained and credible foreign policy, the Founding Fathers vested a great deal of power in the President. They vested powers in the President on external issues that they never would have vested in him in domestic issues, and this is an extremely important dichotomy.

Mr. President, the amendment offered by the Senator from Massachusetts goes beyond the War Powers Act. The War Powers Act itself is of dubious, at least questionable, constitutionality. The War Powers Act is regarded by many, particularly by people in friendly governments over this world, as an inhibition on the President to carry on a long-term, cohesive, reliable, and credible foreign policy. We would be foolish to take this additional step.

Much has been made of Vietnam, but let me say Vietnam was not lost by our gallant soldiers, sailors, airmen, and marines who perished in that conflict. Vietnam was lost under the Capitol dome in an amendment very, very similar to the one offered by the Senator from Massachusetts that proscribed the use of American Armed Force in or over Vietnam. This was an open invitation to North Vietnam to mount a conventional attack with armor and everything against South Vietnam in violation of the Paris accords because the Congress of the United States dictated to the President that he would not be permitted to enforce the Paris accords.

For God's sake, let us here tonight not convince the elements hostile to the United States and hostile to friendly governments and hostile to people in Central America who aspire to self-determination that they have an open invitation to proceed at will while the Congress debates whether or not to permit the President to defend our interests in the hemisphere with perhaps some reasonable degree of assurance that with a one House veto on his action nothing will be done. I implore the Senate to vote with me to table this amendment.

Mr. President, I move that the amendment of the Senator from Massachusetts be tabled, 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 Texas.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Does the Senator want to yield to me 2 minutes or can we get a quorum call?

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. The motion is nondebatable.

The question is on agreeing to the motion to table the amendment of the Senator from Massachusetts. On this question 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 Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Rhode Island [Mr. PELL], and the Senator from Nebraska [Mr. ZORINSKY], are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL], would vote "nay."

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

The result was announced—yeas 63, nays 31, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—63

Abdnor	Goldwater	Mattingly
Armstrong	Gorton	McClure
Baker	Grassley	Moynihan
Boren	Hatch	Murkowski
Boschwitz	Hawkins	Nickles
Bradley	Hecht	Nunn
Chafee	Heflin	Packwood
Chiles	Heinz	Pressler
Cochran	Helms	Quayle
Cohen	Hollings	Roth
D'Amato	Huddleston	Rudman
Danforth	Humphrey	Simpson
Denton	Inouye	Stennis
Dixon	Jepsen	Stevens
Dole	Johnston	Symms
Domenici	Kassebaum	Thurmond
Durenberger	Kasten	Tower
East	Laxalt	Trible
Evans	Long	Wallop
Garn	Lugar	Warner
Glenn	Mathias	Wilson

NAYS—31

Andrews	Ford	Pryor
Baucus	Hatfield	Randolph
Bentsen	Kennedy	Riegle
Biden	Lautenberg	Sarbanes
Bingaman	Leahy	Sasser
Bumpers	Levin	Specter
Burdick	Matsunaga	Stafford
Byrd	Melcher	Tsongas
DeConcini	Metzenbaum	Weicker
Dodd	Mitchell	
Eagleton	Proxmire	

NOT VOTING—6

Cranston	Hart	Percy
Exon	Pell	Zorinsky

So the motion to table Mr. KENNEDY's amendment (No. 3239) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, the Senator from Massachusetts has another amendment to offer which I understand will be offered as an amendment in the nature of a substitute. All parties involved have indicated they do not expect to take an extended amount of time on these amendments. There has already been quite a bit of debate on Central American policy this evening.

So I think Senators should anticipate that a vote could occur in 45 minutes to an hour, possibly. So I just want to put our colleagues on notice. After we dispose of the Kennedy amendment, there are other amendments, not sequenced but Senators are ready to offer them and they will require rollcall votes. So I would suggest that Senators go to the cloakroom, take off your shoes and relax, unless you would rather sit out here and listen to some rather sparkling debate.

Mr. WILSON. Mr. President, I would like to inquire of the Senator from Indiana about several aspects of section 191 of the pending legislation dealing with weapon system warranties. I should note that the Senator has served as chairman of the procurement task force of the Armed Services Committee, which was responsible for consideration of this provision. The Senator, I am sure, is aware that in appropriate instances, for example in the case of service life requirements, compliance with the requirements is conclusively determined by demonstration of a test article prior to acceptance of the weapon system or other defense equipment. It is clearly impractical to subject every production item to a destructive test. Does the Senator agree with me that this practice which, by the way, is explicitly provided for in the regulations issued by the Secretary of Defense to implement the existing statute, is entirely permissible under the provisions of section 191?

Mr. QUAYLE. I agree with the Senator. The Defense Department is free under section 191 to determine the time, place and manner of testing and it is consistent with the Secretary's discretion to determine what will constitute a contractually binding demonstration that the guarantees have been fully satisfied.

Mr. WILSON. I have read with care the text of section 191 and the committee report especially as it relates to the issuance of class waivers. Recognizing as I do and as the Senator does, that the authority to issue waivers should be invoked sparingly, does the Senator nonetheless agree with me that the Secretary may, consistent with section 191, make a good-faith determination that the inclusion of performance guarantess might not be cost effective in the case of certain classes of contracts and could be waived as he has done in the case of cost-type contracts under the existing statute?

Mr. QUAYLE. I would agree with the Senator's interpretation. The Secretary has the waiver authority and the Senator and I, as well as the committee, expect him to use the authority sparingly and with prudence. If, however, the Secretary determines that inclusion of the performance requirements in a particular contract or group of contracts is not cost effective, he has the authority under section 191 to issue a waiver with respect to such contract or group of contracts. I would point out, however, that if a group of contracts with respect to which a waiver is issued includes one or more contracts which are major defense acquisition programs, we expect prior notice of the Secretary's intention to issue the waiver.

Mr. WILSON. I observe that section 191 makes no explicit reference to authority of the Secretary to include in the mandated guarantees appropriate limitations, exclusions, and duration provisions. I also observe that this aspect of the bill is addressed to a degree in the committee report. I am concerned that it would be clearly inappropriate for this body to undertake to legislate details of this type. On the other hand, I am concerned that our silence in this regard may be construed as preempting the discretion otherwise given to the Secretary of Defense. Typical of the provisions I have in mind would be those which specify the conditions and limitations of the guarantees, for example timely notice, exclusions from the guarantees—for example, failure of the Government with respect to proper maintenance and upkeep of the equipment and, of course, the duration of the warranty and guarantee provisions. I, and I am sure many of my colleagues, consider the matter of secretarial discretion in these respects to be of critical importance and I think it would be appropriate to confirm that section

191 is not intended to restrict the Secretary's discretion in this regard.

Mr. QUAYLE. Let me reassure the Senator that the Secretary's discretion in the areas outlined by the Senator is not at all curtailed by section 191. We regard this discretion as being so inherent in the Executive authority committed to the Secretary as to make explicit reference to it beyond the mention in subsection (g)(2) unnecessary.

Mr. WILSON. Following the enactment of section 794 of the 1984 DOD Appropriations Act, the Defense Department issued implementing regulations which are currently in effect. May I ask the Senator if he understands the regulations now in effect to be consistent with the provisions of section 191 so that only revisions of minor consequence will be required?

Mr. QUAYLE. The Senator's understanding is partially correct. Part of the record considered by the committee was the DOD policy guidance as well as the views requested from the General Accounting Office. The GAO analysis of the implementing regulations, as well as the committee's discussion in its report, must be fully considered as DOD prepares its policy guidance for section 191. However, since there are many similarities between section 794 and section 191, I doubt that major revisions to the DOD guidance are required.

AMENDMENT 3240

(Purpose: Nothing in DOD FY 85 Authorization Act shall be deemed to authorize support for the Contras in Nicaragua)

Mr. KENNEDY. Mr. President, on behalf of myself and the Senator from New Mexico, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. BINGAMAN, proposes an amendment No. 3240.

Mr. KENNEDY. 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:

Nothing contained in this Act (FY 85 DOD Authorization Act S. 2723) shall be deemed to authorize the appropriation of any funds for the purpose of or which would have the effect of supporting, directly or indirectly, paramilitary operations in Nicaragua by any group, organization, movement or individual.

Mr. KENNEDY. Mr. President, I ask that we have order.

The PRESIDING OFFICER. The Senator's point is well taken. There is not order in the Senate. Senators will please take their conversations into the Cloakroom.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this amendment is only five lines long. I will take a moment of the Senate's time to read it because I think the language itself explains the amendment most effectively. The language is:

Nothing contained in this act (FY 85 DOD Authorization Act, S. 2723) shall be deemed to authorize the appropriation of any funds for the purpose of or which would have the effect of supporting, directly or indirectly, paramilitary operations in Nicaragua by any group, organization, movement or individual.

Mr. President, that language is very clear. Basically, what the Senator from New Mexico and I seek to achieve by this amendment is to say in 1985, starting in the fiscal year 1985, that none of the funds authorized in this bill would authorize the use of any of these funds for paramilitary operations in Nicaragua of any group, organization, movement or individual.

Mr. President, we are not asking that we go into any secret session here this evening. What we are saying is that if there are funds in this bill—and there is reason to believe that there are funds in this bill—we believe that that funding ought to be halted to the Contras in 1985. There is not a Member of this body who does not understand that the funding for the Contras is being used to overthrow the Sandinista government.

The case has not been made over the period of the last year that there has been significant or serious interruption of arms movement from Nicaragua to El Salvador.

We know, Mr. President, what the Contras have in mind—they have stated it very clearly—and that is to use this funding to overthrow the Sandinista Government. But we know from our own intelligence agency's assessment that that will not happen. That is the assessment of the Central Intelligence Agency that the Sandinista government will not be overthrown by this particular group.

Furthermore, Mr. President, we know that this kind of activity and support of this type of organization is in violation of international law. That case has been made effectively by a distinguished group of international law professors representing all different political shades and viewpoints which have signed the petition indicating that in their judgment it is violative of international law.

This secret war makes the efforts that were started by Mr. Shultz to try and reach a negotiated solution more difficult, if not impossible.

This program is damaging for the Central Intelligence Agency.

And whether we like it or not, Mr. President, it involves the United States in supporting terrorism in Nicaragua.

Mr. President, I had the opportunity of chairing a forum with the Senators from Kansas and Minnesota earlier this month in which a number of civilians that were living in Nicaragua told us stories about the actions of the Contras.

No one could have heard those individuals testify or could read the transcript and not understand what the real function of the Contras is today in Nicaragua.

It seems to me that by 1985 we should be able to summon up enough courage to say, "Let us halt this kind of terrorism, let us halt this kind of activity, and let us move toward negotiation and try and give negotiation a chance."

STOP THE SECRET WAR AGAINST NICARAGUA

Mr. President, 2 months ago, the Senate debated and voted on President Reagan's request for $21 million in supplementary covert aid against Nicaragua for fiscal year 1984. Now we are looking at fiscal year 1985. I opposed that program then, and I oppose it even more strongly now.

We have learned a great deal more about Mr. Reagan's secret war since casting those votes last April 4. These troubling revelations demonstrate that now is the time for the Senate finally to close ranks with the American people and the House of Representatives. Now is the time to halt American support for state-sponsored terrorism in our hemisphere. Now is the time for us to take a stand for peace in the region.

Since we voted last April, we have learned that U.S. personnel played a direct role in mining the territorial waters and harbors of Nicaragua. CIA personnel directed the operations: A CIA mothership launched the high-speed boats that mined the harbors. Is that the way to bring peace to Central America?

We know now what the mining accomplished. Millions of dollars of damage was done to foreign-registered freighters and tankers, including flagships of our friends—the Netherlands, Panama, Liberia, and Japan. Innocent crewmen were injured. Nicaraguan fishing boats were sunk, and fishermen were killed. Two of our closest allies—Great Britain and France—voiced their objections. Is that the way to bring the Sandinistas to the bargaining table?

We now know where the International Court of Justice stands on the President's war. It put aside the administration's effort to evade the Court's jurisdiction and ordered the United States to cease the mining and other aggressive actions against Nicaragua while it considered Nicaragua's complaint. Is that the way to strengthen respect for the rule of law in our hemisphere?

We now know that the mining was not the beginning of the direct involvement of U.S. personnel in the war against the Sandinistas. Last October,

3 months before the mining of Nicaragua's harbors, the CIA reportedly directed a sabotage raid against the Nicaraguan Port of Corinto. Over 3 million gallons of fuel was destroyed, many people were killed and the town's residents were forced to evacuate.

And the New York Times as recently as May 3 reported that CIA personnel supplied the planes, and planned and directed two airstrikes on February 2 against military targets in Nicaragua from bases in Honduras and El Salvador. Is that the way to strengthen domestic opposition to the Sandinista regime?

There is one more chilling fact for which we now have irrefutable proof: When we vote to support the Contras, we are arming terrorists who kill innocent fathers, mothers, and children. Let's be clear about this. We have heard such reports in the past. But now we have firsthand testimony from Nicaraguan citizens who literally risked their lives to remove all doubts.

On Friday, May 25, I sponsored a forum on violence and human rights abuses by both the left and the right in El Salvador and Nicaragua. During one panel, we heard testimony from three Miskito Indians—a mother, a nurse's aide, and a father—from the town of Sumubila. Sumubila is a new town of 3,000 people on the northern coast of Nicaragua, constructed by the Nicaraguan Government for the purpose of relocating Miskito Indians from their original villages along the border with Honduras.

These three Nicaraguans provided eyewitness accounts of a raid on their town by the Contras on April 17, 1984. In the course of that raid, 7 people were killed, 15 people were wounded, and 39 people were kidnapped. There was no military objective to the raid; no Sandinista troops in the town; no strategic value to the town; and no return fire. The mother described the death of her only son. The nurse's aid described the injuries suffered by the townspeople. And the father—a 50-year-old carpenter—testified about the kidnaping of his teenage son.

Let us be clear about this. Whether we like it or not, whether we want it or not, the United States is engaged in state-supported terrorism in Nicaragua.

This is what the Nicaraguan mother from Sumubila had to say:

> My son had already been wounded (by the Contras). I asked the Contras to let me go through so I could go to my son, and they told me that I could not go through and they would shoot me if I did. Then the Contras gathered us in a group, and I was crying and begging them to let me go and find my son. A man came, a gentleman came with him, and he had him in his arms. When the gentleman had him in his arms, he said, "Mother, please hold me tight. I do not want to lose you." He was wounded. And then I took him and I laid him down on the floor in a patio. As my son was on the patio floor, three Contras came, and I told them, I said "Look at what you have done. You have burned the hospital down; you have wounded my son. Do you not at least have a medication or pill or something that would help my son in his pain?" They said they had no pill to give me for my son, and this was my only son, and I was mother and father to him. He died.

And this is what the Nicaraguan father—a 50-year-old carpenter—had to say:

> We are refugees from the Rio Coco region for the last 2 years and 4 months. The Government tried to give us some help, a house, and now, just like children, we started out crawling, and now we are just beginning to be able to walk.
>
> And now the Contras come, now that we are just being able to get up onto our feet, and destroy everything. We, the Miskitos are very poor; we are poorer than anybody else. We are really very poor. And now our feeling is if the Contras want to kill us, it is better to kill us all, or if they want to take us to Honduras, take all of us, all of our resettlement camps to Honduras.
>
> But now we have raised children; we have been working hard and raising children from infancy so these young people can help us. Now that we are old, what do they do? They take our young people away.
>
> So what I am doing, really, together with Irma and Laura, is coming here to ask the favor that something be done so that this not be allowed to happen in Sumubila. We did not come here to blame either of the two sides. We came here to seek that justice be done, to seek our rights.
>
> So I would ask you to be good enough to do anything you can because I believe that you have our interests at heart.

These are not isolated stories of great personal loss and suffering. There have been many other Sumubilas, many other mothers and fathers whose children have been killed or kidnapped, many other hospitals burned down and ambulances destroyed. This suffering and violence will continue as long as we vote, as we did last April, to continue funding President Reagan's war.

In our debate last April, supporters of the secret war argued that, under international law, the United States was entitled to conduct these kinds of operations so long as the Nicaraguans continued to supply the guerrillas in El Salvador with arms and ammunition.

But now there is compelling evidence to suggest that the support being provided to the rebels is, at best, a trickle.

In an interview with the New York Times that was published last Monday, David C. McMichael, a former analyst for the CIA made the following statements:

> The whole picture that the administration has presented of the Salvadoran insurgent operations being planned, directed and supplied from Nicaragua is simply not true. There has not been a successful interdiction or a verified report of arms moving from Nicaragua to El Salvador since April 1981.

He went on to say:

> The administration and the CIA have systematically misrepresented Nicaraguan involvement in the supply of arms to Salvadoran guerrillas to justify its efforts to overthrow the Nicaraguan Government.

Mr. McMichael further described a meeting that he attended inside the CIA to discuss plans to support the Contras.

He reported that:

> Although the stated objective was to interdict arms going into El Salvador, there was hardly any discussion of the arms traffic, the routes it followed, the amount involved, the ways it could be stopped and the impact interdiction might have on the guerrillas in El Salvador.

Mr. McMichael concluded that—

> I couldn't understand this failure until months later when I realized, like everyone else, that arms interdiction had never been a serious objective.

And last Sunday, an article in the Boston Globe reported the following:

> Since 1981 when the United States began to train Salvadoran sailors in special techniques for hunting arms traffickers, the Salvadoran armed forces have not intercepted a single clandestine weapons shipment from any foreign country on water or land.

This was acknowledged by both American and Salvadoran commanders. The report goes on to state:

> U.S. and Salvadoran officers here say they have turned up so few traces of arms supplies to the rebels in the last 3 years, they have no evidence to show that the shipments from Nicaragua do occur or to describe when they ebb or flow. They also lack any evidence directly implicating the Sandinista government in weapons smuggling.

As one U.S. officer stated:

> On the basis of what the Salvadorans didn't find and couldn't show us, I concluded that the guerrillas outside supply was down to a trickle, no guns, mainly ammunition and medicines. They were bringing in very small amounts by very ingenious means. It was always an embarrassment to me not to have more to show for our efforts.

Let me reiterate the reasons why I believe support for the Contras must be terminated.

First, support for the Contras violates our international legal obligations. Article 18 of the Charter of the Organization of American States reads:

> No state or group of states has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any other state.

By any interpretation, the United States is violating that provision. Over 100 distinguished American law professors reached the same conclusion; they described President Reagan's support for the Contras as "a serious violation of both international and domestic law."

Second, support for the Contras has expanded the conflict in the region rather than strengthened the prospects for peace. Further support threatens greater escalation and wider war. The Contra force has grown to a

reported size of 15,000 armed guerrillas; civilan casualties and destruction in Nicaragua have increased proportionately. Contra activities keep tensions on the border with Honduras high—within the past 6 months, one American and one Honduran helicopter have been shot down. The conflict threatens to engulf Costa Rica. In the words of Mexican President de la Madrid, the administration's policy risks "a generalized war, the scope and duration of which no one can forsee."

Third, support for the Contras hampers efforts to achieve a negotiated resolution of the region's conflicts. At their April 30 meeting in Panama City, the Contadora foreign ministers declared:

> The progress achieved has been nevertheless parallel to an increase of violence, military escalation, arms buildup and foreign military presence in the area, which translate into a serious threat to peace and create a justified uneasiness in the international community.

Despite its rhetoric, the administration has devoted nowhere near the support and energy to Contadora group initiatives that it has shown in taking the war to the Sandinistas.

Fourth, support for the Contras diminishes sharply the chance to promote the steps toward pluralism inside Nicaragua that we all would like to see. This war provides the Sandinistas with a pretext to stifle domestic opposition and to move against the church. The war has brought about greater polarization and greater militarization of Nicaraguan society, inhibiting further the ability of the internal democratic opposition to promote another path.

Fifth, the covert war has achieved none of the escalating goals the administration set for the program. It has not stopped the Salvadoran guerrillas from getting arms. It has not toppled the Sandinista government. It has not forced the Sandinistas to cut their ties with the Cubans and Soviets. It has not isolated the Sandinistas. It has not brought greater democracy to Nicaragua.

Finally, the covert war has damaged our image and international standing in the region. It smacks of the worst practices of interventionism and imperialism.

We must acknowledge at least one positive development in this dangerous U.S. policy toward Nicaragua. Last Friday, Secretary of State Shultz made a dramatic visit to Managua and held brief talks at the airport with the highest levels of the Nicaraguan Government. No breakthroughs took place, but at least both sides agreed to continue the discussions and designated special envoys for that purpose.

I welcome this initiative. I hope that both sides will use this channel to pursue serious discussions that can reinforce Contadora efforts to reduce tensions and end the conflict.

We can only hope that this initiative represents a genuine commitment by the administration to seek a negotiated resolution of its differences with Nicaragua. Only time will tell. No one can blame us for being less than optimistic: Only last month President Reagan delivered a speech on nationwide television that amounted to a declaration of war against Nicaragua. Dialogs were proposed in the past and failed. But at least this time, the Reagan administration took the initiative to propose another round.

But 2 hours of discussions in Managua do not possibly justify continued congressional support for a program that for the past 2 years has been demonstrably illegal, immoral, and counterproductive. Support for the Contras is not a form of pressure tactics, able to move negotiations forward. The Contras admit they seek to overthrow the Sandinistas, not force them to the bargaining table. Continued support for the Contras is inconsistent with good-faith negotiations. Negotiations at gunpoint cannot succeed.

U.S. support for the Contras has corroded the highest ideals of this Nation. For the first time in our history, this Nation has knowingly engaged in state-supported terrorism. We have aligned ourselves with the forces of repression and violence, with marauders who do not hesitate to kill innocent men, women, and children. The administration has taken unprecedented steps to evade our responsibilities under the International Court of Justice, an institution that we helped create and which represents the best of Western tradition.

We have been on this slippery slope before. We need to get off, and get off now.

Last month a group of 50 government, business, church, and political leaders from the United States, Canada, the Caribbean, and Latin America, known as the Inter-American Dialog, issued a deeply troubling analysis of Central America. They wrote:

> Central America in 1984 is a region at war. Polarization, violence, repression, and destruction are prevalent. The human suffering is staggering: 150,000 people have been killed and almost 1.5 million have been displaced in the last 5 years. The physical infrastructure and productive capacity of Central America is being badly damaged. The Isthmus is being drawn in to the world-wide superpower rivalry.

They urged the United States to end support for the military and paramilitary activities of the Contras in Nicaragua. They wrote:

> We believe that further support for them is unjustifiable. It would be ineffective, counterproductive, and, in the view of most of us, plain wrong.

Ten days ago marked the 40th anniversary of the Allies invasion of Normandy. As a nation, we look back at D-day with great pride—and with deep admiration for the courage of the men who fought to free Europe from the grip of Nazi Germany. That was a just and an honorable war. We had the support of virtually all the civilized peoples of the world.

But today we are in the midst of another war—a less honorable war, an undeclared war, a secret war. For 3 years, the Reagan administration has funded efforts by paramilitary groups in Nicaragua to overthrow a government that we disapprove of. Unlike World War II, our participation in this war is one of the darkest chapters in our Nation's history. Unlike World War II, this war has been condemned by our closest friends and allies—as well as by the World Court. Unlike World War II when President Roosevelt led a mighty Western alliance, in Nicaragua President Reagan is going it alone.

The Inter-American Dialog called our support for the Contras "just plain wrong."

I agree with that. It is just plain wrong.

It violates our values.

It poisons relations between the Congress, the American people, and the President.

It harms our interests.

It adds to the growing risk of a Central American war.

It increases the risk of U.S. military involvement.

It diminishes the chances for negotiations.

I urge my colleagues to stand for peace and vote to terminate American support for this war.

Mr. President, I see my colleague, the Senator from New Mexico, on the floor and I yield the floor.

Mr. BINGAMAN. Mr. President, I am honored to cosponsor this amendment. This is essentially the same amendment that was presented to this body some 2 months ago. It is an amendment which would have the effect of terminating the activities that we are supporting with our funds and our taxpayer dollars in Central America.

It would do so, as the Senator from Massachusetts has said, effective in the fiscal year 1985; in other words, this October. There is therefore time under this proposal to wind down the effort, if people are concerned about that, and I think there are legitimate concerns about that. But it would send a clear signal to anybody interested in this subject that Congress has determined not to pursue this cause of action for yet another year.

This would not interfere with the funding that is already available and it would not, I must add, interfere with whatever action the conference committee decides to take on the supplemental appropriation which is now pending.

I think the reasons that this Nation should not continue to support this covert or overt guerrilla activity are well known to all of us. One that I think needs to be given primary attention is that the activity that these guerillas are engaged in is, in fact, counterproductive. It is counterproductive to our own goals in that region. It is having the effect of strengthening the Sandinista government among its own population rather than weakening that government. It is clear to me that, whatever hope there was that the Contras would provide an alternative rallying point for those people in that country, who would be disposed to rise up and overthrow the Sandinista government, has not materialized.

In addition to being counterproductive to our goal, by strengthening the Sandinista government, I believe it is clear that this support undermines the efforts that are going forward to bring about a peaceful solution in Central America. It undermines the efforts of others such as the Contadora nations. It undermines the efforts of our own Government which, I am glad to see, are now beginning. Our own Government has begun, at least according to news reports, the difficult process of trying to begin to design a peaceful resolution of the problems there. I firmly believe that the termination of this covert war will help greatly in that process.

The third and final reason I would offer, Mr. President, in support of this amendment is very simple, that the action we are supporting here is not worthy of this Nation.

If we wish to take action against the Sandinista government, there are many types of action we could take. We could take diplomatic action. But we have chosen not to do so. We could take economic action, and we have chosen not to take many actions that could have been taken in that category. Of course, we could take military action, but instead, we have chosen the route of supporting an undeclared covert activity now become overt, which I think certainly does not do justice to the people of this Nation, or to the grand goals that this Nation sets for itself.

Mr. President, let me point to a few sentences in an editorial today in the New York Times. I think they summarize very well what has happened, and what is before us. That editorial states:

> Congress needs no access to classified files to see what is visible to all, that the contra operation has become an embarrassment. Its unstated purpose to oppose the Managua regime is unattainable. Its stated purpose to interdict a weapons flow is justified only by assertion. On three occasions the House has voted against spending another $21 million for this war while the Senate has narrowly voted to give Mr. Reagan what he wants.

Mr. President, we are not, as I said before, interfering here or attempting to interfere with whatever action the conference committee takes on that supplemental appropriation, but we are saying that effective October 1, this funding would cease.

Let me quote the last few sentences of a statement I made on the Senate floor on April 4, 1984, because the same statement is equally valid tonight.

> I would say that the policy we are pursuing now is a military intervention in that region of the world. It is one that we amassed behind various words such as covert, such as contra, paramilitary, whatever you want to call it, but the truth is it is not an activity worthy of the people of the United States. It is one that we should terminate.

We have that opportunity here in the Senate this evening, and I hope that my colleagues will agree with me, and vote to terminate the funding for this activity.

Thank you, Mr. President.

AMENDMENT NO. 3241 TO AMENDMENT 3240

(Purpose: To Provide for an Orderly and Humanitarian Withdrawal and Resettlement of Guerrillas Opposing the Sandinista government in Nicaragua)

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I have an amendment at the desk. I wish to submit that amendment in the nature of a substitute for the Kennedy amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Hawaii [Mr. INOUYE], for himself and Senators MOYNIHAN, DODD, and HATFIELD, proposes an Amendment Numbered 3241 to Amendment No. 3240.

Mr. INOUYE. 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:

> Except as provided in this section, no funds included in this Act may be appropriated for the purpose of or which would have the effect of supporting, directly or indirectly, paramilitary operations in Nicaragua by any group, organization, movement, or individual. Notwithstanding Sec. 775 of Public Law 98-212 and Section 108 of the Intelligence Authorization Act for Fiscal Year 1984 (P.L. 98-215), there is authorized, in addition to amounts previously appropriated, not to exceed $6,000,000, to remain available for obligation until September 30, 1984: *Provided*, That of such sum, not to exceed $2,000,000 may be obligated or expended solely for the safe and expeditious withdrawal from Nicaragua of any individual engaged, or who has been engaged, directly or indirectly, in military or paramilitary operations in Nicaragua; *Provided further*, That of such sum, not to exceed $4,000,000 may be obligated or expended solely to provide humanitarian support outside Nicaragua for individuals (and the families of such individuals) who have been engaged, directly or indirectly, in paramilitary operations, in Nicaragua, if such individuals are not equipped for military or paramilitary operations while outside Nicaragua. None of the funds authorized pursuant to this section may be used except as expressly provided herein.

Mr. INOUYE. Mr. President, this amendment is a very simple one. It will phase out, terminate the operations, and will provide adequate funds to those who are participating in the paramilitary operation and humanitarian support. I think this is the only rational, reasonable, and humanitarian way to withdraw our support for the Contras.

Mr. President, by my voice, and by my vote, I have supported our covert paramilitary activities in Nicaragua. But in the past several weeks I have given this matter thought. And I have spent many agonizing hours in this process.

I have arrived at the following conclusion, Mr. President: First, that our support for the paramilitary operations which are supposed to be covert are no longer covert. They are no longer secret. The world knows about it. Every citizen of this Nation is aware of our involvement in Nicaragua. Second, the events and the reports indicate very clearly that we have lost control over the activities of the Contras. We may have had the best of intentions, Mr. President, but we cannot control the Contras.

Third, the operation has gone beyond the initial justification of weapons interdiction.

Mr. President, I believe that these conclusions justify my decision to withdraw my support of our paramilitary operations in Nicaragua. However, I believe we should be out of Nicaragua for another reason. And for me, this reason is most compelling. This operation is slowly but surely eroding whatever credibility is left with our Central Intelligence Agency. That Agency has been the subject of relentless attack. Any person who has any criticism of our activities in Nicaragua is given front page coverage. Hardly a day goes by without some media coverage, and negative coverage at that, of our Agency participation in Nicaragua. If we permit this situation to continue, I believe it will eventually destroy the usefulness of this important Agency.

Mr. President, for example, the Intelligence Committee at this moment is considering the authorization of vast numbers of moneys—many billions of dollars—for our intelligence community. Yet, we are spending almost 95 percent of our time on one little item which is no longer secret—$28 million. I served in this session, this Legislature, during that period which followed the investigation conducted by the late and beloved Sena-

tor Frank Church. I saw the Agency castigated. I saw the Agency attacked. I felt the morale of the Agency dropping. I felt the support of that Agency diminishing in this body. Yes, Mr. President, our continued involvement in Nicaragua may well destroy the usefulness of this Agency.

So I believe, Mr. President, the time has come to terminate in a most humanitarian manner our support for the Contra paramilitary activities.

Mr. President, let us rid ourselves of this tragic distraction and get on with the business of our Nation. I hope that my colleagues will support this substitute amendment.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. INOUYE. I will be happy to yield.

Mr. KENNEDY. First of all, I want to express my very deep appreciation for the work that has been done by the Senator from Hawaii on this issue. This, I know, has been a subject to which he has given a great deal of attention and a great deal of thought. He has been enormously helpful to those of us who have been strongly opposed to this program. I think all of us listened with great attention to his presentation this evening, the logic of the presentation, and to the arguments that were made by the Senator from Hawaii.

I would just like to ask the Senator from Hawaii if the amendment is adopted, will this terminate all support of the Contras as of October 1, 1985?

Mr. INOUYE. It will terminate our support as of the moment the President signs the bill.

Mr. KENNEDY. So this basically is a proposal to terminate the support for the Contras and end that program and the authorization for that particular program.

I want to commend the Senator for his substitute. I intend to support that substitute because it is a program to end the support for the Contras. It would include the fact that there would be no funding for the Contras in 1985. It ends the authorization for that particular program, for the 1985 authorization. It provides some transition now. I think it would give the Senate a very great opportunity to follow the wise decision which has been made by the House.

I just hope that Members have listened carefully to the argument that has been made by the Senator from Hawaii and that they will support his amendment.

Mr. INOUYE. I thank the Senator.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to join the Senator from Hawaii in this matter. It is a difficult decision for this body. We do not find it easy for those members of the committee who have been involved in this matter. We do not expect our colleagues to find it any easier.

Mr. President, may I make the point that in the bill before us there are no funds allocated to specific activities or programs of the Central Intelligence Agency. There is a global figure that awaits the authorization bill that is still in the Select Committee on Intelligence and which will allocate funds to specific activities.

I would ask the Senate particularly to know that this particular amendment before us adds money to the bill for the purpose the Senator from Hawaii has described. That is to say, the purpose of bringing out of country those persons who may be there and providing aid to those who have been there, to their families.

Mr. President, it seems to me that the elemental dictates of realism require us at this point to take this action. I would point to three particular imperatives.

The first is that the activity has surely reached the limits of its effectiveness. I would not dispute that there has been a measure of effectiveness. It is even so the case that the persons opposed to the regime in Managua were never able to establish an effective unity, as the most important of those persons was severely wounded and is in Venezuela.

I would make the second point that the nature of the regime, as the Sandinista leaders would wish to have it in Nicaragua, is far better understood in the world now than it was 3 years ago, 2 years ago, or even 1 year ago. Countries in the Western Hemisphere that were disposed not only to support but to aid that regime seem less inclined to do so. I think that is a measure of success for the policies and purposes we would pursue in the world.

Last, as a dictate of realism, I would point to what we all know, which is that the House of Representatives has withdrawn its support, a year ago, in the face of the Senate's decision otherwise. The House yielded then, if you will, to our view of the matter. It seems to me that they have now gone back to their original view. There is not a realistic alternative save for us to yield to theirs.

This measure will provide moneys that an honorable nation owes to persons involved in that activity. Absent this legislation, there would be no moneys. I think the House will come to us in conference and provide it.

Last, I join with the Senator from Hawaii in expressing the deep and troubled and prolonged concern which many of us on the Intelligence Committee—not all, but many—have had at the harm this activity has done, is doing, the intelligence community. It is exactly the case the Senator from Hawaii suggests, that in dollar terms and any terms one might suppose, save world attention, this has been a minuscule activity, but it has absorbed overwhelmingly the greater part of our intelligence. It has given to the intelligence community a revived reputation which it was well rid of and which seriously hampers effectiveness in matters of far larger consequence.

It may seem the easy thing to suggest that this is in the best interest of those who would think otherwise, but that is a deeply developed sense of conscience and of responsibility by the Senator from Hawaii and by this Senator.

I thank the Chair.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me first, if I may deal with the argument that this activity is destroying the reputation of the intelligence community, destroying the Central Intelligence Agency.

The intelligence agency is not a government, it is not a corporation that operates outside the policy of this Government. It is an arm of policy. The responsibility for the policy belongs to the Government, not to the executor of it. Nor is policy made for the convenience of its executors. The Agency is not off concocting some kind of a thing away and apart, separate from the policies of the Government of the United States. It is an arm of policy and so it should be.

In the amendment of the Senator from Hawaii, consciously or unconsciously, if this body is to adopt it, we are endorsing the Brezhnev doctrine as expressed in Czechoslovakia. And what a place to express that doctrine. The Czechs had tried to break out of the domination of the Soviet Union and had been crushed in that attempt. And Brezhnev said to the socialist world, which he controlled and to the rest of the world, What is ours is ours, is untouchable and incontestable by the free world, but the the rest of the world is ours to liberate when the time and occasion to suits us.

Tonight we are asked to pay $6 million to finance a Soviet victory in our hemisphere. This is an instrument of legislative capitulation.

This amendment is also a suggestion that those who support the Nicaraguan people's fight for freedom join those who oppose them in that fight, in killing the Nicaraguan people's hopes for freedom and in ensuring the victory of the Soviet Union, the victory of slavery in our hemisphere once again. This amendment is an attempt by those who want to hand the Soviets a victory, intentionally or unintentionally, to evade the responsibility for what they are doing.

It is a distasteful amendment, I say to my friends, because its drawing power is the concern of those who support the freedom fighters for their well-being. We are all being asked to take on this group's hardship now that we have decided to abandon them.

The amendment seeks to trade a little bit of humanitarian concern for the freedom fighters, in exchange for agreement to doom the cause of freedom in Central America for the foreseeable future. It is a definitive attempt to make certain that the Sandinistas will win their civil war—that very Sandinista government which took power by the gun, supported by the Government of the United States, which hoped it would establish free elections, free press, free labor unions, free religion, the kind of things which all of us have and take for granted in our daily lives in this country. But that revolution was hijacked. Within days of the exit of Somoza, the Cuban Ambassador walked everywhere with the leader of the Sandinistas, and every single cabinet agency of that government had a Cuban representative in it all the time, full time; no independence of thought was permitted. Their great hero of that revolution, the one which was lionized by the American press, Commander Zero, Eden Pastora, was put out because he still believed in democracy, the democracy that he sought. So Pastora went to the hills once again to fight to establish a principle for his people and his country. But now, this amendment simply says, to the likes of Pastora "That is too bad."

To the Sandinistas this amendment says, "You took power by the gun and whatever you want to do that is legit, even if you do align yourselves with the Soviet Union and Cuba. With this amendment the Sandinistas will tighten their grip around the throats of their people, and they will then be free to make war upon their neighbors, to conquer at will, and to bring the frontiers of these captive regimes to the borders of the United States."

That statement is not delivered glibly. It is delivered with all the passion and conviction that I can raise. The Sandinistas regime is not a revolution of Nicaragua, it is a projection of Soviet and Cuban force, I say to my friends, and it is taking place.

We have heard the Senator from Massachusetts and the Senator from New Mexico make the case that if we continue this, we are destroying the possibilities for negotiation. I ask my friends, what is there to negotiate, when the one thing that bothers the Sandinistas is the Contras? We are told that the Contra action is an embarrassment to the United States. It is an embarrassment to the Government of Nicaragua. It is a revolution, unlike the one in San Salvador, that is growing. It is growing not by forced conscription but by the dreams of people who want to be free.

The Senator from Connecticut earlier said that no one on his side of the aisle intends to reinforce or consolidate any Communist tyranny, nor to bring the United States onto the side of slavery and against freedom. This is plainly a statement that cannot stand the test of responsible argument. It is like applying the brakes to a car and saying, "It was not my fault that it stopped."

The Senator from Hawaii knows full well that there is a civil war going on in Nicaragua and, through his amendment, would seek to have us forbidden to help one side while the Soviet Union, the East Germans, Cuba, the Palestine Liberation Organization, Bulgaria, Libya, and Yemen help the other. On what grounds can anyone disclaim an intent to help that side if you remove the help from the other? How does anyone propose we deal with the Sandinistas after the Contras are gone? Moreover, note that the word "negotiations" is no magic word. What is it that we will ask the Sandinistas to give? In exchange for what? If we destroy the Contras, what is left that is troublesome to the Sandinistas?

If anyone thinks that the Sandinistas and the Soviets, having won this victory, will stop before the Rio Grande, I know a bridge that you can buy cheap. If the Contras were not here, how would anyone propose to stop a Cuban drive in this hemisphere?

This is what the Kissinger Commission has to say on this subject. This was, incidentally, an uncontested statement in the separate views that were written. It said simply this:

> The Commission encountered no leader in Central America, including democratic and unarmed Costa Rica, who did not express deep foreboding about the impact of a militarized, totalitarian Nicaragua on the peace and security of the region. Several expressed the view that should the Sandinista regime now be consolidated as a totalitarian state, their own freedom, and even their independence, would be jeopardized. In several countries, especially those with democratic traditions, we met leaders who expressed regret and outrage that the revolution against Somoza—which their own governments had supported—had been betrayed by the Sandinistas.

They go on to say:

> In this sense, the development of an open political system in Nicaragua, with a free press and an active opposition, would provide an important security guarantee for the other countries of the region and would be a key element in any negotiated settlement.

What is so terrifying to Americans about freedom? They go on to say:

> The notion that the United States should cope with a Marxist Leninist Nicaraguan military allied to the Soviet Union and Cuba through long-term containment assumes an analogy between conditions in post war Europe and the present circumstances of Central America. The experience of the post war period, however, shows that containment is effective as a long-term strategy only where U.S. military power serves to back up local forces of stable allies fully capable of coping with internal conflict and subversion from without. In such circumstances the United States can help to assure the deterrence of overt military threats by contributing forces in place or merely by strategic guarantees.

Is that what the backers of this amendment want? I hope not.

Finally, let us take on the Senator's amendment on its face. It is not well thought out. We had in fact eight budget hearings and six markups and this amendment was not brought to any of them. The Senator proposes we spend $4 million to quit our own responsibilities to the freedom fighters who have fought on our side. Let us take the mathematics of it for a minute. There are 15,000 Contra troops in the field. Suppose only 10,000 of these people choose to leave and that each fighter has only three family members to come with him. We would then have to resettle 40,000 people. The amendment would provide a very generous $100 per person. And if the Congress were to pass this amendment, would it also authorize the entry of 40,000 new refugees? What would be the quota for each State? How many would go to Hawaii or Arizona or Wyoming or Florida or any other State?

Mr. President, the business of capitulation, of defeat, of surrender is messy and the items I have just mentioned are by no means the messiest ones. I have spoken before about what a hostile southern border would do to our own ability to make and keep commitments overseas and to our own ability to maintain a civil society at home in the face of massive terrorism. I ask anybody in this Chamber again to tell me what the Palestine Liberation Organization and the Libyans are doing down there but training for terrorism. We do not have to absorb this. We have a choice and we can go on to secure freedom in this hemisphere with what the Senator from New York described as a pittance, $28 million. But let us return to the messy details. Who would run this relocation program if it were established under this amendment? The CIA? Would the State Department run it? Who is going to certify the eligibility of the people to be resettled? How many days or weeks or months of service would qualify someone for resettlement? The amendment calls for resettling anyone who has been directly or indirectly involved. Who is going to certify whether an individual was related to a Contra activity sufficiently to qualify for this resettlement?

People in that part of the world believe in extended families. Would brothers and sisters qualify? Nephews?

In-laws? Wives? Who is going to make such judgment? And who is going to deal with the appeals? Who gets to say who comes and who does not come? Who is to decide whether an individual refugee gets to be resettled in the United States or in Honduras or some other Latin American country? What is the criteria that are going to be used under this measure of capitulation? This is not a humanitarian way out of a difficult situation. It will not work. And it will not work for $4 million or $100 a person. It will not work for $500 a person. Cut my figures and just say those who are directly involved, and you still come up with a nightmare.

The Senator from New York talked about realism. Colombia, to the south, has been invaded by guerrillas coming directly from Cuba and landing on its beaches. Venezuela suddenly working with the United States more than ever; Panama and Costa Rica, which were once almost aligned with the Soviet Union in the Third World, are now working with us not because they like us more but because they fear Cuba and Nicaragua more. Honduras has staked its future on our success.

And if you wonder why there has been a little bit of hesitation in Honduras in recent months, ask the Hondurans what they think of the machinations of the Congress of the United States while it tries to make up its mind whether or not it does believe in freedom? What, may I ask anybody in here, if this amendment should pass, should anyone in those countries think who is concerned about his own survival in a political or a mortal sense?

Who wants us to fail in this? Who wants us to fail? Clearly, the Cubans want us to fail; the Nicaraguans want us to fail. Clearly, the Soviets would be delighted to have us fail. This is cheap stuff for them and getting cheaper all the time.

We have heard the Senator from Oregon say that the movement in El Salvador was growing. But its growth is through enforced conscription of peasants and villagers, while the Contras have no enforced conscription. The Contra movement is growing because people have a fundamental belief in freedom—I wish I could say tonight that it was the purpose of the United States to overthrow the Government of Nicaragua, but it is not.

No one better described the underlying dilemma than John Stuart Mill:

To be morally legitimate—

He wrote—

nonintervention needs to be respected by all. The despot must consent to be bound by it as well as free states. And unless they do, the profession comes to this miserable issue that the wrong side may help the wrong but the right must not help the right.

Now, on its face this amendment is ill-conceived and ill-contrived, has not had any hearings, has not been presented to anyone, has not got enough money, and has not got any criteria by which it can be construed but on its face is something even more insidious—and I will close with this point. This amendment is the unwitting endorsement of the Brezhnev doctrine and the witting abandonment of a people's legitimate hopes for freedom from the one country that they thought might be there to help them when they needed it. If totalitarianism is to be a one-way street, uncontested and unconfronted by freedom as it moves around the world, whether or not it is getting closer to our borders—but that is an argument that is legitimate in this instance—there soon will be no freedom left to contest for but our own. I think it is a mistake to abandon people whom we have supported. I think it is an even greater mistake to pay them blood money so that at night when we go home we feel better about something that we did not have the courage to finish. Freedom is, as we all thought once, the life blood of this country and its philosophical and moral underpinnings. Let us live by it.

Mr. President, I yield the floor.

Mr. COHEN. Mr. President, I take the floor this evening not to urge my colleagues to vote one way or the other on this particular measure, but, rather, to offer a few of my own observations about the kind of frustration that many members of the Senate Intelligence Committee—perhaps many Members of this body—have experienced for the past year or so.

I just listened to the very powerful statement delivered by the Senator from Wyoming [Mr. WALLOP]. He makes a very good case for why we should declare war upon Nicaragua. He did not, however, contribute, in my judgment, to an elucidation as to what our policy is and what it ought to be in dealing with the issue of covert aid to the Contras. That is because there is so much confusion about our goals, what they have been in the past and what they are going to be in the future.

I have supported aid to El Salvador. I intend to continue supporting the forces of moderation in that beautiful but war-torn country.

I believe, as was said earlier this evening, that President Duarte is a good, decent man who offers the best hope for leading his country toward a reconciliation of the forces and factions within it, of ending the death squads, and of promoting judicial and land reform. I believe he deserves the support of all of us. I think all of us are committed to those goals.

As the Senator from Hawaii has done, I have supported aid to the Contras. I should like to continue to support aid to the Contras, even this evening, or tomorrow, or next week, provided it is for a very specific and limited purpose—namely, the interruption and the interdiction of the flow of arms going from Nicaragua to El Salvador.

For the past year, there has been a good deal of confusion surrounding the nature of our relationship with the Contras, and I should like to add a parenthetical thought here.

It has been suggested by some that perhaps some Members on the other side of the aisle are engaged in making this a political issue this year, attempting to politicize this matter in an election year. They are against covert aid to the Contras; we are for it—a nice split, just right for the elections in November, a clear choice.

There are some members of the other party, I might suggest, who might fall in that category, who would vote against any covert aid, no matter how meritorious.

There are members in this party, the Republican party, who would vote for covert aid even if it meant the overthrow of a government with which we currently maintain diplomatic relations. But so far as the Senate Intelligence Committee is concerned, there has been no such partisanship. Time and time again, there were occasions when a party-line vote would have been an easy way out of a nasty difficult situation. To their credit, Senators like Mr. MOYNIHAN, Mr. INOUYE, Mr. BENTSEN, Mr. HUDDLESTON, Mr. BIDEN, Mr. LEAHY, and Mr. NUNN, the entire committee, chose not to emulate the other body, chose not to divide the issue along party lines, but, rather sought some way to reach an accommodation so that we might continue to devote a bipartisan position to a foreign policy. They refused to turn our policy in Central America into a football game, trying to score points with the American people at the expense of American security.

Well, again it is suggested that this is a different year, a different timeframe, perhaps. Everyone is human, and they have fallen victim to temptation. Somehow they have fallen from being statesmen to politicans. Therefore, we on the Republican side must take the hard road, which is the high road.

If the issue were that simple, I would not feel compelled even to stand here tonight. I would just cast a vote in favor of the administration's position and vote against the amendments that have been offered. I do not think the issue is that simple.

For the past year and a half, the member of the Intelligence Committee on both sides have asked the question: What is the nature of our relationship with Contras? What is the extent of our commitment to the Contras? Will there come a point in time when we will have to say, "We are sorry; we are no longer committed to your goals or

objectives. We do not share them and therefore cannot continue the funding of your efforts"? Will the administration ever be prepared to do that? Or will it keep coming back to the committee, saying: "The money must continue to flow, or else we will be signing the death warrant of thousands of freedom-loving Nicaraguans"? Who among us will be able to erase the damned stain from our hands?

The Senator from Wyoming touched upon it even now as he asked the question: "Who among us will decide how many of the Contras will get how much and how many relatives will be allowed humanitarian aid?" The same question will be asked time and time again, with more and more people who might be involved.

We were told originally that the goal of the Contras was, in fact, the overthrow of the Sandinistas, that that was their motivation. But, as a practical matter, a small, lightly armed force of ragtag fighters could never accomplish that goal. That was originally what we were told. Our goal was far more modest, far more limited—the interdiction of the flow of weapons from Moscow to Havana, to Nicaragua, to El Salvador.

Therefore, we could use the services of the Contras to serve our own goal, which was running on a parallel course with the Contras. Again, there were members of the committee who continued to ask: What happens when the courses are no longer parallel but start to converge at some point in time and ultimately start to merge?

What happens when the force is not 5,000 but 10,000 or 15,000, as it is today, or 25,000, as it might be next month or next year?

What happens when the Contras start to attack civilian areas, start destroying economic targets, start bombing damsites, bridges, economic infrastructure? What do we do then?

What happens when the Contras start controlling the day-to-day military operations without our supervision?

What happens when they demand that we support certain military operations, no matter how foolhardy or dangerous, no matter how potentially embarrassing to the United States?

Well, the answer to these questions, to the extent that there were answers, depended on the latest revelation that appeared in the New York Times or Time magazine.

It is clear that there has been an evolution in our policy during the past year—from one confined to the interdiction of the flow of arms to one of removing foreign troops, reducing troop levels in the surrounding country, forcing the Sandinistas to dissociate themselves from Cuba and the Soviet Union, to meeting the goals promised during the course of their revolution.

There should be no mistake about it: The Nicaraguan people have been given a left-wing dictatorship in place of a right-wing dictatorship. The Sandinistas are dedicated Marxists and are busily reshaping their society into a police state wearing the cloak of democratic socialism.

The difficulty with this evolving policy of ours, however, is that it is now much closer to that of the Contras than when we began. The tracks are no longer running parallel. They are starting to converge; they are starting to merge.

This became evident during the mining of the harbors—that fiasco, in my judgment—the planting of those little homemade bombs, firecrackers, which were designed to frighten but not harm ships that were entering the harbors of Nicaragua.

I said "ships" without any qualification, because it did not matter if the ships were loaded with corn or Kalishnakovs. It did not matter whether they were loaded with bombs or blood plasma. It did not matter whether the ships flew a British or a Libyan flag.

So we had to suffer the ignominy of being hauled into an international court by a band of hard-eyed thugs accusing us of violating the law, to which our major response was that the court lacks jurisdiction. We do not recognize this international court of law.

One of my colleagues drew a parallel, with the equivalent—and I am paraphrasing—of the Mafia suing the Justice Department for harassment, and the Justice Department arguing only that the court lacks jurisdiction in this case, and besides, we are not doing it any more.

My basic problem, if I can draw upon, perhaps, a different metaphor, is that some of us were willing to ride the train to a certain destination, but once on the train the conductor now says we cannot get off because the train does not stop here any more. A 200-mile journey is turning into a 2,000-mile trip and there does not seem to be any end in sight.

This may be an oversimplification of the problem. But at least, it represents and reflects for me what I believe is taking place.

At one time we were told that the operations of the Contras were under our direct supervision and very tight control. I pass over the fact that Senator HART and I missed by just a few hours a convention either in heaven or hell—wherever we shall go—when the Contras decided to bomb the airport at which we were about to land. As I said at that time, so much for supervision, so much for control.

But now we have a different problem. Now we are told the operation is so big that we no longer can control or supervise it. Besides, we are asked rhetorically, do you really want the CIA to start running that war?

The bottom line is—the "stop-you-have-finally-arrived" sign for American policy is that the Sandinistas have to keep the promises of the revolution.

So, the tracks have now converged and they are virtually identical. They are running an express lane to the very same destination.

The question we have to resolve is, Is that the proper role of covert aid?

I am told there still is a difference. The Contras do not want to overthrow the government, they do not want to have power sharing, only the opportunity for full and open participation in elections, a chance at the ballot box.

That sounds reasonable enough. But as a practical matter, that just is not going to happen in the foreseeable future.

While the Contras talk of elections, they really do mean, in my judgment, the overthrow of the Sandinistas, who they know are never going to open up that political process to them, unless there is substantial increased pressure upon their economic means of survival.

So the question is, Where does that leave us?

It is my personal judgment—I wish I had that choice this evening—to continue aid to the Contras to serve our original stated purpose, and not that of the Contras. I believe that we should strive to stop the flow of arms into the neighboring countries, that we should try to isolate Nicaragua economically and diplomatically through aid to the neighboring countries, and that we should encourage change in the region through the Contadora process.

But I believe it is also a misuse of covert aid to strike economic and civilian targets, and I believe it is a mistake to allow our goals to become merged with those of the Contras.

For these reasons, I intend to support the amendment of the Senator from Hawaii [Mr. INOUYE].

Mr. GOLDWATER. Mr. President, I wish to comment very favorably upon the comments made by my friend from Wyoming and also on the comments made by my friend from Maine. I think these two differing opinions will point out to my colleagues one of the basic problems that we have on the Intelligence Committee.

We were a committee formed by Senate Resolution 400 to perform oversight on the intelligence family, and that is a pretty big family. We were to do whatever we could to help rebuild the intelligence family which had nearly been destroyed by a committee of Congress, by the press, and by other people who are opposed to this country having the best of anything.

Mr. President, what we are trying to do here tonight is not, in my opinion, a way out. It is a way in. What we are actually doing is once again trying to write the foreign policy of the United States. We are telling the President that he has been wrong. We can blame some of it, if we want to, on the intelligence family. Probably they are due some blame.

But, Mr. President, I keep reiterating what the Constitution says, that the Commander in Chief is our President. When our President decides on an action, although we have the right to differ with him, I do not think we have the right to differ publicly to the point that, as the distinguished Senator from Massachusetts asked me earlier today, he asks do I want my boys or my grandchildren going to war. No; I do not. But I want them to go to war if the freedom of our country is threatened.

What I cannot get through my mind is why Members of Congress cannot see a danger 800 miles from us. The trouble in Central America for me is closer than what is going on in Chicago. Why can we not see the long-held desire of the Mexican people to take back the land that we took from them in a war that I always thought was unnecessary and uncalled for? Why can we not see an enemy sitting down there dedicated to helping these people? I do not want to see war on the Rio Grande, and I do not want to see war on the borders of New Mexico, Arizona, or California.

Mr. President, whenever we have problems, whether it is in this country or whether it is elsewhere, there is always confusion, there is always argument. We have been through four wars in my lifetime. I do not want to see another war, but I do not want to see this country once again humbled before the rest of the world.

Mr. President, we have lost the last two wars we fought, in my opinion. We do not have much of a chance to win another war, and I do not want the world to keep on saying "paper tiger" when they think of my country.

Mr. President, this amendment imposes no obligations on Nicaragua for reciprocal action by the Sandinista Government with respect to Nicaraguan support for the destructive insurgency in El Salvador. There is no fair deal here. It tells what we cannot do with regard to our friends in the region, but does not place any obligations on the Sandinistas.

It is one thing to say that aid for the Contras should be ended if and when the Sandinistas end their support for the violence directed against the democratic, elected Government of El Salvador. But the amendment that we are talking about does not do this. It would cut off assistance to the Contras, while leaving the Sandinistas perfectly free to continue to support the spread of death and destruction in El Salvador.

Mr. President, this administration is convinced that continuing assistance to the Nicaraguan rebel movement is an indispensable part of any solution to the Central American problem. There have been two free elections in El Salvador over the past 4 years. There is no way that the Duarte government in El Salvador, which has committed itself to democratic reforms, can defeat the Nicaraguan-supported Marxist guerrillas if our country withdraws its support of the Contra movement.

Mr. President, that is all I have to say about this. I had a rather long speech, but I tell you I can stand on this floor just so long and listen to people who want to speak against our Government, who want to make it impossible for our Government to spread freedom around the world.

I can remember 20 years ago when 30 percent of the people in this world lived under freedom. Tonight 16 percent of the people live under freedom. If we keep up this action—I am not criticizing anyone, we all have our rights to our thoughts and I think I can understand how listening to the things that we have heard in the Intelligence Committee could confuse the daylights out of anyone—we will hurt the country. The country is the important thing, not the Senate, nor the Intelligence Committee. In my mind the President of our country, the Commander in Chief, has made a decision and, Mr. President, I intend to follow orders.

I yield the floor.

Mr. WALLOP. Mr. President, I have only a couple of things to say in response to the Senator from Maine. I agree that a more appropriate definition of our policy might be forthcoming. But one rule of reason is not to abandon everything you have simply because you seek something better.

It is also important that it be on the record that interdiction of arms has never been the sole, or even the principal reason for this covert action. No administration has ever testified to us that this was the sole or even the principal reason.

Part of the reason for this covert action has been to force the attention of the Sandinistas inward from their borders, to stop their export of revolution, so that they had something to do at home.

The Carter administration was the first one to recognize the emerging totalitarian nature of the Sandinista government and they were the first who initiated the covert action to change that, even while they were providing them significant amounts of material.

Now, it has never been the stated reason of the Contras to overthrow that government. They have time and again said that they would stop immediately. We have said we will stop immediately if they were offered a shot at elections. Some observers feel they would not win the election. They have said they do not ask, as do the guerrillas in El Salvador, for powersharing. They said simply they wanted a shot at the electoral process.

There is a big difference in these two groups and how they are approaching themselves. That is all I wanted to have on the record, Mr. President.

[Mr. GORTON assumed the chair.]

Mr. TOWER. Mr. President, I think it is unfortunate that we have gotten to the point where we debate at such great length so delicate a subject as covert action. There was a time when covert action was never debated in the Congress of the United States. It was something that we engaged in.

As a matter of fact, had it not been for covert action, there are a number of countries that are democratic countries today that would not have been otherwise. We have in some instances, by virtue of covert action, been able to preserve a climate in the country that permitted democracy to prevail.

I think it is unfortunate that there seems to be a double standard. There are some that feel that the Salvadoran guerrillas should be permitted to shoot their way into the Salvadoran Government but feel that the Contras in Nicaragua are not a legitimate revolutionary revolution and therefore should be discouraged.

I find it intriguing that we have an amendment that would subsidize the Contras to surrender and go away and relocate themselves elsewhere. That is one that really disturbs me, because if we start a flood of refugees in Central America, I know where the first ones are coming. They are coming to my State. But they will be in other States eventually. We already have an enormous illegal alien problem. I think some of my friends who are not from border States do not perhaps fully appreciate the problem. And, of course, I do not expect them to, I suppose, because Brownsville, TX, is much closer to Managua than it is to Boston. I might say it probably has a greater kinship in many respects.

But I hope that this amendment will not prevail. The Soviet Union maintains clandestine infrastructures all over the world. The KGB operation dwarfs our entire intelligence community by comparison. They are actively engaged in the business of fomenting political instability throughout the Third World. And their movements are all too often not only well organized, well disciplined, and well financed, but well armed, as well.

And so, I think we should be permitted to mount covert action, especially in areas where the security of the

United States is threatened. And that is certainly the case in Central America.

As Senator WALLOP points out, the Contras are only seeking to be participants in an electoral process. I think it is not likely that democracy will prosper if the Sandinista regime becomes so institutionalized that the evolution of democratic institutions will not be permitted.

Make no mistake about the nature of this regime. The current ones in power were people who exploited a legitimate revolution for their own purposes. Their postage stamps have pictures of Karl Marx and the Communist Manifesto on them, the Nicaraguan postage stamps. How can there be any mistake what the philosophic complexion of that Government is?

So I hope we will not inhibit this administration or any future administration. Covert action has been something that has been carried out by Presidents of both the Republican and Democratic Parties. It has long been regarded as a legitimate tool of the United States in our efforts to try to create a climate in this world in which all people can aspire to self-determination and have some reasonable hope of realizing that aspiration.

Mr. President, I move to table the amendment of the Senator from Massachusetts.

Mr. HUDDLESTON. Will the Senator withhold?

Mr. STENNIS. Will the Senator withhold that just 2 minutes?

Mr. TOWER. I will withhold that. And if I may be permitted to retain the floor, I yield to the Senator from Mississippi for a statement.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I did not plan to say anything about this. But for a long, long time it has been troublesome about how we were going to handle these matters of the CIA and undercover activities. Just a few weeks ago, we had up the supplemental bill, the appropriation bill. In that was an item about this very subject matter, $21 million. There is nothing personal about this now. I was approached by quite a few Senators to ask what, if any, suggestion I had. "What shall we do? This is uncertain. This is not clear. You have been to the hearings."

Well, I told them that the Senator from Hawaii—and I am not being personal to him—had looked into this matter and had gone into it and had firm recommendations and is a man of experience and judgment and he was backing the $21 million and I was going to back that. And I suggested that they do it. We had a vote here, I do not remember what it was, but very definitely this body settled its position under the present facts as I understood, very firmly, clearly and I thought finally on that vote.

Now, we turn around—the facts are almost the same; just a few weeks have expired—and we make an about turn and go marching back down the hill and we are led—nothing personal about this—by the Senator from Hawaii, in large part.

Now, we need, it seems to me, good faith on all parts, someone to take another look, a group of composite judgment, men who are familiar with these facts.

This is dead serious. I feel like it can be almost a disaster to us if we do not meet this situation the very best we can on a combined judgment, taking in some Members of the House, someone representing the President.

But whether you go that way or not, let us not just finally put a ban on this thing and vote all the money out except the little amount here to take care of the immediate situations. I think it would be the gravest kind of mistake in an area of the world that is not going to be solved overnight. I have decided we will be down there 10 years, 15 years, 20 years with trouble of some kind. I do not want to pull out.

I have to admit I do not have any solution. So I hope we will withhold voting out these funds and let them go on in the bill and see if we cannot reach a more composite settlement later.

Mr. HUDDLESTON. Will the Senator from Texas yield?

Mr. TOWER. I ask unanimous consent that I may yield to the Senator from Kentucky for a statement without losing my right to the floor.

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

The Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished Senator from Texas.

Mr. President, the Senate again is confronted with one of those intractable problems. It certainly has no easy solution. I listened very carefully to the discussion here on the floor today and tonight. I have listened and studied intently this question for several years now through my membership on the Senate Intelligence Committee.

To listen to the discussion, one might think that there are those who are for democracy and those who are against democracy engaged in this debate; those who are for our country and those who are against our country.

I would like to say as forcefully as I can that I do not believe this issue is one that can be so conveniently or easily divided.

I am convinced that there is no Member of this body, nor any member of this administration, who does not have essentially the same objectives in Central America; that is, to preserve those nations that are free, that want to be free, democratic, and to restrain those nations that want to pursue a course that is contrary to our beliefs, and might pose a threat to these United States. I do not think there is anyone here who does not recognize that Central America, just from the standpoint of its geography, if nothing else, is a key factor to the economic well-being of the United States, and to the security of the United States. I doubt if there is anyone here who would not move beyond that somewhat selfish motive perhaps, and say that the people of that section of the world are so intertwined with our own people that we wish for them, for them the very best, and we want them to have a free society. We want them to have economic opportunity. We do not want them to be controlled by governments that place little value on human dignity.

I think we all want the same thing. We have an obligation to El Salvador. I think if we fulfill that obligation, and give that country the security and stability that is necessary for them to complete the democratic election process, that we have an excellent chance of establishing a free and democratic government there. They cannot survive without it. And in providing that help, I think we have an obligation to try to prevent those countries that might want to prevent progress from interfering with that process.

I do not think we have any real disagreement in what we ought to do. I do not think we have any real reason to say that the President of the United States has a misguided objective. But I think there is room for legitimate question and legitimate concern as to whether or not we are going about it not only in the best and most effective way, but in a way that is consistent with the principles that this country espouses. A covert action by its very nature is almost anathema to a free, democratic, and open society. We know that. We have learned to accept it, to realize that in many cases it is necessary because of the kind of world that we live in, because it can be a step short of actual hostilities or warfare, and therefore, sometimes is desirable. This particular operation, of course, ceased to be covert some time ago when the President of the United States himself announced it from the White House. It was something of a shock to those who had been dealing with covert activities now for a number of years, but nevertheless, that has occurred.

It seems to me the real question that we have to resolve is whether or not this country wants to be responsible for numbers and numbers of innocent people's deaths, whether we want to be responsible for the disruption of civilian life in order to accomplish part of our objectives; that is, to prevent

the flow of arms through Nicaragua into El Salvador or other countries in the Central American area; to stop the command and control communications network that operates in Nicaragua for the guerrillas in El Salvador; and to stop the influence of the Nicaraguan Government in a negative way on the other countries of the area.

It seems to me that, even if the amendment by the Senator from Hawaii is adopted, we are not foreclosed from attempting with some success all of those objectives. As a matter of fact, our agencies are hard pressed to demonstrate to us right now a single incident of arms interdiction in Nicaragua by the Contras.

The Senator from Maine has outlined very well, I think, what the conflicting situation is. It seems to me that we have reached a point were our conscience as well as our good sense has to tell us that the course we are on now has little chance of succeeding in reaching the objectives that we have. The Contadora group that is trying to negotiate a settlement has not indicated to us as far I know that we are advancing the cause of a reasonable peace in Central America.

There is one thing I am certain of, as certain as I can be of anything—and I do not present myself in this body as being an expert in foreign relations. But if we attempt to impose upon Central America or South America a U.S.-only solution, we will fail. We will fail if we stay there 10 years, 15 years, or 50 years, and if we stay there with considerable force. But if we can work out a solution that our friends in the area agree to, the Contadora group, one that we can abide by and enforce, I think we have a reasonable chance of success.

I have been concerned for some time, as I know other members of the Intelligence Committee have, as to when we are going to draw this thing to an end. When are we going to see that we have accomplished what can be accomplished? When are we going to recognize that the divergent objectives of the Contras and the United States cannot continue down the same path forever, that sometime we have to make a break because those objectives are not the same? We support the Contras because in achieving what they consider to be their objective, they do some of the work that we think enhances our objective—some of the work. But when it gets to mining harbors, blowing up innocent fishing vessels, when it gets to firing indiscriminately in civilian communities, when it gets to blowing up power stations, interrupting the food supply of the public, it seems to me that goes beyond what this country ought to be involved in.

I have hoped and hoped as we have had these meetings week after week over the past many months that we were going to be shown that there is a light at the end of the tunnel, and that we are progressing in such a way that very soon now we will be willing to say that we can negotiate our way out, and we can achieve the objective. I must say that as of now that light at the end of the tunnel seems farther away than ever.

We have an obligation to those who have under our support and encouragement conducted certain kinds of activities, and placed themselves in jeopardy. It may be that the Senator from Hawaii has found a solution that provides some safety for those people. It seems to me that there might even be some common ground yet that we can agree on.

We also ought to be able to participate in activities designed directly to cutoff specific aid to the guerrillas in El Salvador, or to other guerrilla activities that may be occurring. I think we will have an opportunity to address that at a later date. But with all of these uncertainties, with all of the questions about what this Government stands for and what we ought to be engaged in, I have come to the conclusion that we ought to take the step that has been suggested here tonight by the distinguished Senator from Hawaii, Mr. INOUYE, who has studied this proposition and has been as much involved in it as any Member of this body over a number of years.

Thank you.

Mr. TOWER. Mr. President, I ask unanimous consent that I might yield to the distinguished Senator from Minnesota for a brief statement.

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

Mr. DURENBERGER. Mr. President, I intend to be brief.

For many of the reasons that the Senator from Kentucky said he was going to support the amendment, I think I am going to oppose it.

I have been here 5½ hours now listening to the debate on Central America. One of the things I have learned in that period of time is that this afternoon, about 1 o'clock, I voted for Marxism-Leninism and against the Monroe Doctrine. I know I am going to be haunted by that position as long as I live in the U.S. Senate.

That same sort of apparent inconsistency, I think, has hung around my 3- or 4-year involvement with this particular issue. If I had with me the remarks that I made in December 1981 in the Intelligence Committee when this whole issue of covert action was raised, they would sound ludicrous compared to the conclusion I am going to come to with regard to the amendment by the Senator from Hawaii.

At that time I recall talking about the Bay of Pigs situation, and all the questions we confront here this evening. "What are you going to do when your experiment turns out to be a failure? What we you going to do when the Senator from Maine says your missions diverge? What are you going to do? What are you going to do? What are you going to do?"

For the better part of 3 years, now, there have never been any answers to the questions propounded by anybody on the Intelligence Committee. That is why you see all this frustration from the members of the Intelligence Committee this evening. Maybe in a way there are no answers. Maybe that is how I got my bottom line. Maybe getting Bill Casey, George Shultz, and everybody else into this administration to answer with precision questions that do not have answers for 3, 6, or 12 months has turned out to be an impossibility.

But the reality is that I cannot buy a lot of the arguments I have heard tonight by my dear colleague from Hawaii. And there is no person on this floor who does not love him, who does not turn to him for advice on Central American issues. He used among his reasons the fact that this is no longer covert. But it has not been covert for 1½ or 2 years.

We cannot control the Contras. We have had those problems from the beginning. But if anything, we have erred on the side of controlling them too much, taking the control away from them and putting it in the hands of what we laughingly call the unilaterally controlled Latino assets. So they go out at the direction of the President and use fireworks against ships. I am not sure that is a good enough reason.

And the operation has gone beyond the original efforts to interdict. Of course, it has gone beyond that for all the reasons that the Senator from Maine stated. That is, there are two missions here. One mission is the U.S. mission as that gets redefined from time to time. The other Mr. President, is the mission of Nicaraguans. That is where we are getting to the bottom line of this whole issue.

If you just walked in here and addressed this issue tonight for the very first time without a heck of a lot of background, you would assume that these people called Contras are a group of guerrillas planted in Nicaragua by the Central Intelligence Agency to either interdict the flow of arms to El Salvador or some other scheme.

For the most part, that is not accurate. For the most part these people are Nicaraguans who have fought Somoza and everything else in that country for years and years and years.

Unfortunately, a large number of them were gathered together under the aegis of the CIA in 1981 and asked to go to work for us. So they got branded Contras. Some of them got branded Contras. All of them got

branded Contras. Eden Pastora, whose name has been evoked tonight, who would not have anything to do with the CIA, who fought the CIA for a long time, now he is a Contra.

The Sumu Indians, the Miskito Indians, they get to the Contras.

Each of them has their own rebellion going in some fashion. Unfortunately, we have taken advantage of their revolution to our particular end, and sometimes that end coincided with theirs and sometimes it did not.

I think that is the distinction that I would like to draw tonight for my colleagues.

There is so much that I agree with by all of these who have spoken for this amendment. It is frustrating to find out that the President of the United States ordered up that fireworks when we were being told they were not even being contemplated. That is frustrating to me, as a patriotic American. There is a lot of frustration in it.

But the decision you make tonight, if it is effective at all on this bill, will not be just a condemnation of American policy. By pulling the rug on this and leaving behind $6 million until September—and that is another part of the problem I have with this, that it is only good until September, that if you do not take advantage of it by September you do not get it and you are stuck in the swamps—by pulling the rug tonight you are not just pulling the rug on what some Members may think are the Contras and some the old Somocista National Guard and so forth. You are going to pull the rug on an incipient revolution. You are going to pull the rug on some trade unionists and on the folks at La Prensa who are holding in there, on Miguel Bolanos, on the Nicaraguan Human Rights Commission, still fighting for human rights.

You are going to pull the rug on a lot of Nicaraguans.

I hate to come to the bottom line and say that everything is great and we are running a great covert action down there and I am blessing this covert action. I am not blessing it. I am trying to plead for a lot of Nicaraguans being left out of this.

I will draw this to a conclusion by quoting from the unanimous statement of all the Catholic bishops, about eight of them. You have read enough to know they represent a majority of Nicaraguans, or a substantial number of them. It is said that if you take the pressure off the Sandinistas they would do anything to get at the bishops.

This is from the pastoral letter at Easter:

> Our country, too, is plagued by a belligerent situation pitting Nicaraguan against Nicaraguan, and the consequences of this situation could not be sadder:
>
> Many Nicaraguan youths and men are dying on the battlefields.
>
> Many others look toward the future with the fear of seeing their own lives prematurely ended.
>
> A materialistic and atheistic educational system is undermining the consciences of our children.
>
> Many families are divided by political differences.
>
> The suffering of mothers who have lost their children, which should merit our great respect, is instead exploited to incite hatred and feed the desire for vengeance.
>
> Farmworkers and Indians, for whom the Church reserves a special love, are suffering, living in constant anxiety, and many of them are forced to abandon their homes in search of a peace and tranquility that they do not find.
>
> Some of the mass media, using the language of hate, encourage a spirit of violence.

And so on and so on, Mr. President. That did not start with the CIA. Yes, we contributed to it. Yes, we contributed to it. But that did not start with the CIA. That started when some people decided to abort the revolution.

So, Mr. President, I guess what I am advising my colleagues is what I have found myself advising myself. That is that we not take action at this time to withdraw support from a covert action that so many of us have a hard time getting our arms around and defining and giving a specific mission.

Yes, follow it closely, and a whole lot better than we in the Intelligence Committee have done for you since last September. You are right to demand of us that we do one hell of a better job than we have done for you in the last 10 months.

But those, I think, are the choices facing us. I thank the Senator from Texas for yielding time to me.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Pennsylvania to pose a question to the Senator from Massachusetts without losing my right to the floor.

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

Mr. SPECTER. I thank the Senator. I request of the Senator from Massachusetts that he yield for a question.

Although the substitute of the Senator from Hawaii is taking precedence, going back to the amendment by Senator KENNEDY, it says:

> Nothing in this act shall be deemed to authorize the appropriation of any funds for the purpose of or which would have the effect of supporting directly or indirectly paramilitary operations in Nicaragua by any group, organization, movement, or individual.

My question is, Is there in the current measure an authorization for the appropriation of such funds?

Mr. KENNEDY. What I would like to do is defer to the response that the Senator from New York [Mr. MOYNIHAN] gave as a member of the Intelligence Committee. He is a member of the Intelligence Committee. I can respond to it but I ask, for the benefit of the RECORD, if I may let the Senator from New York, who is a member of the Intelligence Committee, speak to that issue. He got into it in considerable detail before offering his amendment, but I think the Senator from New York may answer it.

Mr. MOYNIHAN. Mr. President, in order that I may be precise in my answer, will the Senator from Pennsylvania restate the question to which I am asked to respond?

Mr. SPECTER. The amendment of the Senator from Massachusetts says nothing in this act shall be deemed to be going to the covert operation in Nicaragua. The question I have is a very threshold question: Is there anything in this measure now under consideration which authorizes such covert funding?

Mr. MOYNIHAN. I thought I understood that to be the Senator's question. The answer is, there are no specific funds in this measure for any specific activity of the Central Intelligence Agency. Those specific allocations, line-item allocations, will be made in the intelligence authorization bill which is still in the committee and will come before us later this session.

Mr. SPECTER. That is what I thought. That is why I wonder why we spend so much time debating a question about eliminating funding which does not exist in this act.

Mr. MOYNIHAN. May I say to the Senator that I remarked earlier that the effect of the amendment by the Senator from Hawaii is to add $8 million to this authorization for the purposes he specifies.

Mr. KENNEDY. May I just respond, I believe the figure is $6 million, but there is the general authorization. This amendment that I offered would prohibit any general authorization to be used for this program for the support of the Contras in 1985. The Senator from Hawaii has offered a substitute that would indicate that there would be no moneys in this bill that could be used for this program in 1985, but there would be authorized funding for the phasing out, $2 million for the phasing out, $4 million for humanitarian support.

Mr. SPECTER. What does the Senator from Massachusetts mean by general authorization if there is no authorization for such funding?

Mr. KENNEDY. As the Senator from Pennsylvania understands, within this defense authorization bill, there is spread among various provisions funding for central intelligence activities. All this amendment would have done—that has been acknowledged by members of the Intelligence Committee, both those who support this amendment and those who oppose it. This amendment which I had originally offered would say of those funds

that are included in this, nothing could be spent for the Contras.

To that amendment there has been a substitute added, as indicated by the Senator from Hawaii.

Mr. SPECTER. How much of this bill, then, is for funding for the Central Intelligence Agency?

Mr. TOWER. I might respond to that. Whatever funding there is for the Central Intelligence Agency is a classified matter.

Mr. NUNN. Mr. President, will the Senator yield for a brief observation?

Mr. SPECTER. I yield.

Mr. NUNN. If I may speak in hypothetical terms, I might say I think they have dealt, in the answer to the Senator's question, with direct funding through the Intelligence Agency. There is another aspect of this that could be involved on a hypothetical basis.

If, for instance, any of our military forces or any of our military intelligence forces were giving any indirect assistance, whether reimbursed or not reimbursed, then it seems to me that this amendment would cut that off.

For instance, if there are, hypothetically, any kind of supplies being transported in or out of that region by military air, whether reimbursed or not reimbursed, it seems to me this amendment, when it says, as it clearly does, no fund included in this act may be appropriated for the purpose of or which would have the effect of supporting directly or indirectly paramilitary operations in Nicaragua by any group, organization, movement, or individual—on a hypothetical basis, if that were occurring, and I frankly am not familiar enough with it to state one way or the other, I think it would cut off any such activity.

I think also hypothetically, if there were any kind of tactical intelligence that were coming from a military source funded in this bill that was being transmitted, hypothetically, through intelligence or otherwise to the Contra organization, it seems to me that that, too, would be terminated under the terms of the amendment.

I think there is a dual kind of possibility here. One possibility, if hypothetically there were any funds—and the Senator from New York already answered that question. I shall not try to capture that answer, but I think he is certainly accurate in it. If there were intelligence funds here, hypothetically, they would be cut off. But military funds used indirectly would also be cut off by this amendment. So, even though there is an intelligence bill that will at some point be more directly addressing these issues, I think it would be a mistake to assume that this bill has no implications, because I think it does.

Mr. JOHNSTON addressed the Chair.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Oklahoma for a brief statement without losing my right to the floor.

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

Mr. BOREN. Mr. President, I thank the Senator from Texas. I know the hour is late and I do not want to take more time of my colleagues than is necessary.

I have been laboring myself for some hours now over the decision I would make on this amendment. As the Senator from Kentucky, the Senator from Minnesota, and the senior Senator from Mississippi have indicated, this is a question on which many of us feel torn. There are aspects of the present so-called covert aid to Nicaragua which certainly trouble me. I felt let down by what I judged to be a serious mistake by the administration in the use of the tactic of the mining of the harbors. Many of us are concerned by apparent indiscriminate use of force on civilian targets. There is use of methods that are not carefully enough crafted to be effective in simply shutting off the supply of arms for export of revolution from Nicaragua to other countries. That surely should be our most appropriate and proper objective in terms of any activities that are being carried on in Nicaragua—that is, to protect neighboring, friendly countries from undue attack and undue interference.

At the same time, we would have to be blind to refuse to recognize that Nicaragua has been used as a staging area for unfair attacks by powers even beyond the immediate area of Central America to export revolution and attack legitimate governments in neighboring countries. So we have to weigh those two factors.

I suppose the item which is most influential with me is something that goes to the philosophy each of us has as to how the Constitution should operate. I have become more and more concerned as we have debated almost daily new sets of instructions to the President of the United States as to how he should conduct negotiations, how he should make certification to the Congress of progress that has been made in all areas of policy. I have been tempted at times to offer a substitute amendment that, before the President of the United States could test any weapons system or embark upon any foreign policy decision, he should have to certify that he has consulted with each and every Member of the 535 Members of Congress and then wait 10 years before he acts.

I think we have been dangerously drifting in that direction. Those who framed this Constitution realized that there can only be one Commander in Chief, there can only be one President of the United States, there can only be one chief negotiator for this country. There are times when any of us individually will have misgivings about the policies that he follows. There will be times when any of us could second-guess his judgment; could read about what he has said in negotiations and perhaps could wish that he had negotiated a little differently with people from other nations. But the practical facts are that 535 Members of Congress cannot go into negotiations with chiefs of state of other nations. We cannot conduct foreign policy ourselves, though we may advise the President in the conduct of foreign policy. And I think in many ways we are trying to do things that are impractical. We can advise the President to have negotiations; we can require him to have negotiations. We cannot really force him to negotiate earnestly about something that he does not think he should negotiate. We cannot sit here and pick the timing at which we think he should unveil proposals. That cannot be done in the real world. Only one person can do that at a time which he will select.

That does not mean I think it is inappropriate for us to have this debate or to send a message to the President. We hope that we can have a genuine, bipartisan, foreign policy; that we hope we can have a foreign policy which will bring Congress as a full partner into private discussions with the President in the Oval Office and elsewhere so that when once that policy is announced by the United States it is a policy we can stay with and not reverse ourselves constantly, as the senior Senator from Mississippi discussed a few moments ago when he said: "We can't keep going up the hill and then turn around and go down the hill in the face of the whole world." It is going to cause us to be questioned as to whether or not we have the patience or ability as a Nation to have any kind of consistency or credibility at all in foreign policy if we keep reversing our field.

So, Mr. President, I think by this debate we have sent the President a message. We want whatever activity is going on in Nicaragua to be very carefully crafted. We want to avoid civilian targets. We want it to be aimed primarily at the interdiction of the flow of arms and the export of revolution out of that country. So I do not think it has been a waste of time to have this debate but I cannot bring myself to say I think this is the right time or the right place to tie the hands of the President of the United States. We have a newly elected leader in El Salvador, a democratically elected leader through a fair election process. He has indicated in many public statements that he is ready to embark upon negotiations himself with other heads of state in that area, presumably with

the Government of Nicaragua and others. The Contadora process is also ongoing. I am just not sure, if we were to take this action tonight, it would not undermine what bargaining position we might have left with the Nicaraguans in terms of winning from them an agreement to stop the use of Nicaragua as a base for operations against neighboring states.

Since I have that doubt, I feel obliged to vote against this amendment and to give the President of the United States as Commander in Chief the benefit of the doubt, to have a position of leverage in the bargaining process for a little longer. I think we are obliged to carefully weigh the appropriate role of the Congress of the United States in the making of foreign policy under circumstances as delicate and as closely divided as are the current circumstances.

I do not mean to say that if the President were to persist at length in the policy of intervening in the internal affairs of another nation in a way which a majority of this Congress should determine is appropriate, if the President were to be insensitive to the messages being sent to him by Congress, if the President were to continue to fail to have full-scale negotiations with congressional leaders on both sides so that we can carefully craft a consistent, bipartisan policy in Central America that I would continue forever to vote against an amendment like this. That would be a misreading of my position. Six months from now, if the present policy continues, I do not know how I would vote. I might vote in favor of an amendment like we have tonight. But all I can say, Mr. President, is that I urge my colleagues to seriously consider the circumstances we now have with a new leader in El Salvador, with the Contadora process underway, with our own Secretary of State having made overtures by going to Nicaragua himself. Have we reached the point in time when 100 Members of this body and 435 on the other side of the Capitol should substitute their judgment and remove from the hands of the President possible leverage at an important and critical time in the bargaining process. I conclude by saying I do not believe so. I do not say not ever, but I say not now. I urge my colleagues to defeat this amendment.

Mr. TOWER. I ask unanimous consent that I may yield to the Senator from Louisiana for a brief statement without losing my right to the floor.

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

Mr. JOHNSTON. Mr. President, I will be brief. I hesitate not to follow the leadership of the distinguished Senator from Hawaii, whose wisdom I respect and whose leadership I do indeed usually follow. Mr. President, as most of the Members of this body know, I along with the distinguished Senator from Florida [Mr. CHILES] recently returned from Central America. Many of you have been there. Some of you have come to an opposite conclusion from mine. But let me tell you, Mr. President, having come back from Central America and talking to most of the leaders in the area, I can tell you I do not believe this is a close question. I do not believe the United States can turn its back on the Contras. I am sorry, I know a lot of my friends are greatly offended by being with the Contras. Indeed, I was one of those who voted with the Sandinistas for aid early on. You remember when they first came into power. Oh, yes, we voted for the Sandinistas. We wanted to give them a chance, let them establish a new and autonomous kind of, whatever you call it, Marxism or what else. I was one of those who said, "Give them a chance, let this new kind of government take root, take seed in Central America. The other governments have not worked, not the Somozas, not the Batistas, not all the other dictatorships that we had been associated with. Maybe it will work."

We voted for money. Indeed, one of the Contras, the head of the biggest Contra organization, came here to Washington to plead for money for the Sandinistas. He said, "Give them a chance." That man, who happens to be a graduate of Holy Cross High School in New Orleans and Notre Dame University, imprisoned by Somoza, fought against Somoza and went with the Sandinistas, was more than greatly disappointed in what the Sandinistas have done.

Now, Mr. President, I think we have to be very naive to ignore the record of the Sandinistas. Oh, you can talk to Ortega and he is a great logician and he will spin out all of the arguments about how he wants peace and yet they have the strongest army in Central America, 100,000, and what are they doing with almost 100 tanks by the Honduran border? What happened to those free elections? Oh, maybe they will have elections in November. But I can tell you the Nicaraguans do not think, at least the so-called free Nicaraguans do not think they are going to be very free.

The only promise they have made good on is their promise to export revolution. If you do not think the command and control of the revolution in El Salvador is in Nicaragua, then go to Tiger Island, because that is where it is located in Nicaragua.

I do not doubt that the amount of arms coming through is not massive now, and they have many, many different areas in which it can come in. It does not come down one central Ho Chi Minh Trail. It comes through many different areas, so you are never going to intercept a huge cache of arms at any one time and be able to prove there are arms and ammunition in great amounts coming down.

I think most Senators know that Nicaragua is supporting today the revolution in El Salvador, if you would call it a revolution. I do not think there is much support by the people for the insurgency in El Salvador.

They have a new President in El Salvador, Mr. Duarte. Read his history. He has backed the cause of land reform, the cause of the campesinos all along, and he is for aid to the Contras. That is not the only reason to be for aid to the Contras. The Hondurans are, as well as other Central Americans.

Mr. President, in a sense it is a grimy business, being with somebody else's revolution; but it seems to me that the Nicaraguans have richly deserved our support of the Contras, and I shall vote for aid to the Contras and against this amendment.

Mr. DOMENICI. Mr. President, will the Senator from Texas yield 2 minutes to the Senator from New Mexico?

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New Mexico to make a brief statement.

Mr. KENNEDY. Mr. President, reserving the right to object, I should like consent for 2 minutes for the Senator from Delaware, and I will object to any other yielding. We ought to vote on this or get into more debate.

Mr. TOWER. I told the Senator from Massachusetts some time ago that I was prepared to vote if he was, but apparently some Senators have not had the opportunity to speak.

I yield 2 minutes to the Senator from New Mexico, with the understanding that I will not lose my right to the floor.

Mr. DOMENICI. I thank the Senator for not objecting.

Mr. President, I was fooled once, the worst way I have ever been fooled in my adult life. It occurred in the Senate coffeeshop, when the present Foreign Minister of Nicaragua was invited to meet with some other Senators by the distinguished Senator from Nebraska, who was then in charge. He was the Foreign Relations subcommittee chairman on Central America when the Democrats were in majority. He said, "Why don't we come down and meet with this priest?"

I am a Catholic, I grew up thinking about priests. Senator BIDEN knows about priests. He is a Catholic, also. He just made the sign of the cross.

Anyhow, we sat down there and talked with this priest. He was still wearing a collar.

He said: "Why don't you vote for $120 million worth of aid? We Sandinistas are really good people."

"What are you going to do with the aid, Father?"

"Well, we're going to complete this revolution. We're going to have freedom, free elections, free labor unions."

He went on through their entire agenda. I sat there and looked at him. How could I think he would lie to me?

I told him I never thought I could vote for that kind of money but I would think about it. In the end, I was 1 of 10 Republicans who voted for it.

For those who think we have harmed the Sandinista revolution so much, let me say that $120 million—I have checked the record—is more money than we gave Nicaragua in 25 years. We supported the Somoza dictators, we were told, but $119 million in 1980-81 for the Sandinista was more money than we ever gave the Somoza family.

I went down to Managua with the Kissinger Commission in October 1983, and it was a real thrill. I saw the same priest that I saw years before in the Senate coffee shop. He does not wear a collar any more. He sat there in Managua and told us everything that has gone wrong with Nicaragua, from top to bottom, is our fault. He did every bit of it. He sat across the table and looked at us 12 Americans who were over there to see what we could do to help.

He gave us a 30-minute lecture on how each of us and our leaders just destroyed everything that was good in Nicaragua. Henry Kissinger was our negotiator, and we did not talk much; we listened. I could not take it. I said, "Will you let me talk for just 3 minutes?"

I looked at that fellow and said: "You know, I can't believe you are what you are. You sat down there in the Senate with your roman collar on and lied to me." There were many Catholic Senators that day in Washington having coffee with that fellow—and most were Republicans, as I recall. Ten of us voted for it.

In Managua, I said, "How come you don't have free elections?"

He said, "Because you won't let us."

"How come you don't have free labor unions? You told us you would."

"You don't let us."

"How come you don't have an independent court system?"

"You don't let us."

"What do you have this large army for?"

"It's because you are going to attack us."

Everything he told us he promised in order for us to vote the money in 1980 is absent from the country now.

I do not know what this story has to do with this debate tonight, except that, from my standpoint, I am not going to make another mistake. I feel worried tonight. A few weeks ago, we voted for this aid. I do not know what has happened in the meantime, but tonight we are going to reject the aid. A few weeks ago, we voted 61 to 30, something like that, to continue the aid. Now, on a defense bill that does not even have the $21 million in it—it is going to come in another bill—we have been here 3 hours debating that we should have some general authorization prohibition.

I do not understand what we are doing. It seems to me that we should at least be civil about this. Do we not have a committee? Can we not tell these chairmen and ranking members to go and meet with our President? If you are going to phase out aid to the free Nicaraguans, at least phase it out with a little commonsense.

It seems to me that you gave the Nicaraguans some money. They are having a new revolution. We did not want them to have that revolution, but it has given a lot of Nicaraguans some hope.

If you want to talk to a real hero, talk to the one in Managua who the Nicaraguan people look to for leadership. I saw him. He is followed all the time. I figure that in another month or so, he could get killed or hurt, and then the Sandinista comandantes will say it is our fault.

They have some new kind of Catholic Church in Nicaragua. The Sandinista have their own Catholic Church. They call it the People's Catholic Church. I wonder what it has been for all of history. Did they invent a new one? And we are here tonight wondering if we are doing something wrong.

There is no way to know for certain whether we are doing something wrong or right, but it seems to me that we should not go up the hill and go down the hill on covert aid every 5 or 6 weeks.

The Senate used to be the body that made deliberative decisions. Why do we not act as though we are concerned enough to work this matter out between the administration and Congress. Neither of us has a monopoly on truth.

I commend the Senator from Oklahoma for his remarks. I do not know nearly as much as he does about foreign affairs. I have not studied it as much.

The Senator from Louisiana [Mr. JOHNSTON] is right. I did not talk to anybody down there outside of Managua who thought America was the culprit, not one. Every leader I talked to in all the countries said, "Don't go home. We're scared. Stay here."

We read here in the United States that we are the bad guys. I do not know where we got that idea. It seems to me that we are living in some kind of fairyland. We do not want to act. Do we think the Sandinistas are doing right? We do not want to be part of their revolution. I do not, either. They have a revolution—an expectation of freedom—which they betrayed themselves, and they betrayed a lot of us, and, more importantly, their own brave people.

I do not want to undo the little bit of hesitancy we caused in that regime in Managua, making them think a little about the betrayal of their own revolution—not before us, but before their own people.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield time to the Senator from Delaware without losing my right to the floor.

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

Mr. MATHIAS. Mr. President, if this amendment would prohibit mining navigable waters I would support it. If it would waive objections to the jurisdiction of the World Court to decide cases arising out of the mining of harbors I would support it. But the amendment does neither.

Or if the amendment could roll back time so that the Contra program could be erased before it started the amendment would merit support. But it cannot do that either.

What it is likely to do is abort the negotiations that Ambassador Schlaudeman is about to begin with Deputy Foreign Minister Tinoco.

There are several points in the near future at which this program can be terminated. This is only an authorization so we shall revisit the subject very soon when we consider appropriations. Even better, the negotiators may find a way to eliminate the program. This amendment is premature and should not prevail.

Mr. THURMOND. Mr. President, I would like to voice my opposition to the pending amendment. In my opinion, it is totally improper for a nation founded on the principle of consent of the governed to take legislative action to protect a dictatorial Marxist government.

Such action, however, is not without a very unfortunate precedent. Following the fall of Vietnam, Congress cut off funds to the pro-West, Union for the Total Liberation of Angola led by Jonas Savimbi. Despite our severance of funding, Mr. Savimbi has built a large base of popular support. Were it not for the presence of 25,000 to 30,000 Cuban troops in Angola, Mr. Savimbi's forces would have in all probability toppled a Communist government that is grossly unpopular with the people.

There is a similar situation in Nicaragua. The Government came to power with support of the people and has betrayed its promises to the people. The Sandinista regime is becoming increasingly unpopular. The Easter demonstration is an obvious manifestation of the public mood.

It is in our best interest to keep the pressure on the Sandinistas to reform their Government and allow the freedoms that they promised. To do this,

we must continue our support to the anti-Sandinista forces.

Mr. President, I certainly hope that we will not willfully protect another Communist dictatorship from its own destruction. I urge my colleagues to oppose this amendment.

Mr. SYMMS. Mr. President, I would like to rise in support of aid to the freedom fighters and say that we should support the efforts of the Catholic Bishops of Nicaragua to institute a dialog of national reconciliation.

The Bishops issued a pastoral letter at Easter, on April 22, that was backed by all sectors of Nicaraguan society—the business sector, the trade unions, the opposition parties, and those armed forces opposing the Sandinista rule. This nearly universal appeal, however, was instantly rejected by the Sandinista government, and its issuance was branded as a criminal act.

This rejection of the Bishops' appeal is a highly visible demonstration of the fact that the Sandinistas refuse to deal with the reasons for which there is now an armed insurgency in their country. They have flagrantly refused to even discuss fulfilling the commitments they made in 1979 to the Nicaraguan people and to the Organization of American States.

The Contradora process emphasizes the need for internal democratization, for free elections, and for nonintervention in the internal affairs of sovereign countries. The Sandinistas to date have shown no evidence of pursuing any measures toward democratic government in Nicaragua, nor have they demonstrated any respect for nonintervention in neighboring countries. Our intelligence reports, as well as firsthand evidence from defectors from the Sandinista regime, have proven that the headquarters of the guerrillas in El Salvador trying to overthrow the democratically elected government is in Managua. Further, the Sandinistas have publicly proclaimed their revolution to be without borders.

President Duarte, in his recent visit to the United States, stressed to the Congress that aid to the freedom fighters in Nicaragua benefits El Salvador in its struggle against the guerrilla offensive in El Salvador. If the Congress is truly committed to the support of the newly elected government of El Salvador, and I believe it is, then we must recognize, as has President Duarte, that the future of the two countries, and indeed of all of Central America, is inextricably tied.

Honduras, Guatemala, and Costa Rica have all solicited military assistance from the United States to combat the terrorism and subversion sponsored by the Soviet and Cuban allies in our hemisphere. Is it not a proper signal to our friends in the Caribbean that the United States supports those fighting to preserve the liberal benefits enjoyed by free and democratic societies? Similarly, is it not dangerous to our peacekeeping efforts in the region to show that the United States is an undependable and fickle ally, willing to abandon our neighbors in Central America to a foreign tryanny?

The military buildup in Nicaragua, with an army now six times larger than the former regime's, clearly surpasses any legitimate security interest. Further, there is no justification for the 40 military bases, deepwater ports, and strategic airfields and heavy artillery for fighting a vastly inferior, underfunded, rural counterrevolutionary movement.

While the Congress is quibbling over giving $21 million per year to assist the freedom fighters in Nicaragua. The U.S.S.R. is providing a generous $10 million per day to Cuba. The Soviet Union, the Warsaw Pact Allies, and Cuba have made different arms deliveries to the Sandinistas to equip their vast army. There is a 2,500-3,500 man Cuban military advisory force in Nicaragua, as well as a Cuban civilian force that has had military training.

There are several myths that I would like to dispense with with regard to Nicaragua. First, that our Govenment has refused to pursue diplomatic means of resolving the conflict there. To the contrary, the previous administration exhausted all diplomatic channels. It was the Carter administration, after exhaustive and futile negotiations, that finally realized that our $100 million in aid over 2 years—much more than Somoza ever received—and other manifestations of goodwill were having absolutely no effect on the Sandinistas. They pursued, from the start, a policy of totalitarianism and a strengthened alliance with the Soviet Union and Cuba. In fact, the core leadership of the Sandinistas were trained in Cuba.

It was the Carter administration that finally recognized the Marxist-Leninist bent of the Sandinistas, and terminated the aid, while at the same time, reinstating aid to the El Salvador Government, to fight the subversion and terrorism being exported by its Marxist neighbors.

Second, the myth still persists that the Sandinistas are supported by the people. The origninal revolution received the overwhelming support of the people. But, the Nicaraguan populace never wanted a totalitarian regime. The popular revolution was hijacked by the Marxist-Leninist elements, and the Sandinista government is now hated and feared by the people of Nicaragua. A poll conducted in August 1981 revealed that over 70 percent of the Nicaraguans want free elections, and a Christian education for their children, while only 8 percent believe a Marxist education should be taught in their schools. This poll was to be published in La Prensa, the only remaining independent newspaper, but the Sandinistas censored it.

As for the myth that the Sandinista regime is not Marxist-Leninist, that is wishful thinking at best. The Sandinistas have openly avowed their allegiance to the tenets of Marx and Lenin. Borge, the Nicaraguan Interior Minister in an American magazine interview, was asked to respond to President Reagan's assertion that if America did not watch out, the dominoes in Central America would fall—Honduras, Guatemala, Costa Rica, and then Mexico. Borge's response: "That is one historical prophecy of Ronald Reagan's that is absolutely true." In one billboard above a cathedral in Managua, the Sandinistas have plastered a sign reading "Lenin and Marx: Giants of Proletarian Thought." Clearly, this is no Tito regime in Nicaragua.

Last, I'd like to touch on the appalling human rights record in Nicaragua, which was the subject of a hearing on May 25, attended by Senators KENNEDY, DURENBERGER, and KASSEBAUM.

The testimony from the representative of the Permanent Human Rights Commission of Nicaragua was particularly compelling. The Commission has reported objectively about the abuses under both the Somoza and the present day Sandinista regime. The Commission, however, is hindered in its efforts by the Sandinistas, who at one point, forced the shutdown of the Commission because it was accused of destabilizing the revolution. Following my statement, I will submit to the RECORD a copy of a letter from the Permanent Human Rights Commission of Nicaragua which details the abuses of the Sandinista rulers.

It is my belief that our aid to the freedom fighters in Nicaragua serves both humanitarian purposes as well as our national security interests and those of our neighbors to the south. I urge my colleagues to support this tabling motion, which once again, urges the President to support the efforts of the Catholic Bishops to institute a dialog of national reconcilation within Nicaragua. This dialog will include the many groups that supported the Bishops' appeal to the government, the trade unions, the media, the professional societies, the opposition parties, and the armed forces opposing the Sandinistas. The problem in Nicaragua is an internal struggle, and until the Sandinistas deal with the source of this struggle and begin to honor their commitments of 1979, there can be no peace in Nicaragua. We must serve notice to the Sandinistas that the U.S. Government and other OAS members have the right and moral obligation to insist that the Sandinistas fulfill those commitments upon which their assumption of power was based. To not

support the Contras would be the wrong thing to do at this time.

Mr. SPECTER. Mr. President, I am voting to table the Kennedy amendment because the appropriate time to consider the issue of authorization or appropriations for covert aid is on the intelligence authorization bill or foreign operations appropriations bill. I opposed covert aid to overthrow the Nicaraguan Government and covert aid to mine the Nicaraguan harbor and will continue to do so when the relevant issue is presented.

[The following proceedings occurred after midnight:]

Mr. BIDEN. Mr. President, our votes over the last several months regarding CIA funding for paramilitary operations against Nicaragua have posed unusually difficult choices for the Members of this body.

First, we find ourselves in the unprecedented position of publicly debating and voting on a CIA covert action. This occurred because public disclosures of information about this paramilitary program, have left little about it secret. Nevertheless, because we do not want to appear to be declaring war on Nicaragua to embarrass other countries we persist in calling this operation a covert action.

I can appreciate some of the reasons for persisting in calling this covert action secret. Further, I do not mean to suggest that all covert actions should be debated publicly. I believe that, if used sparingly and wisely, secret covert action can be an essential element of our foreign policy and that our system of congressional oversight can provide adequate, representative checks on them.

On the other hand, these reasons for keeping the program formally secret come perilously close to being outweighed by the severe constraints which this continued security classification places on our debate.

From my own experience as a member of the Intelligence Committee, there have been discussions of this covert action which we have had in the Intelligence Committee which are not really classified in the sense of containing information whose disclosure could be expected to cause identifiable damage to our national security. In spite of this, under the provisions of Senate Resolution 400 which created the Intelligence Committee and under the committee's rules of procedure, we are technically proscribed from recounting such debates or the various proposals which we have discussed. In this way, there are impediments to our full public airing of this matter, that are of dubious appropriateness in the current case.

But there is an even greater source of difficulty affecting our decision and that is that there exists strong arguments for and strong arguments against both sides of the issue of whether we should vote to terminate this paramilitary program.

Over the last 3 years, as a member of the Intelligence Committee, I have scrutinized the intelligence information about Nicaraguan support for insurgencies in Central America, particularly in El Salvador. Over those 3 years, I have been critical of the uses to which much of this intelligence information has been put. The Reagan administration has made sweeping claims about the Nicaraguan supply of arms to the FMLN in El Salvador. We have heard, for example, administration officials say things like "the arms flow has doubled" even though we never knew the exact amounts to begin with. Recently, leaks from unnamed administration officials referred ominously to a fall 1984 or a tet offensive. Similarly, there has been a range of assertions about the degree to which Nicaraguan, Cuban, and Soviet Government officials are involved in directing the Salvadoran guerrilla movement. At times, mere bits or pieces or shreds of intelligence information have been all there was to back up vast claims by the President and his administration about the origin and nature of insurgencies in Central America.

Moreover, the intelligence process itself became highly politicized at times. U.S. intelligence collection and analysis resources were forced single-mindedly on the job of finding proof for the administration's ideological preconceptions or discovering the so-called "smoking gun" of high level Nicaraguan and Cuban involvement. We would be much better served if the intelligence community were, instead, directed to illuminate, dispassionately, the military, political, economic and social state of affairs in Central America.

On the basis of my review of this intelligence, I am, in fact, convinced of the accuracy of many of the administration's statements about intelligence information.

I will attest that the accumulation of intelligence information does show that Nicaragua is deeply involved in providing arms, command and control support, and safe haven to Salvadoran guerrilla groups.

As a result, I think that paramilitary operations against Nicaragua are, in some respects, an appropriate response to that country's interference in the internal affairs of other countries. This sort of interference should not be rewarded by a congressional declaration that, henceforth, Nicaragua is out of bounds from the point of view of U.S. intelligence operations.

Whether or not we are wildy enthusiastic about the prospects for reform, stability, and justice in El Salvador, it is our national policy, one that has been duly chosen by the Congress and executive branch, to support the Government of El Salvador and nurture its democratic processes. Consequently, I really don't see why we should stand idly by while Nicaragua sends arms into El Salvador and helps direct violent attacks inside that country. This consideration then is one which argues in favor of continuing U.S. support to paramilitary operations.

Another consideration arguing in favor of continued support is that the Sandinistas no doubt find these attacks extremely draining and costly. The Sandinistas probably have found the prospects of ending such attacks an incentive for reaching an accommodation with other countries in the region, and participating in the Contadora process. Further, the existence of a significant armed internal opposition might encourage the Sandinistas to return to the ideals of their revolution and hold truly free and open elections this November.

Unfortunately, relentless paramilitary pressure on the Sandinistas might equally well force them only to continue their military buildup and to extend their March 1981 state of emergency that serves only to camouflage repressive, governmental practices.

In short, there are a number of reasons supporting the proposition that we should continue CIA assistance to paramilitary operations against Nicaragua. There are also a number of reasons supporting the proposition that we should end such assistance. The difficulty of our decision lies in the fact that there are powerful reasons supporting both positions.

However, Mr. President, we must remember that we are not weighing the pros and cons of this CIA covert action in the abstract. We must evaluate it in terms of its actual history and implementation. We must evaluate it in terms of the way this administration has represented it to the Congress and to the American people. Finally, we must evaluate it in terms of its results.

Mr. President, when I look at this covert action in this concrete context, the choices which we face become significantly clearer. When I examine this paramilitary operation in terms of its history, its appearance to the world, and its results, I reach the conclusion that as currently implemented, U.S. aid to Contra activities in Nicaragua should stop.

Although, as I have indicated, there are desirable objectives which these paramilitary operations might bring, the record shows that the operations are simply not well enough under control to merit continued U.S. support. The Contras have conducted in Nicaragua a pattern of attacks on civilian targets, such as farms, food storage facilities, towns, and harbors which bear no clear causal relationship to the legitimate aim which one can have for

such attacks—which is that Nicaragua ends its support for insurgencies.

Between the FDN, Misura, and ARDE, there are an estimated 10,000–15,000 armed Contras fighting against Nicaragua. In one sense, these numbers are relatively small and pose no immediate threat to overthrow the Government of Nicaragua. The Sandinista have over 125,000 men under arms. They have helicopters, tanks, armored personnel carriers and, soon, possibly jet fighters provided by the Soviet Union.

In another sense, though, the fact that the number of Contras has grown so rapidly from the 3,000–5,000 estimated 18 months ago and is larger than the estimated 8,000–10,000 insurgents active in El Salvador show, the extent of dissatisfaction within Nicaragua against the Sandinista regime.

Nevertheless, before we arm, and, in some cases, direct paramilitary forces of 15,000 men, we had better be very sure we have some means of control over the conduct of those paramilitary operations. Otherwise, we are left with a shotgun when we need a scalpel and, even worse, a shotgun when there are innocent bystanders.

The record of this paramilitary operation—including the September aerial bombing of Managua airport and attacks on innocent civilian targets—shows that we have inadequate control over the conduct of these Contra forces.

In other instances, such as the mining of the ports of El Bluff, Puerto Sandino, and Corinto by the so-called unilaterally controlled Latino assets, we find that the level of U.S. involvement is too close for comfort an almost involves U.S. personnel in acts of war. For no other reason, if a paramilitary plan is a sort for which it is virtually impossible to draw a line between too much U.S. direct control and too little direct control, then I think, as in this case, the suitability of that paramilitary operation is doubtful.

In addition to the administration's politicizing of intelligence information, there have been other events which make this program the biggest black spot on the record of executive compliance with statutory and other obligations under congressional oversight of U.S. intelligence activities. The attempt, last March, to end run the intelligence authorization committees when the administration requested a $21 million supplemental for the Nicaraguan program is symptomatic. So was the failure to notify us about the mining of Nicaraguan ports.

Finally, the inflammatory, rhetoric-charged way in which the administration has presented this program to the Congress, the American public, and our allies raises doubts about the administration's judgment. Frankly, if its rhetoric had been less, the administration would have done itself a great service in terms of retaining congressional support for the substance of this program. If the administration had only appeared to be more vigilant about the possibilities for violence against and abuse of innocent civilians in both El Salvador and Nicaragua, there would be far less cynicism about its intentions and its discretionary use of force.

As it is now, the administration's management of this has embarrassed the United States. It has shed doubt on this country's judgment in regard to the use of violence.

As with all covert actions, the United States should have a clear, distinct, and verifiable objective in its support for Contra operations. The cessation of Nicaraguan support to insurgencies in Central America is such an objective.

In contrast, the administration's vague statements of objectives including the requirement for the Sandinistas to alter their internal political processes provides no clear and distinct terminus to this covert action.

On April 4, President Reagan wrote to the majority leader saying, "We are trying, among other things to bring the Sandinistas into meaningful negotiations and constructive, verifiable agreements with their neighbors on peace in the region." Apart from the rather troubling expression, "among other things," I find this statement of objectives by the President to be far too vague, for what are we to understand by "verifiable agreements"? The Sandinistas have already made several conciliatory steps—such as subscribing to the Contadora 21-point plan and offering amnesty to dissident forces, only to have them dismissed out of hand by the administration.

Furthermore, it is essential that the Contras themselves, who are risking their necks in combat inside Nicaragua and who are, in one sense, our allies, have an absolutely unambiguous understanding of the point at which U.S. support for them will stop. If we have a clear statement of goals, the termination of Nicaraguan interference in the affairs of other countries, then they will have no grounds to cry "betrayal" if the United States pulls out at some time before the Contras achieve that for which they are fighting.

Further, a guiding principle for the conduct of paramilitary attacks must be that the paramilitary operations that we fund should meet certain standards of relevance and proportionality to our objective. A clear and legitimate goal for us is that Nicaragua stop supporting insurgencies in Cental America. The paramilitary operation we sponsor should, in application of this principle, bear some direct and casual relationship to our goal of getting the Sandinistas to cut out their support for insurgencies.

One can argue that attacks on civilian or joint economic-military targets might also, by demoralizing or terrorizing the civilian populace or destroying the economic prerequisites of a war-fighting capability, make the Sandinistas look inward. No doubt, they might have this effect. But this clumsy approach is a dangerous and irresponsible use of the covert action instrument. It is necessary to attach standards to the actual conduct of these paramilitary operations which prohibit attacks on civilian targets. They should be limited first to attacks on the insurgency supply infrastructure inside Nicaragua. Second, they should be limited to attacks on military targets as a means of raising the cost to the Sandinistas for interfering in the internal affairs of other countries.

Covert action is a valuable but highly complex instrument of American foreign policy. To the extent that we can define clear and achievable objectives for CIA's covert actions, we have made an important contribution to their design, implementation, and success.

I believe that open-ended support for the Contras causes us to pay higher costs than the limited benefits we are likely to get out of this program are worth. If it is the case that we cannot exert influence over the conduct of the Contras' military operations or over the targets they select, then, unfortunately, this paramilitary program is simply not an appropriate means for us to use for achieving the legitimate but limited objective of inducing the Sandinistas to stop interfering in the internal affairs of other countries.

In the absence of a clear and limited objective to this program, and in the absence of standards of conduct for Contras activities that prohibit attacks on civilian and economic targets, I cannot vote for its continuation. Therefore, I join with Senators KENNEDY and BINGAMAN in voting for its termination.

Mr. President, let me just make a couple points, if I may.

First of all, I did not realize this was a religious issue. I hope I will be forgiven.

I am having a problem here tonight. Beside being on the losing side of two important issues, assuming this one goes down, we have some awfully soft thinking around here, not soft in terms of being soft and tough in foreign policy, but soft in terms of careless thinking.

I thought what we were debating here and what the issue has been in our Intelligence Committee on which I serve and on the floor here was whether or not the President means what he

says about the limits which he has placed on the covert aid in terms of its objectives.

I have heard three very brilliant speeches here tonight about overthrowing the Sandinistas, and I say good, have at it, fellows, let us have at it.

The Senator from Oklahoma talked brilliantly about the Sandinistas and about what is at stake, and the Senator from Louisiana made one of the more impassioned speeches I ever heard him make, and I say that sincerely. I know he means it from this heart. And he talked about the betrayal, and I heard about the Catholic revolution that was somehow overthrown here, and I say, "look, let us level with the American people. If we want to overthrow the Sandinistas, let us say so and let us do it. Let us not pussyfoot around."

But why go through this charade of telling the press, telling the American people, that the aid to the Contras is designed only to disrupt the arms flow and the reason we are doing this is that because, for example, the tonnage of arms flow has doubled—we do not know what the tonnage was in the first place.

The heck with all of that. What you guys are talking about is overthrowing the government. If that is our objective let us get about the business of overthrowing the government, but let us not kid ourselves.

I am being very serious. I am not joking.

My friends in the Intelligence Committee have had to hear me say this time and again. Let us not go through the charade of saying there is a Presidential finding designed for one purpose which is to ultimately disrupt the arms flow and to modify the regime as an ancillary purpose.

Where I come from in Wilmington, DE, that means we want them out. We want to overthrow the Sandinistas.

So why do we make fools of ourselves here standing up making speeches about the Sandinistas and what they are doing to betray the revolution and how collars have been turned around backward and how we were duped on this issue. These matters are not supposed to be relevant to what our objective is purported to be.

So since my time is almost up, I would suggest to you, let us get tougher in our thinking. I do not quite understand who else is going to deal with this issue. Let us stop kidding the American people.

Are we in there to overthrow a government? And if we are, let us do it up front. I will debate that issue with you, and I may very well be with you, but do not have me on the Intelligence Committee stand before those press people and have to say I cannot comment, that is classified, what we are doing down there. But I can assure you it is not to overthrow the government of another country.

That is a baldfaced—how should I say this. It is not true.

Mr. TOWER. Mr. President, I renew my motion to table the amendment in the first degree of the Senator from Massachusetts, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. EVANS). 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 Texas to lay on the table the amendment of the Senator from Massachusetts.

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. CRANSTON. I announce that the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], and the Senator from Rhode Island [Mr. PELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

(During the vote, the chair was occupied by the Vice President.)

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

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—58

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hatch	Packwood
Boren	Hawkins	Quayle
Boschwitz	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Simpson
Cochran	Helms	Specter
D'Amato	Hollings	Stennis
Danforth	Humphrey	Stevens
DeConcini	Jepsen	Symms
Denton	Johnston	Thurmond
Dixon	Kasten	Tower
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
East	Mathias	Wilson
Evans	Mattingly	
Garn	McClure	

NAYS—38

Baucus	Glenn	Moynihan
Bentsen	Hatfield	Pressler
Biden	Huddleston	Proxmire
Bingaman	Inouye	Pryor
Bradley	Kassebaum	Randolph
Bumpers	Kennedy	Riegle
Burdick	Lautenberg	Sarbanes
Byrd	Leahy	Sasser
Cohen	Levin	Stafford
Cranston	Matsunaga	Tsongas
Dodd	Melcher	Weicker
Eagleton	Metzenbaum	Zorinsky
Ford	Mitchell	

NOT VOTING—4

Exon	Pell
Hart	Percy

So the motion to lay on the table amendment No. 3240 was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion to 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.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I inquire of the distinguished chairman of the committee, and the manager on this side—and I think I know the answer to the question I am about to put—whether or not in his judgment it would be possible or feasible to try to finish this bill yet this evening.

Mr. TOWER. Mr. President, I have to reluctantly respond to the distinguished majority leader in the negative.

Mr. BAKER. Mr. President, I assume that. Indeed, I had an opportunity to consult with the manager on this side a few moments ago, and he showed me an overwhelming list of amendments yet to be disposed of. I surmise from that, that we cannot finish. The manager, as I believe both managers are probably of the same mind, feel that we need to drive very hard to try to finish this bill tomorrow night.

If that is the case, I think it unlikely that we would spend much more time on this bill tonight in deference to the fact that we are going to have to be in much later tomorrow night.

Would the manager agree with that?

Mr. TOWER. I would agree with the distinguished majority leader.

May I say, if there are some Members that have amendments that can be disposed of by voice vote, I would be glad to stay here with them as long as we could get those up and get them out of the way.

We have about 40 amendments left, only about 10 of which are really controversial, and only about 5 of those of which are critically controversial, I would say. A lot of these are relatively minor amendments that can be disposed of pretty quickly.

If the majority leader would like, I would identify some that I think I will precipitate some of the debate and votes.

Mr. President, I am not reading all of the amendments that we have identified as amendments that are going to be offered. These are just the ones that I expect the most controversy over, and that are virtually certain to have record votes.

The Stafford amendment to delete the DOD independent school provision;

The Mathias amendment to prohibit deployment of nuclear sea-launched cruise missiles. However, I might note that there is an amendment being prepared to compromise that one. So it is possible it can be disposed of without a vote;

The Bumpers amendment on SALT II extending U.S commitment to abide by the SALT II agreement that we of course expect to be very controversial, and have considerable debate;

The Kennedy-Mathias amendment stating that sense-of-Congress language calling on the President to submit the Threshold Test Ban Treaty, and the Comprehensive Test Ban Treaty to the Senate for ratification;

The two Specter amendments;

A Nunn amendment which would put a cap on troop strengths in fiscal year 1985, and that would provide for troop withdrawals from Europe based on certain criteria that he has established.

Mr. NUNN. Mr. President, would the Senator let me amend that so we get a little more favorable summary? I prefer it be called the Nunn amendment for NATO conventional improvements that will require no troop withdrawal provided our allies do their proportionate share.

Mr. TOWER. A Specter amendment expressing the sense of the Senate urging the President to a summit on nuclear arms;

A Hollings amendment on contracting out, and we expect another amendment to reduce funding for special defense initiatives.

We have not identified who is going to offer that, though we have been assured it will offered. If the offerer could identify himself——

Mr. NUNN. Mr. President, I will say to the chairman I may very well offer that. It will not require a long debate. We have debated it. The vote was very close. There were a good many absentees. I would think we would have a brief debate and go to a vote.

Mr. TOWER. Then the Matsunaga amendment on the Peace Academy; another amendment on the MIRV-SALT II limitations. That completes the list of what I believe to be controversial.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I thank the chairman and the ranking Member. It is clear to me, based on this information, that we cannot finish tonight. Therefore, I wish to announce there will be no more recorded votes tonight.

Mr. FORD. Mr. President, will the Senator yield for a question? Is there a chance that we can begin working during the days and not as much at night? We seem to be mixed up.

Mr. BAKER. I would do almost anything on Earth to get our days and nights straightened out. I have a grandson who is 2 years old, and he has his days and nights mixed up. He stays up all night and sleeps all day. I would not hope the Senate would follow his example.

I will confess to my friend I have tried everything I know how, including sending the Sergeant at Arms on mythical missions to instruct Senators to come, including when we have votes on amendments agreed to, of 91 to zip, but I have not made an impression.

I would encourage Senators to listen to what the Senator from Kentucky has to say and to come here in the daytime and try to dispose of our work instead of waiting to do it all at night. I guess I am preaching to the wind, but I thank my friend from Kentucky for saying that because once again I am confronted with the wet noodle phenomenon and I have not been able to push it.

Mr. TOWER. If the majority leader will yield, we have discussed that several times throughout today, the fact that we cannot get people over here to debate during the daytime. All of a sudden, about 8 o'clock at night, things liven up around here and we have rather spirited debate.

I would suggest that henceforth, rather than convene the Senate at noon, we ought to convene at 8 o'clock at night and go out 8 o'clock the next morning. We might get more done.

Mr. BAKER. My friend from Texas will remember, as my friend the minority leader, that years back it was not uncommon for the Senate to convene at 4 or 6 in the afternoon and to work very hard for a relatively brief period of time. I do not intend to do that because I am afraid that if we convene at 6 o'clock in the evening, it will be midnight before we get started.

The Senator spoke of spirited meetings. Maybe we ought to—no, I do not think I will say that.

Mr. President, I thank the Senator.

Mr. TOWER. Mr. President, I think the point should be made that we simply must stay around the clock tomorrow to finish this bill because we have to get it to conference and we have to complete the conference report.

Mr. BAKER. I agree with the Senator.

Mr. President, I thank both managers for their information.

Mr. TOWER, Mr. President, if there are some Senators who have amendments that can be disposed of by voice vote, we will be glad to take those up.

Mr. McCLURE. Mr. Chairman, I wish to raise an issue which is of great concern to me, for purposes of clarification. My question relates to the new production reactor. Mr. Chairman, is it your understanding that the Senate has given ample direction to the Department of Energy to begin an environmental impact study [EIS] on the recommended sites and reactor concepts for the new production reactor?

Mr. TOWER. Yes; that is precisely my understanding.

Mr. McCLURE. Is anything further needed in order for DOE to proceed with the EIS activities?

Mr. TOWER. No. DOE has already notified the House and Senate Armed Services Committees of the Department's plans to proceed, by a letter dated May 17, 1984, and nothing further is needed. I ask that the letter dated September 6, 1983, from the Senate Committee on Armed Services to the Energy Department, and the letter dated May 17, 1984, from the Energy Department to the affected committees, be printed in the RECORD at this point.

The letters follow:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 6, 1983.

Hon. DONALD PAUL HODEL,
Secretary of Energy, Department of Energy, Washington, DC.

DEAR MR. SECRETARY: Receipt is acknowledged of your letter dated August 16, 1983, advising the Senate Committee on Armed Services, as required by Section 212 of P.L. 97-90, of your intention to proceed with an Environmental Impact Statement (EIS) for a New Production Reactor.

The Committee has no objection to your proceeding with such an EIS provided that such EIS considers the environmental consequences of constructing a new production reactor at each of the three major nuclear facilities sites (i.e., the Savannah River Plant, Aiken, South Carolina; the Richland Plant, Hanford, Washington; and the Idaho Falls site, Idaho Falls, Idaho). The Committee cannot agree to the exclusion of any of these sites as a potential new reactor site until economic and environmental studies have been completed. Similarly, the Committee feels that the environmental consequences of at least two types of reactors should be examined before selecting the preferred reactor type and location.

As the Committee has stated in the past, the construction of a new production reactor is supported, and the Department is urged to act with dispatch on these preliminary studies.

Sincerely,

JOHN TOWER,
Chairman.

THE SECRETARY OF ENERGY,
Washington, DC, May 17, 1984.

Hon. SAMUEL S. STRATTON,
Chairman, Subcommittee on Procurement and Military Nuclear Systems, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to inform you of the status of the Department of Energy's (DOE) studies for the New Production Reactor (NPR) and to request your continued support for our planned activities on this very important project. As indicated previously in my August 16, 1983, letter to Mr. Price, an NPR will be needed to provide long term assurance of an adequate and reliable supply of tritium and other nuclear materials for maintaining the effectiveness of the nuclear weapons in our stockpile. Studies and related activities have been initiated with the objective of compiling data

and performing analyses for selection in mid-1985 of both a reactor concept and a site for future construction to be recommended by DOE to the President. These studies are necessary in order that the NPR issue can be considered properly during the FY 1986 budget cycle.

At present, NPR tasks have been initiated in four principal areas: preparation of cost estimates which are reactor concept specific and site specific, development of safety studies, evaluation of required support facilities, and compilation of environmental data. Also, an NPR project office has been established at DOE Headquarters to manage the study activities, staffed principally with supporting personnel from each of the candidate sites. The NPR tasks have been initiated using primarily a combination of the operating contractors at the candidate sites, temporary technical working groups including other DOE contractor personnel, and the NPR project office staff.

Based on my August 9, 1983, guidance to the Assistant Secretary for Defense Programs and my September 1983 discussion with you, I requested that information be developed fully on alternative reactor concepts and sites. In accordance with the request and reflecting comments provided by the Senate Armed Services Committee in a September 6, 1983, letter, we are now evaluating three principal candidate sites: Idaho, Hanford, and Savannah River (ID, RL, and SR). Additionally, on March 15, 1984, Senator Baker requested that the Clinch River Breeder Reactor site be considered and the information available on that site is being reviewed. Three candidate reactor concepts are also being evaluated: heavy water reactor, light water reactor, and high temperature gas-cooled reactor.

Additionally, in accordance with comments provided in Mr. Price's September 13, 1983, letter on the NPR, the environmental impact statement (EIS) has not yet been initiated. There have been subsequent discussions between our staffs and testimony before your committee on February 29, 1984, in which additional information was conveyed on the advantages that preparation of the EIS would provide to us in this decision process and the need to initiate the EIS preparation promptly. As indicated in these discussions, preparation of the EIS at this time offers: an orderly approach for considering the advantages and disadvantages associated with each NPR concept/site alternative as well as the need date, the most efficient mechanism for obtaining public involvement in the decision process, and the best means for reducing the risk of any potential future project delays stemming from requirements of the National Environmental Policy Act process. The EIS is also one of the principal items needed to enable us to respond to your request to provide a reactor concept, site and cost estimate proposal for congressional consideration. Accordingly, we are now proposing to initiate the EIS for the NPR.

With regard to the need date for the NPR, additional studies are currently ongoing aimed at extending the useful lifetimes of the existing Savannah River reactors and the Richland N Reactor and reducing the uncertainty concerning when we can no longer depend on these reactors. These studies address the design features and operating requirements which could be expected to limit reactor lifetime and the types of renovations and equipment modifications which would be required for these reactors to continue to operate reliably for as long as feasible. No specific design feature has been identified as yet which would end the useful life of the Savannah River reactors. However, they will be more than 40 years old by the time an NPR could be completed and there is an increasing risk that the operational reliability of these aging facilities will be inadequate by that time. The Richland N Reactor is expected to reach the end of its useful life by the time an NPR could be completed unless extensive and very costly renovations are undertaken to accommodate the fundamental design problem of irradiation-induced swelling of the graphite moderator and the effects of irradiation induced degradation of the mechanical properties of the pressure tubes. The feasibility of such renovations on this large scale has not been demonstrated.

Although it previously has been possible to perform most of the NPR work using a combination of operating contractors at the candidate sites, temporary technical working groups, and special committees, we have reached the point where substantial additional support and expertise is required. We propose to proceed promptly to contract for these services. Specialized support is required for assembling cost data and preparing the necessary reactor concept specific and site specific cost estimates to permit comparison of the alternatives on a uniform basis. Also, specialized additional support is required for compiling environmental impact data to permit comparison of the candidate sites on a uniform basis, performing safety analyses including risk assessments, and preparing environmental documentation, such as the EIS.

The estimated cost for these NPR activities totals approximately $22.5M during FY 1984 and 1985. When the FY 1984 budget was submitted to the Congress, we did not have a firm DOE plan covering the studies necessary for recommending a reactor concept and site to the President in mid-FY 1985. Accordingly, we had initially estimated that only $5M would be needed for NPR activities in FY 1984. In the planned FY 1984 House Authorization Bill, only $2M was to be recommended. With the plan for NPR studies now firm and initial activities underway, we are able to estimate that $17.5M of the $22.5M total will be required in FY 1984 to proceed efficiently for a mid-1985 reactor concept and site recommendation. The balance of approximately $5M would be required early in FY 1985.

The funding for NPR activities is contained in our supporting services budget account, and we will need to reassign funds and delay up to $12.5M of lower priority work to accommodate the increased NPR work. Among the items we expect to delay are the purchase of spare equipment and materials for the FAST (Fluorinel) project at ID, design studies for retubing the steam boilers for the N Reactor at RL, and work in support of restoration projects at SR. We consider the NPR activities very high priority, and we propose to accept the impacts on these other parts of the nuclear materials production program to support the NPR studies.

Thank you for your continued strong support of DOE's defense programs which serve such a vital function in helping to meet our national security needs. Please advise me if you have any questions or concerns about any aspect of these proposed NPR activities.

Sincerely,

DONALD PAUL HODEL.

Mr. McCLURE. Mr. President, I wish to address several questions to the distinguished chairman of the Budget Committee, Mr. DOMENICI, regarding the effect of section 1014 of S. 2723. That provision would earmark 30 percent of the receipts from the naval petroleum reserve in fiscal year 1985 to be credited to the national defense stockpile transaction fund under function 050. The effect of this provision is to transfer the credit for these receipts from the energy function (270) to the defense function (050).

I believe that this represents a difference from the earlier assumption of the Budget Committee for the purpose of the first budget resolution for fiscal year 1985. Am I correct?

Mr. DOMENICI. The Senator from Idaho is correct. The assumption for the purpose of the first budget resolution is that these receipts are credited against the energy function.

Mr. McCLURE. My next question is this. Under existing law, these naval petroleum reserve receipts are returned to the Treasury and serve, therefore, to lower the budget spending totals. It is my assumption that the intent of section 1014 is to make 30 percent of these receipts available to the national defense stockpile transaction fund so that they may be used, as prescribed by law, for the purposes of that fund. If that assumption is correct and all other elements of the budget occur as envisaged in the first budget resolution for fiscal year 1985, would the aggregate spending levels in the budget resolution be exceeded?

Mr. DOMENICI. On the basis of the assumptions stated, the Senator is correct. The aggregate spending levels contained in the first budget resolution, as passed by the Senate, would be exceeded by an amount equal to 30 percent of naval petroleum reserve receipts, which I understand to be about $295 million in fiscal year 1985.

Mr. McCLURE. Then here is my principal question. If section 1014 were enacted into law, would the spending overage cited by the Senator have to be absorbed by reducing appropriations for function 270 energy programs within the jurisdiction of the Appropriations Committee?

Mr. DOMENICI. The answer to the Senator's question is "No." Enactment of section 1040 would not cause the Budget Committee's section 302(a) "crosswalk" allocation to the Appropriations Committee under the first budget resolution to be changed in any way, and that allocation is the target for the appropriation bills handled by the Appropriations Committee. The Appropriations Committee could thus proceed with appropriations for energy programs in a manner consistent with the budget resolution.

The only way that appropriations could be affected—and this would apply to all appropriations, not just those for energy—is that after the

second budget resolution is operative in the fall, a point of order can be made under section 311 of the Budget Act against any legislation that would breach the budget spending totals.

OLYMPIC SITE AMENDMENT

Mr. WARNER. Mr. President, earlier today, the Senate voted on Senator BRADLEY's amendment regarding establishment of a permanent facility for the Olympic games. I wish the record to show that had I been here I would have voted for that resolution.

When that vote occurred, I was at Fort McNair addressing the Department of Defense National Security Forum for Women. This gathering of approximately 500 representatives of women's groups that focus on business, economic, political, ethnic, and social issues had, some time ago, asked me to speak to them regarding "Congressional Responsibility for the Defense Budget." The overall theme of their 2-day seminar is "the Defense Budget and National Security."

As my colleagues know, I do not take lightly my responsibilities in the Senate and have established a near-perfected attendance for votes. Today, when I was notified that the vote on Senator BRADLEY's amendment had begun, it was apparent that I would not be able to return in time.

Though I regret missing that vote, I do not regret the excellent interchange of ideas on many current defense issues that I enjoyed with this group. My audience was well informed and well prepared. Indeed, I was pleased to learn how closely many in the group were following our current debate. Our exchange was highly beneficial to me and, I hope, also to them.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. STEVENS. Mr. President, as in the morning business, I ask unanimous consent that when the Senate completes its business this morning, it reconvene at 11 a.m. this morning.

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

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS

Mr. STEVENS. Mr. President, following the time for the two leaders under the standing order, I ask unanimous consent that there be special orders for not to exceed 15 minutes for each of the following: Senator DOMENICI, Senator PROXMIRE, and Senator EAGLETON.

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

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, following the time for the special orders, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 12 noon, with statements limited therein to 5 minutes each.

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

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m.

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

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, following the conclusion of the period for the transaction of routine morning business, it is my assumption that the Senate will resume consideration of S. 2723, the bill which we are presently considering. That will be the pending business at that time.

The PRESIDING OFFICER. The Senator is correct.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

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

A TRIBUTE TO CHARLES COOK

Mr. BIDEN. Mr. President, some fine examples of courage and compassion will be on display on June 30 when the 29th Annual Blue Gold All Star Football Classic is played at the University of Delaware Stadium. The game is played each year to benefit the mentally retarded citizens of Delaware. The motto of the event is, "We play that they may learn," and seldom has such a worthy cause been aided by such fine young people as this year.

Charles Cook has been deaf since birth. Mr. President, learning is tough, at least at one time or another, for most kids who can hear. The struggle to learn for a deaf child is always difficult. Charles aggressively sought the education that comes more eagerly to his peers. He attended the Sterck School for the Hearing Impaired and successfully earned his high school diploma. But Charles wanted to do more than just learn what his peers were learning. He wanted to play football, just like any other high school kid could.

Charles has overcome his handicap in the classroom and on the football field as well. He played for the Glasgow High School football team for 4 years, and was selected to be on the gold team in the Blue Gold Classic. To make his high school team was quite an accomplishment; to make an all-star team is truly remarkable.

Charles has more than overcome his handicap—he has worked to help others. He participates in the Hand-to-Hand Program, and will be giving of himself by appearing in the Blue Gold Classic. His achievements give new meaning to the words of President Theodore Roosevelt:

> It is far better to dare mighty things and to enjoy your hour of triumph, even though it may be checkered occasionally by failure, than to take stock with those poor souls who neither enjoy much nor suffer much, because they live in a gray twilight that knows neither victory nor defeat.

Charles Cook will never live in that gray twilight.

Mr. President, I will not be able to root for or against either team, but I will be at the game, cheering for Charles Cook and all the other players, supporters, and organizers who make this great event possible. I applaud their generosity.

A TRIBUTE TO GENE BRECKENRIDGE

Mr. BIDEN. Mr. President, some fine examples of courage and compassion will be on display on June 30 when the 29th Annual Blue Gold All Star Football Classic is played at the University of Delaware Stadium. The game is played each year to benefit the mentally retarded citizens of Delaware. The motto of the event is, "We play that they may learn," and seldom has such a worthy cause been aided by such fine young people as this year.

It has been said that "the vocation of every man and woman is to serve other people." Gene Breckenridge gives new definition to those words.

Gene has been an interpreter for one of the participants in the game, Charles Cook, who has been deaf since birth. Charles was able to make it to this game in large part because of the help of Gene.

Gene has gone far beyond the call to help Charles reach his full potential. He has gone with Charles to the practices, the games, the team meetings, the banquets, and the other functions that make up a young student athlete's life.

Gene has put his time and talent to use in a way that helped someone else make the most of his life. In doing so, he has made the most out of his. He must feel great satisfaction in seeing Charles play football, particularly in an all-star game, and particularly for so good a cause. That satisfaction is richly deserved.

Mr. President, I will not be able to root for or against either team, but I will be at the game, cheering for Gene Breckenridge and all the other supporters and for the organizers who make this great event possible. I applaud their generosity.

A TRIBUTE TO JIM QUILL

Mr. BIDEN. Mr. President, some fine examples of courage and compas-

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sion will be on display on June 30 when the 29th Annual Blue Gold All Star Football Classic is played at the University of Delaware Stadium. The game is played each year to benefit the mentally retarded citizens of Delaware. The motto of the event is, "We play that they may learn," and seldom has such a worthy cause been aided by such fine young people as this year.

Last fall, during the football season, Jim Quill, a guard and linebacker for the St. Mark's High School Spartans, learned that he had lymphatic cancer. He spent much of last fall and winter in New York City at the Sloane-Kettering Cancer Center. Initial prognoses were not very favorable, but Jim did not give up. Responding to the challenge, Jim underwent chemotherapy in an attempt to slow down the disease, and anyone who has ever had a loved one go through that form of treatment knows how exhausting and debilitating it can be. Still, Jim worked hard to keep himself in the best physical shape he could.

Jim's chances of beating his disease have risen to 80 percent, according to his doctors. The time and effort he spent keeping his body in good shape during his convalescence has paid off—he is in good enough condition to play in the Blue Gold Classic.

It has been said that "perfect courage is to do unwitnessed what we should be capable of doing before all the world." The determination shown by Jim in fighting his illness is an example of such courage. By appearing in the classic, Jim is showing that he is concerned for others, despite his own immense difficulties. I am moved by his achievements, and by his attitude toward life.

Mr. President, I will not be able to root for or against either team, but I will be at the game, cheering for Jim Quill and all the other players, supporters, and organizers who make this great event possible. I applaud their generosity.

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 sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on June 15, 1984, he had approved and signed the following joint resolutions:

S.J. Res. 285. Joint resolution to designate June 13, 1984, as "Harmon Killebrew Day."

S.J. Res. 296. Joint resolution to designate June 14, 1984 as "Baltic Freedom Day."

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. 410. Resolution to designate the week of October 14, 1984 through October 20, 1984, as "National Honey Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 905

At the request of Mr. EAGLETON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 1578

At the request of Mr. THURMOND, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1578, a bill to clarify the application of the Federal antitrust laws to local governments.

S. 1615

At the request of Mr. MATSUNAGA, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1615, a bill to amend title XVIII of the Social Security Act to authorize payment for occupational therapy services under part B of the medicare program.

S. 1816

At the request of Mr. THURMOND, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939, to improve the labeling of textile fiber and wool products.

S. 1841

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2190

At the request of Mr. HUDDLESTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 2190, a bill to amend the Agriculture and Food Act of 1981 to provide protection for agricultural purchasers of farm products.

S. 2266

At the request of Mr. SIMPSON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2353

At the request of Mr. GRASSLEY, the names of the Senator from Illinois [Mr. PERCY], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 2353, a bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction.

S. 2436

At the request of Mr. GOLDWATER, the name of the Senator from Rhode Island [Mr. Pell] was added as a cosponsor of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2470

At the request of Mr. DENTON, the name of the Senator from Iowa [Mr. JEPSEN] was added as a cosponsor of S. 2470, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 2488

At the request of Mr. BURDICK, the name of the senator from Kentucky [Mr. HUDDLESTON] was added as a cosponsor of S. 2488, a bill to terminate the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials.

S. 2600

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 2600, a bill to reduce tax rates in a manner that is fair to all taxpayers and to simplify the tax laws by eliminating most credits, deductions, and exclusions.

S. 2623

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2623, a bill to implement the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civilian Aviation, and for other purposes.

S. 2624

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2624, a bill to implement the International Convention Against the Taking of Hostages.

S. 2625

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S.

2625, a bill to permit the payment of rewards for information concerning terrorist acts.

S. 2626

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2626, a bill to prohibit the training, supporting, or inducing of terrorism, and for other purposes.

S. 2679

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 2679, a bill to amend title IV of the National Housing Act and the Federal Deposit Insurance Act with respect to brokered deposits.

S. 2719

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. RANDOLPH], the Senator from Utah [Mr. GARN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

S. 2735

At the request of Mr. NICKLES, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 2735, a bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes.

S. 2738

At the request of Mr. THURMOND, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 2738, a bill to provide State and local governments greater flexibility and self-determination in addressing how specific highway needs can best be met.

S. 2766

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. DIXON], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 2766, a bill to amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing ammunition.

SENATE JOINT RESOLUTION 5

At the request of Mr. THURMOND, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Iowa [Mr. JEPSEN] was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE CONCURRENT RESOLUTION 121

At the request of Mr. BOSCHWITZ, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Colorado [Mr. HART], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 121, a concurrent resolution expressing the sense of the Congress regarding the nondelivery in the Soviet Union of certain mail from the United States, and for other purposes.

At the request of Mr. JEPSEN, his name was added as a cosponsor of Senate Concurrent Resolution 121, supra.

SENATE RESOLUTION 410—DESIGNATING NATIONAL HONEY WEEK

Mr. CHILES submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 410

Whereas the farmers of this country produce greater quantities and a greater variety of food than any other country;

Whereas almost one-third of this total food production comes from plants which require or are benefited by insect pollination;

Whereas the honeybee is the most important pollinating insect and the only one that can be readily managed by man; and

Whereas most beekeepers must depend on the sale of honey to stay in business: Now, therefore, be it

Resolved, That the Senate joins with the American Beekeeping Federation in designating and promoting the week of October 14, 1984, through October 20, 1984, as "National Honey Week", and urges all citizens of the United States to recognize the contribution of the honeybee to our well-being.

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

PERCY AMENDMENT NO. 3228

(Ordered to lie on the table.)

Mr. PERCY submitted an amendment intended to be proposed by him to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

On page 128, between lines 12 and 13, insert the following new section:

REPORT BY THE SECRETARY OF THE ARMY ON BOILER PLANT CONSOLIDATION PROJECTS IN THE FIFTH CORPS, UNITED STATES ARMY, EUROPE

SEC. . (a) The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 1985, an interim report on the program for the installation of 21 United States manufactured boilers procured in 1982 for utilization as Government Furnished Equipment in boiler plant consolidation projects at installations of the Fifth Corps, United States Army, Europe. The report shall compare the performance, effectiveness, and cost of all such Government Furnished Equipment boilers installed at installations of the Fifth Corps United States Army, Europe, as of the reporting date with comparable foreign made boilers installed at all installations of the United States Army, Europe, during the same time period.

(b) Not later than six months after the installation of the last of the 21 Government Furnished Equipment boilers referred to in subsection (a), the Secretary of the Army shall submit a final report to the committees referred to in subsection (a) which compares the performance, effectiveness, and cost of the 21 Government Furnished Equipment boilers with comparable foreign Contractor Furnished Equipment boilers installed at all installations of the United States Army, Europe.

ROTH (AND OTHERS) AMENDMENT NO. 3229

Mr. ROTH (for himself, Mr. NUNN, and Mr. GLENN) proposed an amendment to the bill S. 2723, supra; as follows:

On page 27, after line 14, add the following:

POLICY ON ARMAMENTS COOPERATION WITH NATO MEMBER COUNTRIES

Not later than December 1, 1984, the Secretary of Defense shall prepare and transmit to the Congress a report setting forth a comprehensive plan by which the United States and NATO member countries may achieve the objectives of section 1122(b) of the Department of Defense Authorization Act, 1983.

NUNN AMENDMENT NO. 3230

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

IMPROVEMENTS TO NATO CONVENTIONAL CAPABILITY

SEC. . (a) The Congress finds that the North Atlantic Treaty Organization (NATO) should improve its conventional defense capability so as to lengthen the time period that Western Europe can be defended adequately by conventional forces with-

out the necessity of resorting to the early use of nuclear weapons in the event of a non-nuclear attack on any NATO member country. The Congress further finds that increasing defense spending, improving conventional sustainability, and providing support facilities in Western Europe for rapid reinforcements from the United States are crucial to accomplishing that objective.

(b) after September 30, 1985, none of the funds appropriated pursuant to an authorization contained in this or any subsequent Act may be sued to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level exceeding a permanent ceiling of 326,414.

(c) Beginning on December 31, 1987, and ending December 31, 1989, the permanent ceiling prescribed in subsection (b) shall be reduced effective December 31 each year by 30,000 unless, during the previous calendar year, member nations of NATO, other than the United States, have increased their defense spending by an aggregate average of at least 3 percent, after inflation, as measured in the annual report of the Secretary of Defense on the allied contribution to the common defense required by section 1001.

(d) The Secretary of Defense may waive the reduction required by subsection (c) for any calendar year if he certifies to Congress in writing that, during the previous calendar year, member nations of NATO (other than the United States) have accomplished the following objectives:

(1) Those member nations of NATO (other than the United States) who have committed forces to the Center Region have placed on firm order, or accepted delivery of, an increase in the supply of air and ground munitions so as to reduce, on an average, 20 percent of the gap between the goal, as established in NATO Ministerial Guidance, of 30 days supply and the level of such munitions available in the Center Region of NATO as of January 1, 1985.

(2) Member nations of NATO (other than the United States) have increased the number of minimum essential and emergency operating facilities and semihardened aircraft shelters in Western Europe so as to reduce, on an average, 20 percent of the gap between the number of such facilities and shelters available on January 1, 1985, and the number required by NATO Ministerial Guidance to support, under NATO/SHAPE standards, the annual commitment of United States reinforcing tactical aircraft in the previous year's Defense Planning Questionnaire (DPQ) Response. Such reduction in the gap must be accomplished by real increased spending and may not be met by reallocation within existing spending levels of infrastructure funds.

(3) The Supreme Allied Commander in Europe has certified to the Secretary of Defense in writing that in the previous calendar year the member nations of NATO (other than the United States) have undertaken significant measures to improve their conventional defense capacity which contributes to lengthening the time period between an armed conventional attack on any NATO country and the time the Supreme Allied Commander would have to request the release and use of nuclear weapons.

(e) If the Secretary of Defense is unable to certify to the Congress that member nations of NATO (other than the United States) have met all three objectives of subsection (d) in any calendar year, but is able to certify that some of those objectives have been met, the permanent ceiling prescribed in subsection (c) shall be reduced as follows:

(1) If the Secretary certifies to the Congress that one of the three objectives has been met, the permanent ceiling shall be reduced by 20,000.

(2) If the Secretary certifies that two of the three objectives have been met, the permanent ceiling shall be reduced by 10,000.

(f) Whenever a reduction in the permanent ceiling is required to be made under this section in any year, such reduction shall be in addition to any reduction in the ceiling required to be made under this section in any previous year.

(g)(1) Not later than March 1 in each of the calendar years 1985 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status, as of January 1 of the year in which the report is submitted, of the following matters:

(A) The number of days of supply of the ground and aerial munitions in hand or on order of the member nations of NATO (other than the United States) which have committed forces to the Center Region.

(B) The number of facilities and semihardened aircraft shelters completed or under construction as they relate to the United States commitment of reinforcing aircraft in the United States Defense Planning Questionnaire (DPQ) Response of the previous year.

(C) The measures taken to accomplish the objectives of subsection (d)(3).

(2) The March 1985 report shall establish the baseline for measuring the annual performance of member nations of NATO (other than the United States) in meeting the objectives established in subsections (d)(1) and (d)(2); the March 1986 report shall describe and employ, on a trial basis, the methodology to be used.

(3) The report required by this subsection shall also include an assessment as to whether the reduction of the gaps in:

(A) air and ground munitions was accomplished by reallocation of funds within existing or planned spending levels, and

(B) minimum essential and emergency operating facilities, and semi-hardened aircraft shelters were accomplished by real increased spending or by reallocation within existing spending levels of infrastructure funds.

(4)(A) Beginning with the fiscal year 1986 budget submission to the Congress, but not later than March 1, 1985, and annually thereafter, the Secretary of Defense shall report to the Congress on the status and cost of the United States commitment to NATO as reflected in the DPQ Response and in the defense budget request. The report shall be an annual update of the Department of Defense Report on "United States Expenditures in Support of NATO", first submitted to the Congress in June 1984 pursuant to section 1107 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 677), and shall include not only the information required by that section but also information which specifically identifies those items in the Secretary of Defense's procurement budget request that are in support of United States forces committed to or earmarked for NATO.

(B) In addition to the requirements under subparagraph (A), the Secretary of Defense shall include in such report an assessment of the performance of the members of NATO (other than the United States) in the following areas:

(i) Allied contributions to the common defense (this requirement is satisfied by submission of the report required by section 1001).

(ii) Improvement in sustainability and support for United States reinforcing tactical aircraft (this requirement is satisfied by submission of the report required by subsection (g)).

(iii) Meeting NATO force goals.

(iv) Increasing NATO infrastructure funding.

(v) Improvements in air base defenses.

(vi) Increasing trained manpower levels, particularly reserves.

(vii) Increasing war reserve material.

(viii) Improving initial defense capability.

(ix) Improving NATO's ability to neutralize enemy follow-on forces, particularly use of emerging technologies.

(x) Improvements in mine/counter mine capability.

(xi) Improvements in offensive counter air capability.

(h)(1) The Congress finds that a viable "two-way street" of defense procurement improves NATO interoperability and therefore is important to overall improvements in conventional defense.

(2) In addition to any funds appropriated pursuant to the authorization contained in section 116(a) for the activities of the Director of Test and Evaluation, Defense, the Director may utilize an additional amount, not to exceed $50,000,000, to acquire certain types of weapons, subsystems, and munitions of European NATO manufacture (including submunitions and dispensers; anti-tank and anti-armor guided missiles; mines; runway-cratering devices; torpedoes; mortar systems; light armored vehicles; and high-velocity anti-tank guns) for side-by-side testing with comparable United States manufactured items. Such additional amount shall be derived from any funds appropriated pursuant to an authorization contained in this Act.

(i)(1) This section shall not apply in the event of a declaration of war or an armed attack on any NATO member country.

(2) This section may be waived by the President if he declares an emergency and immediately informs the Congress of his action and the reasons therefor.

SYMMS AMENDMENT NO. 3231

Mr. SYMMS proposed an amendment to the bill S. 2723, supra; as follows:

Add at the end of the bill the following new section:

"SEC. . Resolved by the Senate of the United States of America in Congress assembled, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled 'A Joint Resolution Expressing the Determination of the United States with Respect to the Situation In Cuba,' passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697) as follows:".

SYMMS AMENDMENT NO. 3232

Mr. SYMMS proposed an amendment to amendment No. 3231 proposed by him (and others) to the bill S. 2723, supra; as follows:

Add at the end of the Symms amendment the following:

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety", and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and

Whereas the Foreign Ministers of the Organization of American States of Punta Del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union", and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."

BRADLEY (AND OTHERS) AMENDMENT NO. 3233

Mr. BRADLEY (for himself, Mr. SASSER, Mr. LAUTENBERG, Mr. GLENN, and Mr. RIEGLE) proposed an amendment to the bill S. 2723, supra; as follows:

Since the Olympic games, which were begun more than 2,000 years ago in Greece to foster peace and goodwill among the city states, have more and more frequently become an arena not for sport but for nations to further their own political goals;

Since it is the athletes who suffer when nations use the Olympic games for propaganda purposes;

Since when nations boycott the Olympics it deprives the participating athletes from pitting their strength, skill, and endurance against all of their competitors to determine the best in the world;

Since the participants in Olympic games form friendships that cross political and geographic borders and lead to better world understanding;

Since many millions of people across this Nation believe that the Olympic games should be insulated as much as possible from politics: Now, therefore, be it declared

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the International Olympic Committee should establish a permanent facility for the Olympic games on a site that is suitable for insulating the games from the unwarranted and disruptive international politics that have plagued the games in recent years.

SYMMS AMENDMENT NO. 3234

Mr. SYMMS proposed an amendment (as modified) to the bill S. 2723, supra, as follows:

Add at the end of the bill the following new section:

"SEC. . It is declared by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Government of the United States to continue in its relations with the Government of Cuba the policy set forth in the Joint Resolution entitled "A Joint Resolution Expressing the Determination of the United States with Respect to the Situation in Cuba," passed by the Senate on September 20, 1962 and by the House of Representatives on September 26, 1962, and signed into law by the President on October 3, 1962 (76 Stat. 697) as follows:".

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "To extend their system to any portion of this Hemisphere as dangerous to our peace and safety", and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations", and

Whereas the Foreign Ministers of the Organization of American States of Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union", and Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination."; *Provided further,* That nothing in this Act shall be deemed to change or otherwise affect the standards and procedures provided in the National Security Act of 1947, as amended; the Foreign Assistance Act of 1961, as amended; and the War Powers Resolution of 1973. This Act does not constitute the statutory authorization for introduction of United States Armed Forces contemplated by the War Powers Resolution.

MURKOWSKI AMENDMENT NO. 3235

Mr. MURKOWSKI proposed an amendment to the bill S. 2723, supra; as follows:

On page 128 between lines 12 and 13 insert the following new section:

PRESIDENTIAL REPORT ON CRUDE OIL EXPORT

SEC. 1019. Not later than nine months after the enactment of this bill, the President shall submit to the Congress a report and his recommendation regarding the export of domestically produced crude oil, particularly that crude oil covered by section 7(d) of the Export Administration Act of 1979 (50 App. U.S.C. 2406). This report shall include recommendations on the export of domestically produced crude oil, particularly on the advisability of retaining section 7(d) of the Export Administration Act. These recommendations shall be based on a comprehensive review of the issues and related data concerning exports of crude oil. This review shall include, but is not limited to, the effect of such exports on the energy and national security of the United States, especially as it applies to the security of our armed forces overseas; the energy and national security of our allies; the role of such exports in United States foreign policymaking; the impact of such exports in the maritime industry, the oil industry, and other industries; the impact of such exports on Federal Government revenues and expenditures; the effect of such exports on incentives for oil and gas exploration and development in the United States; the effects of such exports on the efficient allocation of resources; and the legal impediments to such exports.

ABDNOR (AND OTHERS) AMENDMENT NO. 3236

Mr. ABDNOR (for himself, Mr. PELL, and Mr. MATSUNAGA) proposed an amendment to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

AMENDMENTS TO IMPACT AID PROGRAM

SEC. . (a)(1) Section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended by inserting at the end thereof the following new sentence: "In carrying out the provisions of this subparagraph, the Secretary shall not prorate the amounts computed under this subparagraph attributable to the number of children determined under subsection (a) or (b), or both.".

(2)(A) The second sentence of section 3(d)(2)(B) of such Act is amended by striking out "The" and inserting in lieu thereof "Subject to the provisions of subsection (h) of this section, the".

(B) Section 3 of such Act is amended by adding at the end thereof the following new subsection:

"SPECIAL PROVISIONS

"(h) Any local educational agency for which the boundaries of the school district of such agency are coterminous with the boundaries of a military installation and which is not eligible to receive payments under subsection (d)(2)(B) shall receive 100 percent of the amounts to which such agency is entitled under subsection (a) of this section.".

(b)(1) The last two sentences of section 5(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) (as added by section 23 of the Education Consolidation and Improvement Act of 1981) are redesignated as subsection (h) of section 5 of that Act.

(2) The amendment made by paragraph (1) of this subsection shall be effective December 8, 1983.

BOSCHWITZ (AND SYMMS) AMENDMENT NO. 3237

Mr. BOSCHWITZ (for himself and Mr. SYMMS) proposed an amendment to the bill S. 2723, supra; as follows:

On page 11, between lines 10 and 11, insert the following new subsection:

(e) Of the funds appropriated to the Army pursuant to the authorization contained in subsection (a), $860,000 shall be available only for the development of ceramic elements for rotating valves for use in automative and other engines.

DENTON AMENDMENT NO. 3238

(Ordered to lie on the table.)

Mr. DENTON submitted an amendment intended to be proposed by him to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

AUTHORIZATION FOR SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO CENTRAL AMERICA

SEC. . (a) During fiscal year 1985, the Secretary of Defense may transport on a space available basis, at no charge to any country in Central America goods and supplies which have been furnished by a nongovernmental source outside the Department of Defense and which are intended for humanitarian assistance.

(b)(1) The Secretary of Defense shall institute such procedures as may be necessary, including complete inspection prior to acceptance for transport, for determining that the goods and supplies referred to in subsection (a) are suitable for humanitarian purposes and are in useable condition. Goods and supplies determined by the Secretary to be unsuitable or unuseable for humanitarian purposes may not be transported under the authority provided in this section.

(2) It shall be the responsibility of the donor of any goods or supplies to be transported under this section to ensure that such goods are suitable for humanitarian purposes and suitable for whatever space available transport that the Secretary may be able to provide under this section.

(c) Goods or supplies accepted by the Secretary of Defense for transport under this section shall be distributed in the country to which they are transported through or under the supervision of the United States Government. The Secretary of Defense shall not accept any goods or supplies for transportation under this section unless the provider or providers of the goods and supplies agree to the condition that the goods and supplies be distributed under the supervision of the United States.

(d) The Secretary of Defense shall advise the Secretary of State of the transportation of all goods and supplies made under this section.

(e) No later than 60 days after the end of fiscal year 1985, or upon request of the Congress, the Secretary of Defense shall advise the Congress of the origin, contents, destination, and disposition of all goods and supplies transported under the authority of this section.

KENNEDY (AND OTHERS) AMENDMENT NO. 3239

Mr. KENNEDY (for himself, Mr. HATFIELD, and Mr. PELL) proposed an amendment to the bill S. 2723, supra; as follows:

At an appropriate place in the bill add the following new section:

LIMITATION ON INTRODUCTION OF ARMED FORCES INTO EL SALVADOR AND NICARAGUA FOR COMBAT

SEC. . (a) None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expanded for the purpose of introducing United States Armed Forces into or over the territory or waters of El Salvador or Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to the introduction of United States Armed Forces into or over the territory or waters of El Salvador or Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for, the United States embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

(d)(1) Any joint resolution or bill introduced at the request of the President pursuant to subsection (c)(1) shall become the pending business of the House in which it was introduced and shall be voted on within 3 calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(2) Such a joint resolution or bill passed by one House shall become the pending business of the other House and shall be voted on within three calendar days after it has been received, unless such House shall otherwise determine by yeas and nays.

(3) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than 2 calendar days after the appointment of the committee of conference. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in consideration of such reports, such report shall be acted on by both Houses not later than 1 calendar day after the conferees report back to their respective Houses.

(e) The provisions of this section are in addition to and should not be construed to suspend or amend the War Powers Resolution (Public Law 93-148).

(f) Nothing in this legislation is intended to alter the constitutional authority of the Congress or of the President or the provisions of existing treaties.

KENNEDY (AND BINGAMAN) AMENDMENT NO. 3240

Mr. KENNEDY (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 2723, supra; as follows:

Nothing contained in this Act (FY 85 DOD Authorization Act S. 2723) shall be deemed to authorize the appropriation of any funds for the purpose of or which have the effect of supporting, directly or indirectly, paramilitary operations in Nicaragua by any group, organization, movement or individual.

INOUYE (AND OTHERS) AMENDMENT NO. 3241

Mr. INOUYE (for himself, Mr. MOYNIHAN, Mr. DODD, and Mr. HATFIELD) proposed an amendment to amendment No. 3240, proposed by Mr. KENNEDY to the bill, S. 2723, supra, as follows:

In lieu of the language proposed to be inserted, insert: Except as provided in this section, no funds included in this Act may be appropriated for the purpose of or which would have the effect of supporting, directly or indirectly, paramilitary operations in Nicaragua by any group, organization, movement, or individual. Notwithstanding Sec. 775 of Public Law 98-212 and Section 108 of the Intelligence Authorization Act for Fiscal Year 1984 (P.L. 98-215), there is authorized, in addition to amounts previously appropriated, not to exceed $6,000,000, to remain available for obligation until September 30, 1984: *Provided*, That of such sum, not to exceed $2,000,000 may be obligated or expended solely for the safe and expeditious withdrawal from Nicaragua of any individual engaged, or who has been engaged, directly or indirectly, in military or paramilitary operations in Nicaragua; *Provided further*, That of such sum, not to exceed $4,000,000 may be obligated or expended solely to provide humanitarian support outside Nicaragua for individuals (and the families of such individuals) who have been engaged, directly or indirectly, in paramilitary operations in Nicaragua, if such individuals are not equipped for military or paramilitary operations while outside Nicaragua. None of the funds authorized pursuant to this section may be used except as expressly provided herein.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be

deemed to have been authorized to meet during the session of the Senate on Monday, June 18, for the purpose of holding a hearing on S. 2687, the Youth Employment Opportunity Wage Act.

ADDITIONAL STATEMENTS

THE STEEL INDUSTRY

● Mr. CHAFEE. Mr. President, the steel industry has suffered tremendous setbacks in the last 10 years. There are many different views on the causes of these setbacks and the solutions for making American steel a viable industry again both domestically and worldwide.

The International Trade Commission [ITC] believes that the domestic steel industry has been injured by imports, as it ruled this week on the petition of Bethlehem Steel Corp. and the United Steelworkers. The ITC will recommend a remedy to the President within a month. The President then has a choice between imposing tariffs, quotas, or no protection at all.

Further protection for the steel industry is not advisable. Protection will delay necessary adjustments in the industry itself, cost consumers millions of dollars annually, and hurt Third World exporters who are struggling to pay their debts, much of which is owed to American banks.

One remedy proposed by the steel industry and its advocates is legislation to impose quotas. Senate bill 2380, which is presented by its sponsors as necessary to give the steel industry breathing room to modernize and regain its competitive edge, would impose quotas limiting imports to 15 percent of U.S. consumption.

I do not believe in the concept of breathing room. Industry after industry comes to us to ask for breathing room from import competition; the auto industry, the footwear industry, and now the steel industry. Too often breathing room just means a chance to hike up prices and salaries. Breathing room is too often not used to get breath back but to further suffocate.

The protections given to this industry go as far back as the 1968 voluntary restraint agreement with the European Economic Community. That breathing space merely allowed the industry to avoid necessary restructuring. The labor costs of U.S. steel makers were then and still are undermining its competitiveness. By 1978, U.S. labor costs per ton of steel shipped exceeded that of any other major steel supplying country. Between 1969 and 1982, the real hourly cost of iron and steel wage employees increased from $14.14 to $23.78, or by 68 percent, all out of proportion with wage increases for all manufacturing. The premium of steel wages over wages for all manufacturing was 65 percent by 1982.

Precisely because they thought they could shield themselves from the world market, companies and workers postponed dealing with the industry's basic problems: old and inefficient plants, lagging technologies and high labor costs. As a result, the industry grew less competitive, and its retrenchment came as a sudden but inevitable shock.

Protection for steel has never been an economic success, because any benefits were quickly dissipated and because the problems with this industry did not originate with imports. The Comptroller General in his 1981 report to the Congress, entitled "New Strategy Required for Aiding Distressed Steel Industry," states that imports are a result, not a cause, of the U.S. steel producers' problems. That report stated:

> The companies we interviewed frequently cited the unavailability or the restricted sources of certain steel mill products domestically, and the undependability or slowness of U.S. companies' delivery, as reasons for buying foreign steel. Several of the firms we contacted said foreign mills were more willing than U.S. producers to work with them in solving problems. Additionally, the foreign mills would be more willing to tailor products to customer specifications or perform additional manufacturing operations at the mill before shipment.

Steel executives were late in seeing that cars would get smaller and plastics and aluminum would substitute for steel; that steel would not recapture the beverage can market from aluminum, that stronger steel and reinforced concrete would reduce the need for steel in construction; and that they didn't have the luxury of being lax with customers, using a marketing technique of take it or leave it, while foreign steel makers were in there competing.

There are fundamental changes taking place in our economy that no legislation can reverse. The simple fact is that we need less steel today than we did 10 years ago. Ever increasing prices for steel will not stem, but will stimulate the movement toward substitutes.

Trade barriers are like a hidden tax on consumers of the protected product. According to a recent article in Europe magazine titled, "The High Cost of Protectionism," in 1980 alone, tariffs and quotas on steel imports cost consumers about $6 billion. The trigger price mechanism cost an additional $1.1 billion. Since 1980, protection of the steel industry, and the accompanying costs to consumers, has continued and even accelerated.

Higher steel prices in the United States will increase competition from finished steel products made abroad to the detriment of the vast number of U.S. steel product fabricators and their hundreds of thousands of workers, including a number of Rhode Island companies like Amtrol, Inc. and Weatherking.

Then there are the metalworking producers whose concerns and problems are rarely addressed because they aren't well organized. According to the U.S. Trade Representative, Ambassador Brock, this segment of the industry employs 20 times more people and accounts for almost 10 times the share of GNP than the integrated producers. Metalworking firms are typically small, and they depend on imports. These producers would clearly be hurt by increased prices for their raw material and also be increased import competition as foreign producers shift from exporting steel to exporting finished products made of steel.

While increased domestic production as a result of quotas might lead to employment of about 10,000 additional steelworkers, the loss of jobs in the metalworking industries will be many times 10,000. This would hit a number of metalwork producers in Rhode Island, where unemployment of that magnitude could have devastating effects. I for one cannot accept action by the Senate which helps one relatively uncompetitive part of the industry at the expense of another sector which makes a greater contribution to GNP and to employment.

Next we will be hearing a much larger chorus of fabricators and metalworking producers who will seek protection from imports of practically all finished steel products. Where will we draw the line on all this protection?

The point is that if the problems of the steel industry stem from unfair trade practices, the administration has sufficient authority under existing trade laws to provide relief. The docket of the International Trade Commission is full of such petitions. We should not short circuit or interfere with that legal process by taking action that could only lead to retaliation by our trading partners. The imposition of quotas would apply to fairly and unfairly traded imports alike, from all sources. Those countries that trade fairly, like Canada, from which we import steel daily, will probably feel the most aggrieved by the quotas and would be the most likely to retaliate, in commodities other than steel.

I can, therefore, see no value whatsoever in imposing quotas. They will hurt, not help, the steel industry, by removing the stimulus for modernization. They are not needed, because we are now seeing a strong upturn in demand for steel of all types. Integrated steel producers are making an effort to restructure and modernize their plants, some are attempting to check increases in employment costs. The steel industry utilized 74.6 percent of its production capability in the

first quarter of this year, compared with 49.3 percent in the same period in 1983, according to the American Iron & Steel Institute. The total employment cost of hourly paid workers, per hours worked, was $21.17 in March of this year, compared with $21.68 in February and $22.50 in March 1983. Also according to the American Iron & Steel Institute, shipments of steel mill products by American mills continued to improve in the first quarter of this year.

Iron Age, the prominent industry publication, in its annual steel forecast in January, was very positive about the prospects for improvements in consumer markets. Steel shipments to the railroad industry will rise 80 percent in 1984, it estimates. Though it's farfetched, Iron Age says, there may even be a steel shortage in 1984, since no one really knows how much effective steel capacity is available. "It's reasonable to consider that any surprises in the steel market situation should be on the upside," the forecast concludes. Throughout the industry there are signs of hope and improvement in demand. Hardly the time to limit supply by cutting off imports I would say.

The future of the American steel industry may not lie with those companies requesting our assistance, but rather with those modern, lean, and highly specialized operations dubbed minimills. Typically small, they use electric furnaces, state-of-the-art equipment in steelmaking, and have combined high productivity and low operating costs to invade the stodgy American steel market almost overnight. The result is an industry whose domestic prices match the lowest cost foreign imports. According to a 1978 study by the Congressional Office of Technology Assessment, the number of man-hours needed to produce a ton of steel with an electric furnace dropped 25.3 percent from 1972-77 compared with a 6.9-percent drop in integrated mills. And the cost of building a minimill was 10 to 20 percent of the cost of a new larger integrated plant.

These small mills match foreign producers in efficiency and costs. Between 1969 and 1983, minimill shipments more than doubled, increasing from about 6 million tons per year to 13 million tons per year. In that same period, the relative gain by minimills exceeded by nearly 50 percent the gain by imports.

Kenneth Iverson, president and chief executive officer of one such mill, Nucor Corp., the country's 10th largest steel producer, disdains any trade protection from foreign producers. In a National Journal interview, Mr. Iverson said:

I'm not pessimistic at all about the integrated steel industry. It can be rationalized so it can compete. But if we provide the steel companies with trade protection, it'll delay modernization. We won't need to modernize if we have that protection.

I believe that steel quotas whether legislated or voluntary are contrary to the national interest. I wholeheartedly agree with the remarks of TRW Chairman Ruben F. Mettler made recently to a meeting of the American Iron & Steel Institute:

We are not confronted with a choice. Either we try to raise a wall around ourselves, close out the world, and compete for shares of a shrinking home market; or we make up our minds to stay in the real world and compete as we have never had to complete before.

Mr. President, editorials commenting on the decision of the International Trade Commission, which appeared in the Washington Post, Wall Street Journal, and the Christian Science Monitor, all agree that the President should avoid imposing a remedy which will result in retaliation by our trading partners or make the debt situation in developing countries even worse. I ask that these editorials be printed in the RECORD.

The editorials follow:

[From the Washington Post, June 13, 1984]

IMPORT QUOTAS FOR STEEL?

One-fourth of the steel used in this country is now imported, a proportion that has sharply increased over the past year. Is the domestic steel industry being injured by these imports? By three votes to two, the U.S. International Trade Commission found that in most (but not all) products, injury was demonstrable. That leads to the next question, to be answered in July: What remedy will the ITC recommend to President Reagan? This case was brought by the Bethlehem Steel Corporation and the United Steelworkers, who want import quotas holding foreign steel to 15 percent of the market. The final decision lies with the president—to be made in the midst of the election campaign.

The real issue is whether the rising imports are the cause of the American steel industry's weakness, or the result. Unquestionably, many foreign governments subsidize their steel exports to build their own industries and hold down their unemployment.

But there are five other conspicuous reasons for the big American steel companies' troubles. First, demand for steel is dropping in this country, with the trend toward lighter and cheaper materials. Second, through the 1970s the American mills often put their money into the wrong technologies, as they expended for the boom that never arrived. Third, their wages far outran productivity. Fourth, a new kind of producer known as the minimill has appeared—typically small, specialized and ferociously efficient; these mills are cutting into some of the big integrated companies' markets. And fifth, the high exchange rate of the dollar makes the imports cheaper and more competitive than ever.

The big American companies argue that, whatever their sins and errors of the 1970s, they are correcting their performance now. By negotiating concessions from the union and by raising their productivity, they observe that they have lowered the labor cost of producing a ton of steel by one-third in the past two years—a remarkable achievement. They are cutting capacity down to more realistic estimates of demand, and they are attacking the technological lags. As for the dollar's exchange rate, that's altogether out of their hands.

From the steelworkers' point of view, the case for quotas is clear and compelling. But President Reagan is required to take a different and broader perspective. He has to take into account the interests of the whole economy, including other American industries that use steel. Import quotas would cut them off from cheaper foreign sources, pushing up the prices of their products. Jobs saved in the steel industry would be lost in the machinery industry.

Mr. Reagan has repeatedly emphasized the importance of keeping the world's markets open. It's a principle that will serve him well this summer in the steel case.

[From the Wall Street Journal, June 13, 1984]

WORSENING THE DEBT PROBLEM

It seems everyone these days is scrambling to solve the world debt "crisis." Well, almost everyone. In Washington some folks appear to be doing their best to make it worse. The U.S. International Trade Commission decided yesterday, 3 to 2, that U.S. steelmakers qualify for more protection. If the president agrees, among the losers will be steel-exporting Third World countries struggling to earn enough dollars to pay their debts.

American steel producers have been protected for years. The Japanese have agreed to "voluntary" restraints on their exports and the Europeans have signed a quota pact. But the more Washington propped up American steel prices, the more American steel users looked for cheaper foreign sources to help them remain competitive in their own markets. They turned to places like South Korea and Brazil. So Bethlehem Steel asked the ITC to limit all foreign producers to 15% of the U.S. market, down from 22% currently. This demand was backed by the industry's pals in Congress, who proposed legislation with similar goals.

The ITC excluded wire rod, railway products, bars, and pipe and tube from its finding of injury or potential injury to U.S. producers. But widely used items like sheet and strip were included, and the ITC will soon dump its recommendation for protection on President Reagan.

Steel companies complain that Third World governments subsidize companies to keep the price of exported steel artificially low. They are not moved by arguments that it is advantageous to Americans to have Korean or Brazilian taxpayers subsidize them. But even without subsidies, Korean steel would still be cheaper than much American steel. Analysts figure the average U.S. steelworker makes $23 an hour including fringes, while the average Korean earns $5 an hour. Superior U.S. technology can't compensate for that kind of wage bulge.

Protection has delayed the kinds of adaptations the U.S. industry has needed to preserve its markets. But the steel industry is hardly vanishing; as we've said before, it's changing, as the big integrated producers close older plants and the nimble minimills prosper.

The Federal Trade Commission figures more protection could cost consumers of products made from steel $768 million a year. And then there are the dangers of retaliation against the U.S. by other countries; U.S. banks, for example, could suffer

in their campaign to open Korea's financial markets.

But the most perverse damage would be done to Third World exports. Mexico has already agreed, under pressure, to "voluntarily" restrict its steel exports. Brazil may be next. And Korea, though its more than $40 billion debt is manageable so far, will probably follow. The very exports these countries need to repay their debts thus will be damaged by the very country—the U.S.—that is most worried about their ability to repay. We doubt that's the kind of message the ITC, the Congress and the president should send to the developing world.

[From the Christian Science Monitor, June 14, 1984]

STEEL MUST COMPETE

Now that the world economy is finally growing—after going through a difficult recession—it is vital that nations avoid protectionist measures that work against global trade. For that reason, the United States should not impose broad new restrictions on steel imports—as sought by the domestic steel industry and its trade union allies.

The push for new restrictions on steel imports was given a boost this week by the 3-to-2 vote of the International Trade Commission. The ITC held that imports are a major cause of harm to segments of the American steel industry. Some 70 percent of all imports are covered by the ITC's ruling. The commission must now decide what form of relief should be granted the domestic steel industry, and pass its recommendation along to President Reagan. He, in turn, must either act on or deny the ITC proposal by late September, just before the presidential election.

That timing—looked at in political terms—is awkward for the administration. The old-line steel producers are found in electorally important states, such as Pennsylvania. And the administration in the past had opposed global quotas to aid domestic steel—instead preferring nation-by-nation (or regional) agreements. The US has a quota agreement with Europe. Japan, meanwhile, has agreed to limit its exports voluntarily.

The nation-by-nation approach remains preferable to moving to across-the-board restrictions on imports, as sought by the domestic steel industry. An across-the-board limit on imports could add millions of dollars to the prices that consumers pay for durable goods. It would raise the price of many US goods sold abroad. And some newly emerging nations in Asia that are major steel exporters could well have difficulty meeting their large debt obligations if steel exports to the US were suddenly reduced.

One possible upshot: retaliation by those nations in the form of restricting purchases from the US.

The next step in all this is up to the ITC. It could propose quotas or tariffs, or a combination of both, over a defined period of time. Whatever course of action it recommends, the long-run principle seems most crucial: namely, that the world economy is best served by expanding, not restricting, global trade.

The domestic steel industry is already taking many steps toward the modernization that will be needed to make the industry truly competitive: such steps as mergers, closing of outdated facilities, and joint ventures with overseas producers.

Protectionist measures, by contrast, will only work against genuine job creation.●

COMPETITION PHASE 1: HMO VOUCHERS

● Mr. DURENBERGER. Mr. President, the most significant change in health care delivery and financing for America's elderly and disabled is now beginning its implementation stage. From my view as chairman of the Senate Finance Committee's Health Subcommittee, I am excited by the potential for positive in the voucher plan for competitive medical plans.

An excellent explanation appears in today's issue of McGraw-Hill's Washington Report on Medicine and Health Perspectives. I ask that this article be printed in the RECORD.

The article follows:

COMPETITION PHASE 1: HMO VOUCHERS

After long delays and continuing disputes with the Office of Management and Budget (OMB), HHS last month issued proposed regulations to allow capitated Medicare payments to health maintenance organizations (HMOs) and competitive medical plans (CMPs). The proposed regulations, which were published in the May 25 "Federal Register," would implement provisions of the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 (P.L. 97-248).

The HMO industry greeted the publication of the proposed regulations, which provide for payments to HMOs on their traditional capitated basis, with enthusiasm and relief. Many observers had feared that the HHS-OMB infighting would result in the proposal becoming stalemated indefinitely. The OMB-HHS dispute centered around the actuarial determination that the proposal, endorsed by the Administration as a "procompetitive" cost-saving measure, actually would cost the Medicare program $100 million in the first two years of implementation. HHS maintained that the regulations would result in increased services for beneficiaries immediately, and would produce some cost savings after the initial transition period. OMB kept its attention fixed on the short term bottom line, which anticipated losses of $30 million in 1985 and $65 million in 1986. Many observers believe that OMB's final approval of the regulations was due to the fact that further delay would have been a political embarrassment. The HMO/CMP provisions included in TEFRA are the only portions of the Administration's health care competition package that it has been able to guide through Congress.

MEDICARE PAYMENT METHODS

HMOs provide all necessary medical services to an enrollee in return for an established capitated pre-payment. Since the HMO is not paid more when it provides more services, it has no incentive to provide unnecessary or marginal care. Instead, it has incentives for economy. This HMO characteristic has made it popular with economists searching for ways to hold down health care costs and has propelled HMOs to the forefront of competitive theory.

Generally speaking, however, Medicare had not been paying HMOs on this capitated basis. Instead Medicare paid most HMOs treating Medicare patients on a reasonable cost or fee-for-service basis. HMOs serving Medicare patients also could take the alternative option of serving Medicare patients on a modified "risk" basis. HMOs with these contracts received monthly payments reflecting the estimated costs of care provided their Medicare enrollees, although these costs could not exceed 100 percent of the adjusted average per capita cost (AAPCC)—an actuarial measure of the costs of the enrollees' care if they had obtained it from other area providers. At the end of the year, an HMO's reasonable costs were compared to the retrospectively determined AAPCC. If its costs fell below the AAPCC, it retained 50 percent of the savings, up to 10 percent of the AAPCC. If its costs were higher, it absorbed the loss. (Only two of the HMOs participating in the Medicare program have elected to be paid on this basis.) A small third group of HMOs participating in demonstration projects have received waivers so they could be paid on a capitated basis.

ADVERSE AND FAVORABLE SELECTION

HMOs had long lobbied for changes in Medicare reimbursement principles that would allow capitated payment. This could help standardize their budgeting and accounting principles as well as their incentives. Many HMOs had been reluctant to enroll Medicare patients because Medicare payments were inconsistent with their operating reimbursement principles. Still Congress rejected the idea of capitated HMO payment for several years, largely due to the fear of "adverse selection." Although proponents argued that HMOs saved money, opponents charged that they did so through "favorable selection" or enrolling healthier patients. If this were the case, Medicare could end up paying more for healthier patients enrolling in HMOs than it would otherwise since the flat payment would exceed the cost of the same services provided on a fee-for-service basis. At the same time, Medicare would be left to provide for sicker, more expensive patients through traditional providers. In fact, in a Health Care Financing Administration (HCFA) demonstration project, two of three HMOs had extremely favorable selection. The average use of pre-enrollment services by Medicare beneficiaries joining the Kaiser Portland HMO and the Fallon Community Health Plan was 21 percent below that indicated by the AAPCC.

However, a recent study from the Rand Corporation, published in the June 7, 1984, "New England Journal of Medicine", indicates that HMOs have the potential for saving money whether or not they benefit from favorable selection. The study randomly assigned people to fee-for-service physicians or to the Group Health Cooperative (GHC) of Puget Sound. Although the groups were indistinguishable in terms of age, sex, race, family size, income, and general health, costs at GHC were about 25 percent lower than in the fee-for-service system. This was due in the fact that GHC's hospitalization rates were 40 percent below those in the fee-for-service system. This was attributed to GHC physicians "practicing a different style of medicine." (Copies of the article are available from the Health Sciences Program, The Rand Corporation, 1700 Main St., Santa Monica CA 90406.)

CMP LEGISLATION

HMOs finally won their capitation fight in the House-Senate budget conference of 1982. Competition advocates who failed to win Medicare voucher legislation united with HMO advocates to pass a "competitive medical plans" proposal instead. Under the legislation, both HMOs and certain other providers organized as CMPs could obtain capitated Medicare payments equal to 95 percent of the AAPCC. On average, this could save Medicare 5 percent per enrollee. In order to prevent windfall profits result-

ing from favorable selection, however, Congress also mandated that certain savings would have to be used to provide enrollees with reduced cost-sharing or additional services.

THE PROPOSED REGULATIONS

The regulations proposed by HHS closely follow the statute. Eligible organizations include federally qualified HMOs as well as other entities that provide their members with physicians' services through physicians or physician groups that they employ or with whom they contract; provide inpatient hospital services, laboratory, x-ray, emergency and preventive services, and out of area coverage; receive payment on a prepaid capitated basis; assume full financial risk for the provision of these services; and provide against the risk of insolvency to the Secretary's satisfaction. It is expected that a number of perferred provider organization (PPOs) will attempt to qualify as CMPs for Medicare payment purposes. While HMOs fear that many small organizations may spring up as CMPs to compete with them for Medicare business, they are protected somewhat by a requirement that combined Medicare/Medicaid enrollment in a participating HMO or CMP may not exceed 50 percent of total enrollment (except in certain unusual cases explained in the regulations). Furthermore, eligible organizations must have at least 5,000 enrollees unless they are located in nonmetropolitan areas, in which case the requirement is reduced to 1,500 enrollees. To be eligible, organizations also must have a Medicare enrollment of at least 75 persons or a plan for achieving this within two years of the initial contract date.

Under the regulations, the current modified method of Medicare payment would be eliminated, and eligible HMOs and CMPs could choose to be paid on either a reasonable cost or capitated risk basis. (HCFA is interested, however, in the possibility of applying an organization's AAPCC as an overall limit to the payments made to organizations being paid on the basis of reasonable cost.) Organizations choosing the capitated method would receive a payment equal to 95 percent of the AAPCC for each class of enrollees. AAPCC payments would vary according to age, sex, institutional, and welfare status. HCFA will include a disability status indicator in the final regulations and is attempting to determine if a health status indicator can be developed as well. (This would further avoid problems with adverse and favorable selection.) HCFA would furnish each eligible organization with its per capita rate of payment for each class of enrollee at least 90 days before its contract period began. The organization would respond with a computation of a weighted average of these rates based on its anticipated enrollment distribution. It would also furnish its adjusted community rate (ACR) for Medicare patients—that is, its per capita financial requirements for furnishing Medicare covered services to its Medicare enrollees. If the ACR were less than the AAPCC, the organization would then specify the additional benefits which it would offer its Medicare enrollees. Alternatively, it could accept a reduced monthly payment from HCFA.

Eligible organizations would be required to hold open enrollment periods of at least 30 consecutive days annually. During the open enrollment period, the organization would be required to accept enrollees up to the limit of its capacity on a first come, first served basis, regardless of age, sex, race, income level, health status, or other factors. (They could not enroll Medicare beneficiaries with end stage renal disease, however.) Organizations would not be allowed to engage in discriminatory enrollment practices (such as marketing only in high income areas), to use misleading advertising or claims that it had been endorsed by HCFA or other government agencies, or to offer promotional gifts. Enrollment applications would have to be dated as received and acted on in a timely, chronological fashion. HCFA is interested in suggestions for other methods of obtaining an equitable enrollment process.

NONRISK CONVERSION

One of the most complicated and controversial issues handled in the proposed regulations is that of converting a Medicare beneficiary enrolled in an HMO on a reasonable cost basis to enrollment on a capitated or risk basis. Medicare's problem is financial. Government actuaries estimate that an average current expenditures for Medicare patients enrolled in HMOs on a cost basis are only 80 percent of the AAPCC. This means that Medicare would take a loss, equal to about 15 percent of the AAPCC for each enrollee who converted from a cost plan to a risk plan. (Enrollees might want to convert in order to obtain the mandated additional benefits to be offered in the case of HMO savings.) Congress had hoped that over time conversion losses would be offset by the 5 percent average gain achieved when competitive HMOs and CMPs, offering enhanced benefit packages, drew new enrollees from the fee-for-service sector. Realizing the conversion problem, however Congress mandated that HMOs must recruit two new enrolles for each one they convert from a cost to a risk plan. This requirement does not entirely mitigate the problem during the transition period, however. Conversion costs are responsible for the $100 million loss that Medicare is expected to sustain during the first two years of the new payment system's implementation. The proposal sets out involved regulations concerning conversion procedures, waiting lists, offering of supplemental benefit packages to risk and non risk enrollees, and final total conversion of the entire enrollment to a risk basis. (Comments on the proposed regulations must be received by July 9. Write: HCFA, BERC—247. P.O. Box 26676, Baltimore, MD 21207.)

OUTLOOK

There are currently 775,000 Medicare beneficiaries enrolled in HMOs nationally. HHS predicts that in the next three or four years, another 250,000 to 600,000 Medicare patients will join HMOs. About 150—or approximately half to two-thirds of the nation's HMOs—will choose to participate in the capitation program, the Department estimates. This new enrollment may be skewed toward the larger HMOs, however. HHS makes no predictions regarding new organizations that may spring up or existing providers which may try to be approved as CMPs. HHS does believe, however, that some private physicians will lose Medicare patients to the capitated plans. In the meantime, the HMO industry continues to boom. InterStudy reports that overall HMO enrollment reached 13.6 million in December, an increase of 9 percent over the previous six months, for an estimated 18 percent annual growth rate.●

THE 100 CLUB OF HOUSTON

● Mr. TOWER. Mr. President, the protection of our lives and our property provides a sense of security and stability for every American. The task of maintaining this protection is difficult, and local law enforcement agencies play a vital role in this regard. In addition, these agencies welcome the support of private organizations.

One such organization is the One Hundred Club of Houston, which has made outstanding contributions to local law enforcement for the past 31 years. On July 14, 1984, the Harris County Sheriff's Deputies Association will honor the club with a special tribute. This will be the first time that the One Hundred Club of Houston has ever been recognized for its continuing support of these law enforcement agencies.

This group of dedicated citizens has raised millions of dollars for the purpose of fulfilling its impressive goals. The organization provides financial assistance to the dependents of certified peace officers who have lost their lives in the line of duty. The members also donate life protecting equipment to local agencies that are unable to make these purchases themselves due to a lack of funds. Other functions of the club include the development of community education and lifesaving programs. These substantial contributions have certainly helped to improve the law enforcement effort in Harris County.

Since its beginning in 1953, the One Hundred Club of Houston has grown from its original 100 members to an active membership of over 6,000. The organization was the first of its kind in the United States, and today it serves as a model for numerous groups throughout the country interested in supporting local law enforcement agencies.

This special tribute on July 14, involves an honors presentation program and an old fashioned Texas barbecue held at the Farm & Ranch Club facility located outside of Houston. The special guests for the event include the club's membership and the families of those local peace officers who have lost their lives in the line of duty. Many notable personalities and distinguished governmental officials will also be present to show their support for the One Hundred Club and its selfless, dedicated, and distinguished service to the law enforcement effort and to the citizens of Houston.

As American citizens, we must continue to encourage the recognition and support of organizations such as the One Hundred Club of Houston, which provide invaluable services to their respective communities. Their contributions to the law enforcement agencies help maintain our quality of life and our sense of local security.●

RETIREMENT OF CLIFTON FRENCH

● Mr. DURENBERGER. Mr. President, the preservation and enjoyment of parks and open space has been a personal priority of mine for many years. Prior to my election to the U.S. Senate, I had the privilege of serving as a member and chairman of the Hennepin County Park Reserve District, and as a member and chairman of the Twin Cities Metropolitan Parks and Open Space Commission.

One of the things I value most about that service was the opportunity to work with Clifton French, the superintendent of the park reserve district for the past 22 years. Clif French is retiring this summer and he will be sorely missed by all those in the Twin Cities metropolitan area who care about preserving open space for future generations.

During the past 22 years, Clif French has been a major force behind the acquisition of almost 24,000 acres of land in 3 Twin Cities area counties. The Hennepin County Park Reserve District now encompasses 7 park reserves which are large tracts of land with 80 percent of the space kept in a wild state and 20 percent used for recreation. The park reserve district also includes nine regional parks, seven special-use areas, and an expanding trail corridor system.

Under Clif French's leadership, the staff of the Hennepin County Park Reserve District has grown from 3 to 132 full-time employees. Nearly 2 million people visit one or more of the district's parks or trails each year.

One of the unique aspects of the work which Clif French has done over the years is the type and location of land which has been acquired. Clif French knew that major land acquisitions for parks and park reserves would have to be made in the 1960's and 1970's, before major residential and commercial developments took place. Because of Clif's leadership, large areas of valuable recreational and environmentally sensitive land have been preserved for both present and future generations. Had the park reserve district not acted when it did, much of that land would now have been lost to development.

Mr. President, because of the outstanding contributions which Clif French has made to the preservation and enjoyment of important natural resources, I ask that a recent article and editorial from the Minneapolis Star & Tribune be printed in the RECORD.

The articles follow:

[From the Minneapolis Star & Tribune, May 30, 1984]

CLIFTON FRENCH LEAVES COUNTY PARKS BIGGER THAN HE FOUND THEM

(By Joe Kimball)

Twenty-two years ago Clifton French was hired as the first superintendent of the fledging Hennepin County Park Reserve District. He had a staff of three to care for about 400 acres.

When he retires from the job this summer he'll leave one of the nation's premier park systems, with about 24,000 acres of land, nearly 2 million users per year and a full-time staff of 132.

"The district couldn't have been put together without Clif French," according to current board chairman David H. Latvaaho. "He dedicated his life to building the system."

When French was hired as superintendent in 1962 he headed a small department: a secretary, a part-time bookkeeper and one maintenance employee at Baker Park on Lake Independence. The park reserve district had been created in 1957, but those early years were devoted to small-scale land acquisition. In 1963, though, the Legislature appropriated $8 million for land acquisition.

"Through the '60s and early '70s I was more in the real estate than the park business," French said. "I did most of our negotiating for the land."

The negotiations often took place in farmhouse kitchens, with whole families looking on, he said. Usually it took several trips to each farm before he came away with a deal. The district had condemnation power to acquire the park land—with the consent of the affected municipality—but that power was rarely used, French said. "Only 9 or 10 times, out of about 300 transactions," he said.

The early park reserve district boards established boundaries for the parks, then French tried to buy the land inside the boundaries. For the most part he was successful, although there are isolated parcels under private ownership in most of the parks.

"Our legislative mandate says we may not duplicate the services of local and neighborhood parks and recreational facilities," French said. "Instead we try to complement those local parks by acquiring large areas for forest preserves and wildlife refuges, and make them available for public use."

There are seven park reserves in the district: large tracts where 80 percent of the land is kept in a wild state and 20 percent is used for recreation.

There are also nine regional parks, seven special-use areas and an expanding trail corridor system.

French can recount many tales of his time in office. Once, he recalled, he had to deal with a group of motorcyclists who wanted private use of part of Crow-Hassan Park in northwestern Hennepin County. The group had no permit, and a saddle and bridle club was scheduled to use that area of the park the same day.

After some discussion, French convinced the motorcyclists to move to another area of the park, but he forgot that a house and barn had burned in that area years earlier and the the ground was littered with nails. Dozens of motorcycle tires were punctured.

"I didn't do it maliciously," he said, "but they were mad about the tires. They were livid."

When French retires, he and his wife, Jo, plan to travel—camping some of the time, he said. He also has some consulting ideas and lots of projects lined up on his farm.

[From the Minneapolis Star & Tribune, June 9, 1984]

BUILDER OF A COUNTY PARK SYSTEM—(EDITORIAL)

Today it seems only natural that Minneapolis, with its famed city park system, should be surrounded by a comparably splendid system of Hennepin County parks, totaling 24,000 acres. Yet just a little over 20 years ago, when much of the county had already been inundated by suburban growth, there was no county park system. About all the then-youthful Hennepin County Park Reserve District could claim was a single functioning park, a small picnic area and a strong-willed new superintendent named Clifton French.

The greatest asset proved to be French. Thanks in large part to his foresight and determination, the park district soon put itself in front of the urban bulldozer, setting aside and preserving for the enjoyment of future generations the natural spaces that help make a metropolis livable. Under French's direction, the park reserve district acquired and developed park land not only in Hennepin but in Carver and Scott counties as well.

Building a park system almost from scratch can be a desperate race against time, financial constraints and developer competition. It is not always a way to win friends. Thus, in seizing his land-acquisition opportunities, French sometimes left behind wounded local sensibilities. And some of his fellow park professionals think he may have given too much attention to acquiring and developing parks and too little to promoting and expanding their use.

But even French's critics concede the value of his achievements. Largely because of his efforts, the Hennepin County Park Reserve District has been the leader and model for the development of a comprehensive regional open-space system. He prepares to retire this summer after earning the thanks of the thousands of Twin Citians whose lives have been made more enjoyable by the land he has set aside for their recreational use. Thousands more will be equally grateful in the decades to come.●

PAPER BY SENATOR MOYNIHAN ENTITLED "WORLD TRADE AND THE WEALTH OF A NATION"

● Mr. DANFORTH. Mr. President, I wish to call the Senate's attention to a paper on the domestic effects of U.S. trade policy written by the senior Senator from New York. This paper was written for the edification of the Senate Subcommittee on International Trade following a meeting on April 4 of this year. The Senator's discussion of the history behind current trade policy problems is both stimulating and insightful. Although I have some disagreement with the Senator's assessment of the U.S. trade system and his prescriptions for change, I believe that his views merit the consideration of all the Members of this body. I therefore ask that this paper be printed in the RECORD.

The paper follows:

WORLD TRADE AND THE WEALTH OF A NATION

The most important fact about international trade is that it is declining.

In the decades after World War II, under an international economic system established just before and after the end of that War, world trade doubled, redoubled, and redoubled again. Leonard Silk has called this, "Three decades of the greatest growth in history." It may not be over, but for now it has stopped.

In 1980, worldwide imports and exports of goods each passed the two trillion dollar mark. Thereafter, for the first time since World War II, trade declined for three successive years. By 1983, world exports had fallen to $1,923 billion.

For some time now—seven of the ten years of the 1970s—the United States has registered a negative merchandise trade balance. Even so, the value of U.S. goods exported abroad increased steadily during the 1970s—it was simply that our imports of foreign goods increased faster. In 1975, our exports passed the $100 billion mark for the first time; by 1980, U.S. exports had reached nearly $225 billion. Exports began to decline in 1981, dropping to $200 billion by 1983. Our imports passed the $100 billion mark a year before U.S. exports did so, in 1974, and by 1980 imports of foreign goods into our country had reached nearly $250 billion. And they have continued to increase in this decade, reaching more than $258 billion in 1983.

What has been happening, of course, is something of an undeclared trade war, and one we are losing. As old markets contract, competition for them intensifies. Some of our trading partners subsidize their exports, and generously, but that is not the whole story. With the dollar highly over-valued—the Council of Economic Advisers estimated this overvaluation at 52 percent in the 1984 Economic Report of the President—the competition of foreign with American manufacturers has become unequal and ruinous. Put simply, quite apart from any subsidies they may receive from their own governments, foreign industries receive a huge subsidy from our own. Consider this, the real value of our merchandise exports, adjusted for inflation and movements in exchange rates since 1972, reached $105 billion in 1980. Three years later it had fallen more than 21 percent, to about $83 billion. The real value of merchandise imports into our country, once again adjusted for inflation and exchange rate movements, was but $86 billion in 1980. Three years later it had jumped to nearly $96 billion, a real increase of about 11 percent. 1983, then, marked the first time since the breakdown of the world trade system in the early 1930s that the real value of our merchandise imports exceeded the real value of our merchandise exports.

THE AMERICAN RESPONSE

As best statistics can tell, the United States is the industrial economy most affected by the current trade war. Our response has not been especially coherent, nor should this surprise us. Many of the changes taking place are not only unexpected; they bring into question ideas and arrangements which the United States, more than any other nation, put into place.

For four decades, our government has been committed to an expanding system of world trade, primarily brought about by treaty agreements that lowered trade barriers by lowering tariffs. These bilateral treaties often had a multi-lateral effect—economists might call it a "multiplier effect"—through the workings of the Most Favored Nation (MFN) clause of the General Agreement on Tariffs and Trade (GATT), whereby a concession granted to one trading partner is automatically extended to all others in the treaty system.

This process began with the reciprocal trade agreement program of Cordell Hull, Secretary of State during the Great Depression. Following World War II, many hoped to institutionalize this process through an International Trade Organization, a specialized agency of the United Nations, much like the World Health Organization and UNESCO. The Senate Finance Committee demurred, and the ITO never came to be. But in the meantime, its primary purpose—the extension of trade agreements—was assumed informally by a multilateral treaty negotiated in Geneva in 1947, the General Agreement on Tariffs and Trade, now known as the GATT. To be sure, the GATT was a highly informal arrangement, in the sense that it was self-enforcing and required almost no central organization. (For years, what there was by way of organization consisted of an inspired British civil servant, Eric Whydham White, a few secretaries, and a small villa outside Geneva. White, who presided over most of the period of the "greatest growth in history", hardly prospered himself. So informal were the arrangements of the GATT, that no one ever thought to provide him a pension.)

For the longest while, the GATT seemed to work wonderfully well. the general level of tariffs kept going down. In 1934, the average U.S. tariff rate was 47 percent. By the opening of the 1962 "Kennedy Round" of trade negotiations, this average rate had dropped to 12 percent. Today the average U.S. tariff rate is but 6 percent.

The official rhetoric of these policies never changed; and for the most part it is still based on the teachings of earlier economists. But in the manner Keynes took note of, it was very much up-to-date businessmen who gave the ideas their currency. A good example would be Thomas J. Watson, founder of IBM and a long-time head of the United States chapter of the International Chamber of Commerce. "World peace through world trade" was a particular theme of that organization, echoing, however unintentionally, a favorite thesis of Jeremy Bentham and the early 19th Century British "liberal" economists.

No president has been more firm in his commitment to these ideals than Ronald Reagan. In a radio address of November 20, 1982, just prior to the opening of GATT ministerial meeting in Geneva, he said:

"We are reminding our trading partners that preserving individual freedom and restoring prosperity also requires free and fair trade in the marketplace. The United States took the lead after World War II in creating an international trading and financial system that limited governments' ability to disrupt free trade across borders. We did this because history had taught us an important lesson: free trade serves the cause of world peace.

"When governments get too involved in trade, economic costs increase and political disputes multiply. Peace is threatened. In the 1930's, the world experienced an ugly specter—protectionism and trade wars and, eventually, real wars and unprecedented suffering and loss of life.

"There are some who seem to believe that we should run up the American flag in defense of our markets. They would embrace protectionism again and insulate our markets from world competition. Well, the last time the United States tried that there was enormous economic distress in the world. World trade fell by 60 percent, and young Americans soon followed the American flag into World War II."

The President had great hopes for that GATT conference; he himself had proposed it the previous year. It might have led to a "Reagan Round" of trade negotiations. In the actual event, it came to near disaster. At its very outset Michel Jobert, the French Minister of Foreign Trade, denounced the United States for "dogmatic liberalism," an accusation not normally associated with the Reagan administration. At the close of the meeting, Hobart Rowen of the Washington Post described the results as "a bitter defeat for free trade." The Wall Street Journal wrote that the GATT "just barely survived the meeting." Ambassador William Brock, former Senator, Republican National Chairman and now our distinguished U.S. Trade Representative, returned to tell the Senate Finance Committee, "We came so close to a disaster that maybe the biggest achievement we had was in keeping the system in some form intact." It was bad as that.

But why? It would be accurate to say that the main reason is that most nations do not subscribe to the principles of the GATT, and for the most part never have. They have political economies; and international trade, including trade war, is for such merely the extension of politics by other means.

And the United States? Our principles have not changed, but our practices are more and more at variance with these principles. I can fairly claim, in this respect, to have been "present at the creation." On January 25, 1962, John F. Kennedy asked the Congress to authorize a new round of trade negotiations, one designed to reduce tariffs still further. Tariffs being a tax, this required a statute—known in this case as the Trade Expansion Act of 1962. Congress, however, was in no mood to grant it. To recall those days, textile imports, especially from developing countries, had begun to threaten the prosperity of the textile mills in the Carolinas and Virginia. These were businesses of significance and, for the South, a symbol of economic renascence. "Bring the Mills to the Cotton." (To this day, about one out of every ten American manufacturing workers is employed in textiles or apparel.) Something had to be done about these imports. And something beyond tariffs, which in general present few real barriers if the foreign products are just plain cheaper.

Something was done. Early in 1962, Under Secretary of State George Ball flew off to Geneva and negotiated a brief period of export restraints among the leading textile and apparel producing nations. In July, the formal GATT negotiations began. The American delegation was headed by W. Michael Blumenthal, then a deputy Assistant Secretary of State, Hickman Price and myself, respectively Assistant Secretaries of Commerce and of Labor. Our mission was to negotiate a long term quota agreement on textiles and apparel, one sufficient to win Congressional approval of the President's proposal.

The negotiations were prolonged and painful, not least because the French were in a period of high Gaulist negativism regarding anything the United States wanted. Hence the irony of the outcome. On July 20, the French tabled their "final" offer. It was taken for granted that we could not accept it and, at all events, the budding diplomatic

careers of our threesome would come to an early and inglorious end. We went to dinner, but had no appetites. We wandered back to the delegation headquarters to see if there were any hope, and began adding up the French proposal. We found they—to the man, inspecteurs des finances—had made a mistake; they were offering us more than our instructions required that we obtain. The next morning, to much Gallic astonishment, British relief, and Japanese bows, we accepted. Blumenthal went on to negotiate the Kennedy Round, and later, of course, to be Secretary of the Treasury.

The Long Term Textile Agreement, as it came to be known, is still in force, much expanded: it is, indeed, a small international trade organization of its own. But American markets continue to be taken up by imports. Twenty-two years ago, about 10 percent of all apparel sold here was imported; today the proportion is nearly 30 percent.

The events of 1962 set a pattern followed with remarkable consistency in the years since. Presidents and Secretaries of State proclaim the American commitment to ever more free and expanding world trade. Their subordinates in the subcabinet, often acting in alliance with members of Congress from the affected districts or regions, negotiate quantitative import restrictions. Sometimes such involve formal, detailed provisions, as in the original cotton textile agreement (now formally the Multi-Fiber Agreement). Sometimes they are more informal, as with the recent understanding that the Japanese would export no more than 1.68 million cars a year to the United States from April 1981 to April 1984 (the ceiling was raised to 1.85 million cars for the year April 1984-April 1985).

In much the manner of the "Gentlemen's Agreements" on immigration of the early-20th Century, there was a pronounced effort to save face—excepting that in this instance, it was the United States' dignity that had to be preserved. It had come to pass that American auto makers no longer believed they could make cheaper and so better cars than anybody else!

In real life, American industry never has been overmuch concerned with the niceties of these matters. A quota's quota: grab it. Prefer it. There are such things as unfair trade practices, and there are laws providing remedies. The oldest of these is the so-called countervailing duty. If a foreign nation subsidizes its exports, the United States can level an additional tariff, a countervailing one, on any such imports to neutralize the subsidy. In 1982, European firms were selling alloy and carbon steel in the United States for $500 a ton. U.S. steel producers filed 132 anti-dumping and countervailing duty petitions with the International Trade Commission (until 1974, called the U.S. Tariff Commission). The ITC took up the matter, but in the meantime the U.S. Trade Representative and the Commerce Department began their own negotiations with the Commission of the European Economic Community.

On October 21, 1982, the Europeans agreed to limit their exports of alloy and carbon steel to no more than 5.5 percent of American consumption. The American steel manufacturers were willing to give up a fixed share of the domestic market, so long as they could retain their control over the rest. (Before the I.T.C. on 8th Street could impose countervailing duties, a consensus had been reached on 16th Street, at the White House, to negotiate quotas with the Europeans instead.) So much for free men and free markets.

By constitution or humor, organized labor has never been especially keen on the ideology of free trade—anymore than it has been zealous about free enterprise defined as the entrepreneur's untrammeled right to do whatever maximizes his profit. Even so, since the 1930s American labor has been much concerned with foreign policy, and insofar as free trade was a key element of American foreign policy, it has had the support of American labor.

But all the above is changing. In 1962, the International Ladies Garment Workers and the Amalgamated Clothing Workers both sent representatives to the textile talks in Geneva. The contrast between these two New Yorkers and the Southern mill owners in whose company and on whose side they found themselves was, well, striking. The trade unions were idealist and internationalist—and, for their pains, relatively penniless. Even so, they fought hard for their respective unions, and the mostly low-paid, unskilled women their unions represented. (In that year the combined membership of the ILGWU and the ACW was about 800,000. This year it is 580,000.)

The problem for labor is that it is the one element left out of what has been called the "internationalization" of the factors of production. Capital, technology and management now move about the world with considerable ease. (Management that can't move—typically because of huge plant investment here—in much the position of labor; and the unions and management of such industries press increasingly for protection.) Management that has sent capital and technology abroad is necessarily opposed to measures that would inhibit their ability to import products back in to the American market and, if you like, compete with their former selves. They become closet free traders and not much is heard from them, as they set up in Matamoros, Shannon or, in Robert Heilbroner's memorable phrase, is some country they need not fear going Communist because it already has. Labor, however, stays put in Lackawanna, Akron, or the South Bronx. People can move, to be sure, but moving to look for work is never easy. (Michiganders arriving in Texas at the depths of the 1982 depression were greeted with a State welfare department pamphlet entitled "Down and Out in Texas." The message was: you won't like it here.)

In any event—so far—American workers do not travel abroad to find work. To the contrary, they also must compete with millions of illegal aliens who travel here for that purpose, in addition to legal immigrants. (In his classic Theory of the Labor Movement (1928) Selig Perlman stated that the organizing principle of the trade union was a sense of a scarcity of job opportunities. It was then; it is still.)

And so we muddle into a new era which, whatever else, we seem determined not to shape. Whatever happens will just happen. Or maybe some other nation or group of nations will make it happen. We won't even think about it. It is an embarrassment, abandoning Cordell Hull. Besides, there are immediate matters which must be attended to. For example, the quota agreement on clothes pins, negotiated under the Carter Administration, is soon to expire.

TWO ERA OURS ISN'T

As a nation, we still strive to live by the insights of Adam Smith. And well we might—there never was an economist so intelligent and so attractive.

In our age, the great avowed challenge to private enterprise has come from newly established forms of state intervention, while we have quite lost the memory of the former system of state controls which Smith helped lead us out of. (Every so often we are reminded. 1984 is the 400th anniversary of the first book published by the Cambridge University Press. The Press is observing the occasion with a series of advertisements in scholarly journals, which note in passing that it was King Henry VIII who granted their charter in 1534 to "print and sell all manner of books." Imagine needing a king's permission to start a publishing business! But the right to start a business on one's own scarcely existed four centuries ago. Today it is virtually a right of citizenship in the free world, for which all praise to Adam Smith. Including the right to start a business in Taiwan to export books, or undergarments, to Chicago. Today, that is part of the problem.)

Smith's abiding concern was production at least cost. This is the heart of the doctrine of comparative advantage. You can grow grapes in Scotland and raise sheep in Portugal, but there will be much more wine and wool to go around if you do it the other way. And this is the point. Smith lived in a world which was glimpsing for the first time the possibility of life not pervasively constrained by scarcity. Technology had the potential to end scarcity, if technology could be liberated from the old constraints of government and, more generally, of society.

The doctrine came to be called "liberalism"; in practice, there were such problems as the Iron Law of Wages, which was held to follow from first principles. There was also something cultural about our response to the doctrine. We need not reinvent Max Weber, but it is important to note that the Roman Catholic Church has never quite accepted the tenets of capitalism or, in the view of theologians such as Michael Novak, ever quite understood it. Either way, I can remember from my own youth the puzzlement of working class congregations, Democrats and New Dealers to the core, listening to Pastoral Letters deploring "liberalism". The old Irishmen were still quarrelling with Ricardo, while their parishioners thought they were being told there was something wrong with the Fair Labor Standards Act. (In fact, the Bishops had been advocating such standards, in one form or another, for a third of a century.)

No matter, scarcity as it was known before liberalism is behind us today. That this will be disputed is a measure of just how removed we are from a world of scarcity. A watertight roof, leather shoes, a kitchen stove, sufficient heat: such things were beyond the imaginings of most men and women three, even two centuries ago. Conditions changed slowly. The Confederate Army fought barefoot at Gettysburg, and would not have expected to do otherwise. In Albert J. Kennedy and Robert A. Wood's research on the emergence of working class stability in Boston nearly a century ago, they took note that steadier folk who could accumulate a little something over the years did so, in part, because they looked upon potatoes (with just occasionally a little milk) as their diet, period. Wander about a supermarket today and consider how far we are removed from Marx's "realm of necessity."

Scarcity is behind us; want is not.

This is the point. Just as it was possible in Adam Smith's age to envision a society free of scarcity, so it is possible today to envision a society free of want. The two are differ-

ent, as Henry George argued in Progress and Poverty (1879) and as Will Rogers immortalized in his remark during the Depression, that America was the only country ever to "go to the poorhouse in an automobile."

In Adam Smith's time, it was possible to envision a society free of scarcity if only political and economic arrangements gave a freer hand to technology. Today, it is possible to envision a society free of want if we reverse those arrangements.

And it is possible to argue that if we don't do so, we are going to find ourselves in a lot of trouble, and fast.

Just twenty years ago, Lyndon B. Johnson proclaimed an end to poverty as a national purpose. For a while it appeared to be happening, and among the aged, for the most part, it did happen. At the same time, however, there emerged a wholly new incidence of poverty concentrated among young adults and their children. (Elsewhere, I have attempted to show that one child in three born in the United States in 1980 can expect to be on public assistance before age eighteen, and one has yet challenged the data.) [1] The proportion of the entire population classified as poor is now as high as when LBJ proclaimed the war on poverty; only the "mix" is different.

I cannot help think that at the root of this new social disorganization is a growing scarcity of work opportunities. This is the new scarcity which challenges our time. Among minorities this scarcity of work opportunities, as measured by the unemployment rate, has been endemic for a generation.

When the Bureau of Labor Statistics began measuring employment in 1946, it published its data only in terms of large aggregates. No one was fully confident that the statistical art had been mastered. Even so, samples were taken of smaller groups. In those first surveys, black teenage unemployment was lower than white. Many black youths of that time lived on farms where, indeed, they did work and were so recorded. But not everyone lived on a farm; there was work in cities, and black youth found it. Last month, May 1984, the unemployment rate for black youth was more than 44 percent and, as we roll into a general economic recovery, goes all but unremarked.

It is heretical, but is it also time to consider adjusting technology to keep everybody on board? We have all the food in the world, but some 21 million people receive food stamps because they don't have enough income to buy it. Food stamps provide a better diet than most Americans could have hoped for a half century ago. But shopping in a supermarket today with foodstamps is not so very different from going to the poorhouse in an automobile. Whatever the mode, you're still in need. We need to provide our people with what they don't have and do need. This means work and, in some measure, work lost to foreign competition or soon to be.

The second era ours' isn't, is the era of tariff walls, of the Smoot-Hawley Tariff of 1930 when Congress and President Hoover contrived a huge and wholesale tariff increase, against the pleas of the economic profession. It "worked." In two years, merchandise imports into America dropped nearly 60 percent, from $3.1 billion to $1.3 billion. But so did American exports, plummenting from $3.9 billion to $1.7 billion. A trade war broke out in the Atlantic. Totalitarianism spread, and war came. The breakdown of world peace followed the breakdown of world trade.

American post-war trade policies were deeply influenced by the conviction that prewar tariff policies had helped bring about that war. This was a matter that stirred passion in Foggy Bottom, and well it ought. If Smoot-Hawley helped Hitler's rise, then the concern to prevent such from happening again was deserving of passion indeed.

It won't happen again. These days, the industrial world is pretty much divided between nations that are securely democratic and others just as persistently totalitarian. War will not break out among the democracies, and if it should come to pass between the two blocs, it will not be about trade.

The danger in the present system is rather the opposite. By adhering too firmly to our internationalist credo, we well could undermine the political foundations that made internationalism a working doctrine rather than an abstract theory. I addressed this matter at the 1983 commencement ceremony for the graduates of the Rensselaer Polytechnic Institute in Troy, New York. There, I drew on Daniel Boorstin's notion that the American nationality, our cultural identity, was formed largely by the common artifacts which industrialization enabled us to share with one another.

The Model T Ford is a great instance of this. (John Steinbeck once wrote of a generation of young men who grew up knowing more about the mechanical system of gears than the planetary system of the universe.) The inundation of the American market by foreign automobiles and similar bonding artifacts, then, is no small event in our culture. It threatens not just jobs, but cultural identities as well. One result is the anger—yes, anger—spreading among the citizens of "smoke stack America," working men and women who have given almost unbroken support to internationalist Presidents, with their foreign aid programs and tariff reduction rounds. There also is a matter (and a problem) of class perception here. Internationalists, to risk a large generalization, like foreign cars. (This had led Robert Heilbroner to speculate, "how staunchly economists would stick to their free-trade guns if the Japanese were to export another commodity of excellent quality which they produce at home and could market for less than its counterpart, namely, economists.")

THE AGE OF WELFARE STATISM

What, then, is the era we have entered upon? It is something old and something new and, lacking a name, I will call it the age of welfare statism. Two political traditions have come together in the context of advanced technology. First, there is the old tradition that the state is sovereign with respect to economic as well as political affairs. This is not a matter of the state running the economy—such is a modern idea that could not antedate the postal service, the telephone, and the technologies of management that make such an ambition possible beyond a city state of very ancient limitations. Rather, it is best thought of in terms to the mercantilists who combined feudal prerogatives with economic theory. Their object was to enhance the power and prestige of the State, which was to say the Prince. Second, as technology made it feasible, the modern idea emerged that the State's proper purpose was to serve its citizens and, if need be, provide for their welfare.

Contrary to our rather insistent misreading of our own history, the United States was no laggard in this regard. The Articles of Confederation, a scanty enough provision for something like a central government, even so provided in Article VIII that "charges" for the "general welfare" should be "defrayed out of a common treasury." If the authors did not exactly have Social Security contributions and Medicare services in mind, they were thinking of something which they chose to term "welfare", and pointedly excluded "paupers, vagabonds and fugitives from justice" from the company of the deserving. The subsequent Constitution specified the "general welfare" as one of the six specified objects of the new government.

So with modern governments generally. Under one banner or another, the old tradition of active state involvement in economic affairs has revived, but for the new purpose of ensuring the well being of the citizens, as against that of the Prince and the power of his State. France provides a nice example of this transition. In 1665, Jean Colbert, chief minister to Louis XIV, founded the state Royal Factory of Mirror Glass. Later, under the influence of laissez-faire economics, the enterprise was transferred to private ownership as the Compagnie Saint-Gobain and grew to be a major producer of building materials. In 1982, the Socialist government of Francois Mitterand re-nationalized it.

In postwar Europe, at all events, full employment became the defining, economic goal of the new welfare state. This never quite happened in the United States. The Employment Act of 1946 set the goal, to promote "Conditions under which there will be afforded useful opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power."

This Act, which also established the Council of Economic Advisors to keep track of our progress, was originally entitled the Full Employment Act; but Congress was not prepared to go that far. In time, this asymmetry helped produce the crisis of the international trading system unfolding today.

In brief, the architects of the U.S. trade policy that evolved in the 1930s and 1940s hoped to end government interference in world markets, primarily by reducing tariffs. President Reagan has faithfully affirmed the twin political and economic objectives of this approach: "preserving individual freedom and restoring prosperity . . . requires free and fair trade in the marketplace." The GATT was established on the assumption that its members all would have something like free economies, in which the overwhelming proposition of commercial decisions were in private hands. If government interference through tariffs and quotas could be minimized, the world would have free trade and more trade.

The original 23 members of the GATT basically fit the description of free market economies. Almost everywhere but here, government owned the railroads; but the goods and services traded on world markets were in preponderant measure privately produced and privately traded. As GATT's membership expanded, however, this general characteristic was diluted, if not lost altogether. Today, GATT is a world trade organization with 87 members, including four from the Soviet Bloc. In most GATT member nations today, the central government is deeply engaged in economic decisions. This is perhaps most pronounced among the developing nations in GATT, for

[1] Children and Welfare Reform", in *The Journal of the Institute for Socio-economic Studies, Vol. VI, No. 1, Spring 1981.*

the simple reason that the modern ethos in such countries considers economic development the first task of government. As such, controls, export subsidies, import substitution and so on grow more common, not less so. (Most members of OPEC belong to the GATT. Whatever considerations might have given them pause in the early 1970s when they got together to fix the world price of oil, the General Agreement on Tariffs and Trade surely was not among them.)

The oil price shock hit the developed nations hard, and unemployment soon reemerged as a problem in economies that had thought it behind them. In one nation after another, unemployment rates reached their highest levels since the 1930s. The response, if not necessarily predictable, even so was recognizable. One after another nation began trying to "export its unemployment," to use the phrase applied to similar efforts in the 1930s.

Of GATT's industrialized members, then, the United States almost alone still subscribes to the economic tenets of 1947 which underlay GATT's formation. In Japan, the powerful Ministry of International Trade and Industry formulates industrial as well as trade policy and facilitates corporate modernization, investment and technological decisions in accordance with these policies. France has moved from the state-planning principles of the Gaullist's Dirgisme, embodied in the Commisariat General Au Plant, to the state-directed economics of the current socialist government. Here, we continue to resist any state direction or planning of matters concerning international trade.

Just as it took the United States a long time to recognize that the United Nations was no longer made up of nations with the political systems and values of the majority that subscribed to the original Charter—political values which made the Charter at least theoretically workable—so we have taken the longest time to recognize that the international trading system formalized in the same period no longer works as it was expected to, in part because the principal traders no longer abide by the original rules. This is a politically neutral development. The relationship between free markets and political freedoms is certainly not a tenuous one, but neither is it absolute. Unemployment is a kind of unfreedom which counts for a great deal, and nations which choose to think hard about it, and try to arrange their affairs to minimize it, are not to be deplored. Rather, their example is to be studied.

Mr. George Gilder recently commented that the United States "is already leading the world in job creation and is applying new technologies 50 percent faster than either Europe or Japan." [2]

But even so, we show no sign of moving toward full employment, and little disposition any longer to consider this important in its own right. To the contrary, we are settling ever so slowly into the idea that levels of joblessness thought horrendous in the 1960s are now the mark of economic recovery. In 1964, Lyndon B. Johnson sent his first Manpower Report to the Congress. (This report, mandated under the Manpower Development and Training Act of 1962, was modelled after the Economic Report of the President, concentrating on employment as against economic growth.) Unemployment in 1964 had dropped to 3.8 percent, the lowest in a decade (and the lowest since). The President was scarcely satisfied. His message to the Congress, accompanying the technical document in the manner of the Economic Report, spoke with satisfaction about the number of Americans who had jobs and with indignation about the numbers who did not. "Their idleness," he declared, is "a tragic waste both of the human spirit and the economic resources of a great Nation." He went on to state that this waste was one an "enlightened Nation should not tolerate" and one which ours "cannot tolerate."

Tolerate it we did, both in the black slums LBJ was thinking of at that time and in whole regions and industries today. We have paid, and are paying, the cost.

There is much talk just now of the need for an "industrial policy" to respond to the problems, somehow just perceived, of American industry. This is a shift from the earlier notion that "manpower policy" would do the job, which is to say that given a minimally intelligent management of the macroeconomy, workers with skills would find jobs. It is now clear that this is not enough. It is no longer widely believed that manpower training programs have been very effective. Imports ate away at these jobs, no matter how skilled its workers were. Imports, of course, were also devastating to the unskilled. Imports will eat away at industries in much the same way.

It is time to consider two propositions.

First, just as the most important elements of industrial policy are to be found today in the tax code, where different activities are taxed at quite different rates, so trade policy is a way in which we decide which industries will continue to exist, which will grow, and which will disappear. Other nations have made these decisions, and we have no alternative but to follow. Our merchandise trade deficit in 1984 will likely top $100 billion. Alfred Eckes, chairman of the International Trade Commission, has estimated that each $1 billion increase in our trade deficit costs 25,000 new job opportunities. In part, this deficit is due to the overvaluation of the dollar, which increases the price of American exports abroad and reduces the prices of foreign imports here. (The 1984 Economic Report suggests it may take a decade to realign exchange rates.) The old, old pieties about a self-equilibrating system simply no longer hold.

Second, it is possible to apply to trade policy the same considerations and values which led us, a half century ago, to begin to think of unemployment as socially unacceptable and of full employment as both desirable and feasible. Most of all, this will require a shift from a macroeconomic, grand scale view of world trade—the view that it all works out in the end—to a more detailed and avowed approach of asking, what is going to happen to this set of workers in this part of the country, and whether putting their jobs in jeopardy would be fair or wise.

As a matter of fact, we already use such an approach for trade matters, but we don't admit it. And so we move furtively, almost shamefacedly, from one protectionist measure to another, as one crisis after another forces itself on the attention of government. It is too far into the 20th Century to offer the vision of a rational, smoothly functioning government policy about any matter as vast and complex as international trade. But is it too much to ask that we listen to the Ruth Dunham's of our land? For 28 years, she has been a lathe and saw operator in a clothespin plant in West Paris, Maine—a town that has seen imports close down its shoes and textile concerns. She told the Wall Street Journal, "You'd think the government would look out for people in this country." [3] If not, or so the assumption has been, the government had better look out.●

[2] The New York Times, April 22, 1984, P. F-2.

[3] *Wall Street Journal*, April 11, 1984, p. 24.

IOWA PLAN TO LOWER HEALTH CARE FEES

● Mr. GRASSLEY. Mr. President, a rare phenomenon is occurring in Iowa: Health insurance rates are actually being reduced for several hundred thousand Iowans. This gradual phase-in of rate reductions is a result of a cooperative effort by business, labor, the health care industry and Government to halt rapidly escalating health care costs.

I have previously reported to my colleagues the tremendous progress achieved in Iowa through the implementation of an innovative health care strategy which enjoys broad support throughout the State. The following article, which appeared in the June 14, 1984, New York Times, is yet another illustration of the leadership role Iowa is taking in cost containment plans.

I ask that the article be printed in the RECORD.

The article follows:

IOWA PLAN TO LOWER HEALTH CARE FEES

(By Milt Freudenheim)

DES MOINES.—The first general reduction in health insurance rates since double-digit inflation took hold six years ago will go into effect in Iowa at the end of June. Experts say the reduction, a result of an innovative statewide plan, is setting a national pattern in combatting rising health costs.

Under the plan, health insurance rates for 330,000 Iowans will go down 5 percent, a $24 million reduction that is getting close attention in Washington and around the country, where rate increases of 15 to 30 percent are still the rule.

The reduction, based on a significant decline in the use of hospital beds, is the first fruit of a three-year combined effort by employers, unions, the state government and the health care industry. The plan is based on controlling costs through such strategies as de-emphasizing expensive types of care and long or frequent hospital stays in favor of outpatient care or treatment that can be administered in physicians' offices.

Donald P. Rowen, a leading participant who is executive vice president of the Iowa Federation of Labor, calls the plan "an experiment to see if competition within the system will work." Similar coalitions have been established with varying effectiveness in 150 communities around the country.

"Employers who are paying the bills in Iowa and other parts of the country are starting to realize that they have the opportunity to exercise some control over health care costs," said Bruce Steinwald, acting director of health policy in the office of the Secretary of Health and Human Services in Washington.

"The actions in Iowa and the result they've achieved constitute a dramatic ex-

ample of a national trend," said Bernard R. Tresnowski, president of the national Blue Cross and Blue Shield Association, the nation's largest health insurer. "Blue Cross and Blue Shield plans in 50 states are initiating a variety of cost-containment strategies. The results are adding up to an overall decline in the use of the most expensive types of care and an increase in lower-cost alternatives such as care in outpatient departments and physicians' offices."

Three years ago the use of Iowa hospitals, measured in patient/days, was well above national norms, and rising expenditures for Medical and health coverage for state employees were straining the state budget.

CHANGED THE PATTERN

"We have changed the pattern of medical and hospital care dramatically," said Donald W. Dunn, president of the Iowa Hospital Association.

In the first three months of 1984, patient/days dropped 3 percent more as hospitals began observing Medicare payment ceilings under a new system: Instead of billing for care provided on a case-by-case basis, the hospital is paid a fixed amount for each case, depending on which of 467 specified diagnoses it comes under.

Mergers and closings of some of Iowa's 128 acute-care hospitals are widely predicted.

The 5 percent rate decline in rates applies to individuals and groups of fewer than 25 people, said D. Eugene Sibery, president of Blue Cross and Blue Shield of Iowa. This amounts to one-third of the one million subscribers in the state. In addition, 100,000 Iowa Farm Bureau members got a 2 percent reduction. Iowa's economy is rooted in agriculture, but 70 percent of the 2.9 million population live in or near medium-size cities. Health care in the state costs $3 billion a year.

Nationally, admissions to hospitals fell in 1982 for the first time in more than 30 years, according to the American Hospital Association's latest figures. Hospital costs are still rising, but the growth rate is slowing. The costs increased 10.2 percent last year, 14.9 percent in 1982 and 17.5 percent in 1981.

Blue Cross plans in Connecticut, Cleveland and Kansas City are cutting back projected rate increases, but only Iowa's rates are going down, spokesmen for the associations said. Blue Cross and Blue Shield of Greater New York, with eight million subscribers in the metropolitan area, said that monitoring of costs and use saved $140 million last year. New Jersey Blue Cross said similar programs had brought a continuing decrease in inpatient hospital use there.

"Doctors were putting too many people in hospitals, keeping them there too long and running too many tests," said Glenn Witt, staff vice president and personnel director of the Meredith Corporation, a Des Moines-based magazine publisher and television chain. "Since 1970, our health costs have doubled every five years."

Iowa's prosperous physicians have gone along with the changes.

"We haven't taken an adversarial position," said Eldon Huston, executive vice president of the state medical society. Physicians run the Iowa Foundation for Medical Care, which reviews hospital admissions and treatment for Blue Cross-Blue Shield and private employers.

STUDY GROUP ORGANIZED

Worry about the state's shrinking tax base and its growing elderly population made controlling costs a priority. Mr. Sibery, who came to Des Moines from the Greater New York Blue Cross plan started a review of hospital use in 1981. Under the rules, insurance payments for a hospital stay are not approved until less-expensive alternatives such as care in a physician's office or a clinic are ruled inappropriate by advising physicians.

In 1981, business leaders also persuaded Gov. Robert D. Ray to appoint the 11-member Commission on Health Care Costs. Its recommendations are being carried out by the Health Policy Corporation of Iowa, an independent planning agency headed by representatives of business, labor and state government.

"We are building a system based on market forces, as an alterative to Government regulation," said Paul M. Pietzsch, the agency's president. His group persuaded the Legislature to establish a Health Data Commission, which published comparative hospital charges in May for the 25 most frequent procedures. The commission also plans to issue a comparison analysis of physicians' charges.

The information will be used by employers and health plans negotiating with hospitals and physicians. Some large groups in other states are forcing hospitals to give discounts in return for an assured volume of patients, under a system known as preferred provider arrangements.

[In the Blue Cross-Blue Shield plan announced Wednesday in Washington by Mr. Tresnowski, an educational effort would be used to persuade doctors not to use certain procedures, and at some future date payments would not be made for those disapproved procedures.]

Carrying out another recommendation of the Commission on Health Care Costs, the Legislature ended hospital and physician control of Blue Cross and Blue Shield, giving consumers two-thirds control.

CATERING IS ATTEMPTED

The squeeze has left many Iowa hospitals half empty and hurting financially. A hospital in Davenport is selling laundry and catering services to outsiders.

"Our challenge is to down-size with minimum trauma, while maintaining accessibility in hospitals and doctors in the rural areas," said Michael V. Reagan, the state's Human Resource Commissioner.●

THE AMERICAN STEEL INDUSTRY: MYTH VERSUS REALITY: V

● Mr. HEINZ. Mr. President, today I present the fifth in a series of brief statements which will appear periodically in an effort to elevate the level of debate on the crisis in the American steel industry.

I would like to continue my discussion concerning the role of labor in the American steel industry. My focus will be on the cost of labor and its overall relation to the health of the industry. Too often, it is assumed that the wages of American steelworkers have risen without regard for economic realities or that the U.S. workers are paid much higher wages than their counterparts abroad without accompanying advantages in productivity.

These generalizations often pass for argument in the current debate over steel import quotas and the critical state of the steel industry. Interest has been heightened with the affirmative vote by the International Trade Commission on the section 201 petition filed by Bethlehem Steel and the United Steelworkers. In order to firmly ground the debate in fact rather than fiction, I am offering some further myths and realities about the state of the American steel industry.

Myth: Labor costs continue to increase regardless of the overall economic situation.

Reality: According to data published by World Steel Dynamics, labor has accounted for about 35 percent of total steel production costs since 1977. Beginning in 1976, the rate of increase for labor costs has been minimal compared to other components of steelmaking costs. Between 1976 and 1983, labor costs per ton of steel produced increased by 47 percent. In the same period, energy costs per ton increased by 233.7 percent, financial costs per ton grew by 97 percent, and iron costs per ton went up by 81.9 percent.

Labor costs per ton of steel shipped were $158.38 in 1980. Today, they have decreased to $138 per ton shipped. The problem remains, however, that even while domestic costs of production are dropping, foreign competitors, with ever lower, subsidized prices are seizing an ever larger share of our market.

Myth. U.S. labor costs continue to increase at rates greater than those of our competitors.

Reality. Among the industrial nations, in terms of labor costs per ton shipped between 1976 and 1983, dollar increases for Japan and West Germany were within $6 per ton of the United States, with a greater rate of increase. French labor costs are still within $10.54 per ton of ours. If the effects of the dollar's appreciation from its 1978–79 levels is calculated in addition to wage increases, Japan would have lost 12 percent and the United Kingdom would have lost 37 percent of the cost advantage they now enjoy over the United States. Both West Germany and France would have significantly higher labor costs than the United States.

In comparison with Third World labor costs, the United States simply cannot compete with South Korea, Brazil, Taiwan, or South Africa. However, it cannot be national policy to drive steelworker wages down to levels equal with the worst paid labor in the world. The use of collective bargaining since the 1930's has substantially raised the standard of living for steelworkers to generally acceptable levels. Lynn Williams, head of the United Steelworkers describes the situation:

At present, some of them, after years in the mill, earn enough to meet the intermediate family budget, as adjusted, set by the Labor Department for a family of four ($26,568). The earnings of others, however,

remain in the low category, ($16,334). Thus, the most highly paid of our members have reached a point where they can afford a car, a modest home and an education for their children. The lowest paid barely make it.

Myth. In spite of their high wages, the efficiency rates of American labor remain very low.

Reality. As published in World Steel Dynamics, in 1983 it took 6.59 total man-hours in the United States to produce a ton of steel. Corresponding rates for France were 10.92 total man-hours, for West Germany, 10.76 total man-hours, for the United Kingdom, 10.75 man-hours, and for Japan, 7.72 man-hours. This means that the average American steelworker produces 65 percent more steel per hour than his French counterpart, 63 percent more than a West German or British steelworker, and 17 percent more than a Japanese steelworker.

In 1984, the number of U.S. man-hours needed to produce a ton of steel has already decreased to 5.80 per ton. This gives the U.S. a 25-percent advantage over its nearest rival.

Myth. The benefit to the consumer from lower priced foreign products outweighs the costs of import-related steel unemployment.

Reality. In calculating the price paid by the United States for steel imports, all the costs of import-related steel unemployment must be considered. Large numbers of unemployed steelworkers affect those in tertiary support areas which includes mineworkers, refractory makers, mill equipment manufacturers, steel-haulers, and others. Lynn Williams, head of the steelworker's union, estimates that for every laid off steelworker, between two and three jobs are lost in steel support industries. When lost wages and tax revenues are included as well as higher welfare and social costs, too many steel imports at lower prices represent no bargain for the American consumer.

The Fair Trade in Steel Act, S. 2380, is the proper legislative response to the difficulties faced by the American steel industry. We must focus the debate on the major cause of the problem, unfairly traded imports, rather than parading the same old cliches concerning the outrageously paid and inefficient American steelworker. A comprehensive policy is needed to restore competitiveness to a crippled domestic steel industry to insure its long-term survival.●

DRUG WAR TEAMWORK PAYS OFF

● Mr. CHILES. Mr. President, I wish to commend the hard work of the Florida customs agents who on June 15 uncovered the second largest cache of cocaine seized in the United States to date.

Sometimes the frontline troops in the war against drugs get lost in the midst of grandiose claims which politicize and exploit their victories. Turf fighting and selfish credit claiming, in the past, have been counterproductive and demoralizing to the personnel working with the several Federal agencies involved in drug law enforcement. This recent seizure, however, is a good example of the team effort and the coordination of units within the South Florida Task Force—wherein the U.S. Customs, Coast Guard, Drug Enforcement Administration, Internal Revenue Service, Armed Forces, and State and local law enforcement work hand in hand. Customs agents can rightly be proud of their accomplishments, but I'm sure that they would be the first to acknowledge the background support offered by the rest of the task force team.

Teamwork is imperative in our continuing battles against drug trafficking. Not just the teamwork among law enforcement agencies, but a coordinated commitment among all of us. No better expert than the former head of the Drug Enforcement Administration, Pete Bensinger, could attest to that and instruct us on this lesson. To that purpose, Mr. President, I ask that an article by Mr. Bensinger, published in the June 18, 1984, Miami Herald, be printed in the RECORD. This article originally appeared in the June 15 New York Times under a different title.

The article follows:

DRUG WAR MUST BE A TEAM EFFORT

(By Peter B. Bensinger)

The drive to control drugs has been well described by Vice President Bush as a marathon, but in this race no one party or branch of government can hope to capture all the glory. It is tempting to herald new initiatives or to announce large-scale arrests—I know because I made my fair share of such announcements when I headed the Drug Enforcement Administration.

The real breakthrough will come when Congress, the Administration, our courts and foreign governments, backed by citizens, overseas and here, become fed up with the violence, corruption, intimidation, health and safety hazards, accidents and deaths produced by our $100 billion a year, self-inflicted disease.

Cocaine abuse is at record levels, with more than four million regular users. Importation of heroin, deaths from overdoses and injuries are climbing again. Marijuana use is still unacceptably widespread, with one out of 10 Americans smoking marijuana at least once a month even though today's marijuana is 5 to 10 times as powerful and dangerous as that of 10 years ago. Pills, abused by 10 million Americans, still kill more people than heroin and cocaine.

What can we do?

Education and information: Our children make major health decisions before they are 12 years old: whether to smoke, to drink or to use drugs. Information on drugs and alcohol must be communicated early and effectively, through knowledgeable teachers who understand the gateway that leads from experimentation to dependency. Drug education in primary school is essential, and all teachers, not just science teachers, should reinforce this information.

In 1982, the Surgeon General issued a report on marijuana, citing specific health hazards. Just recently, it was reported that 63 percent of high school seniors believe use of marijuana is harmful, compared with 35 percent in 1978. There is a direct and significant connection here. We need another Surgeon General's report on cocaine and greater education on poly-drug use—mixing different drugs and drugs and alcohol. And medical school curriculums must include instruction in the abusive aspects of prescription drugs.

Enforcement: Colombia is the principal source of illegal drugs in the United States. If the drug faucet is left on there, we will continue to get buried in dope no matter how many planes and radar screens are placed on our borders. Colombia must destroy illegal crops before they are harvested, as was successfully accomplished in Mexico. If Colombia doesn't change, we could consider revoking most-favored-nation trade status for its principal exports, coffee and flowers.

Lack of consistency and certainty of punishment in the United States is one reason for our high crime rate. Because of unrealistically low bail, traffickers become fugitives rather than stand trial. (There are now 2,950 fugitives, while there are only 2,100 Drug Enforcement Administration agents.) Seizures of assets from traffickers should be used extensively by states as well as the Government.

Private-sector efforts: Drugs in the workplace affect the health and safety of employees and the public. Employers are beginning to recognize the tremendous cost of drug and alcohol abuse: $65 billion per year in productivity, lives lost, futures forfeited and unnecessary accidents. More companies must face this problem and provide employee education, supervisory training and employee assistance programs to curb substance abuse on and off the job. Trade associations and such groups as the Jaycees and the Chamber of Commerce should develop policy guides on drug and alcohol abuse for their members.

Use of television: Parents spend an average of 14 minutes a day with their children. Students watch 10,000 hours of TV before graduating from high school. Where do they get their values? From shows like "Dynasty" and "Saturday Night Live," where drugs, sex and booze permeate the living room. The TV industry should not delude itself into thinking that a documentary on cocaine or angel dust can offset the constant glamorization of drugs. Communications companies suing the public airwaves should provide entertainment that is consistent with health and research information.

For a decrease in drug abuse to be sustained, government, parents, schools, industry, the courts and television must all contribute. When enough of us care to change what goes on in our homes, schools, factories and offices, what we watch on TV and what we put up with on our streets, a consistent and overpowering commitment will take hold, and our children and this country's future will be the better for it.●

IOSEF BEGUN

● Mr. PERCY. Mr. President, on February 5, 1984, a group of academic and religious leaders and prominent legal

scholars met in Evanston, IL, to constitute a tribunal of inquiry into the case of Iosef Begun. Mr. Begun, a Hebrew teacher, had received a sentence of 7 years in a labor camp and 5 years in internal exile in the Soviet Union in October 1983.

Irwin Cotler, professor of law at McGill University, presented arguments and evidence that the Soviet Union violated several international agreements it has signed as well as its own constitution in all three of its convictions of Iosef Begun. Mr. Begun was convicted of parasitism—not holding a socially useful job, malicious violation of internal passport law, and anti-Soviet slander and agitation.

The tribunal agreed unanimously that the Soviet Union acted illegally in its prosecution of Iosef Begun. They found that Iosef Begun was unlawfully denied his right to emigrate from the Soviet Union. Mr. President, Mr. Begun only sought to emigrate and to study and teach Hebrew, the language of his religion. The Chicago Conference on Soviet Jewry has prepared a summary of the proceedings of the Begun tribunal. I commend the Chicago Conference on Soviet Jewry and all who participated in defending Mr. Begun. I submit for the RECORD this summary.

The summary follows:

THE PEOPLE VERSUS THE SOVIET UNION: A TRIBUNAL OF INQUIRY INTO THE CASE OF IOSIF BEGUN, SOVIET JEW

On February 5, 1984 at the Norris Center at Northwestern University, Evanston, Illinois the matter of "The People Versus the Soviet Union: A Tribunal of Inquiry into the Case of Iosif Begun, Soviet Jew" was presented before Honorable George N. Leighton, Judge of the United States District Court, Northern District of Illinois, and Honorable Benjamin S. Mackoff and Frank G. Sulewski, Judges of the Circuit Court of Cook County.

The Prosecutor, Irwin Cotler, Professor of Law at McGill University presented arguments and evidence to show that the Soviet Union violated International agreements it had signed and violated its own Constitution in all three of its convictions of Iosif Begun. Begun was first convicted of "parasitism", (not holding a socially useful job). His second conviction was for "malicious violation of internal passport law", and his most recent conviction was for "anti-Soviet slander and agitation."

Dr. Benjamin Fain, Professor of Physics at Tel Aviv University on sabbatical leave at Arizona State University, Tempe testified for the prosecution. Dr. Fain had known Begun since 1974 while Fain still lived in Moscow. Fain said that Begun's first conviction for parasitism (for which he served one year) was incorrect because Begun was working as a private Hebrew tutor which is socially acceptable work according to Soviet regulations and definitions.

Fain also testified about several points cited in Begun's most recent conviction under Article 70 of the RSFSR Criminal Code "anti-Soviet agitation and propaganda." Begun was said to have amassed anti-Soviet documents and planned an anti-Soviet meeting. Dr. Fain testified that he knew of the documents, that they are Jewish in nature, and that the meeting was organized by Fain. Begun assisted him. Yet Fain was permitted to emigrate from the Soviet Union (Begun has repeatedly applied for emigration since 1971 and been refused) and Begun is now serving a 12 year sentence.

Ellen Bass, witness for the prosecution, is Counsel to the International Human Rights Law Group and is an expert in the Begun Case. She testified that there was no discussion of the substance of the materials or finding of anti-Soviet intent in the materials or Begun's activities. In absence of these essential features, and therefore in contravention of Soviet law, Begun was convicted and his appeal was denied.

Sister Ann Gillen, Executive Director of the National Inter-religious Task Force on Soviet Jewry testified to the pervasive religious repression in the Soviet Union. She demonstrated how the internal passport system employed by the Soviets has been used against ethnic and religious groups. Sister Ann said "this same internal passport system Iosif Begun suffered through because he was denied the right to go back to live with his wife and child in Moscow after he had returned from his Siberian exile."

Professor Zvi Gitelman, Professor of Political Science at the University of Michigan put the three prosecutions of Iosif Begun into the context of a pattern of anti-Jewish policies followed by the Soviet government. Soviet Jews, recognized as one of over 100 nationalities in the Soviet Union do not enjoy the same cultural rights as other nationalities. There are no Jewish schools, religious or secular, and yet Soviet Jews cannot assimilate. The Soviet system of listing nationality on internal passports prevents entry into the mainstream of Soviet society.

Registered letters were sent to the procurator general of the Soviet Union, Alexandr M. Rekunkov, and Ambassador Anatoly Dobrynin. Receipts for the letters were received, but there were no replies to the requests that the afore-mentioned men appear to defend the actions of the Soviet Union. In their absence, the court appointed Alexander Aloyts, PhD in civil law from Leningrad University to defend. Mr. Aloyts said in defense of Soviet actions with respect to Begun: "The Soviet Union has some laws which allow the government, courts, and police to restrict rights of its citizens if it is in the interest of the Socialist State. According to these laws of which Iosif Begun, as well as all Soviet citizens, was well aware, his conviction was legal and did not violate Soviet Constitution or Criminal Code or the Code of Criminal Procedure." Mr. Aloyts concluded that the Soviet Union had acted legally in all three prosecutions of Iosif Begun.

Mr. Cotler summed up the case for the prosecution in these words: "that having regard to the strictures of Soviet law and procedure, having regard to the obligations of the Soviet Union under international law, this judgment should be vacated, the conviction reversed. . ."

The judgment was unanimous. Chief Judge George Leighton spoke first. He said: "We speak from the conscience of mankind; and, thus, we express the fundamental principles of human rights embodied in constitutions and international treaties." The Judges found that Iosif Begun was unlawfully denied his right to emigrate from the Soviet Union. Judge Leighton concluded as follows: that because of his denal of the right to emigrate, the undermining of his wishes to perpetuate and to study his cultural heritage, that of the Jewish race; his harassment, the surveillance and searches, his prosecution for parasitism under statutes that, from their face, violate fundamental law of the country in which he lived, his prosecution for allegedly having violated the passport laws of the Soviet Union, and, finally, his current incarceration for defamation of the Soviet State, we find that these convictions were not only in violation of international law, but, indeed, in violation of the very fundamental law, the Constitution of the Soviet Socialist Republics.

And, therefore, we order that these convictions be invalidated, that they be proclaimed set aside in accordance with the conscience of mankind, and that we direct that the record of these proceedings be transcribed . . . and transmitted to the government of the Soviet Union to the end that Iosif Begun be released from custody and be permitted to emigrate to Israel as he originally sought in his application and which for illegal reasons were denied him.

Judge Sulewski, and Judge Mackoff, in concurring, each made a brief statement.●

CLOSE UP'S PUBLIC AFFAIRS PROGRAMMING

● Mr. STAFFORD. Mr. President, for the last 14 years, the Close Up Foundation has been bringing young Americans and educators to Washington for one of the most highly regarded educational programs in the country. During their week, participants get the opportunity to engage national leaders and officials in lively and often provocative debate. While the impressive growth of Close Up has accounted for more than 140,000 participants to date, it is clear that many more Americans, young and old, have a need for this kind of educational experience.

In 1979, Close Up joined with the Cable Satellite Public Affairs Network [C-SPAN] in an effort to increase Close Up's educational outreach through cable television. Since that time, Close Up has produced hundreds of television programs designed to bring timely information on national and international issues to schools and classrooms throughout the United States. This effort is cosponsored by R.J. Reynolds Industries, Inc.

By linking the expertise of Washington with the classrooms of the Nation, a wealth of new and current information becomes immediately available to educators. Close Up, through the sponsorship of R.J. Reynolds Industries, also offers printed curriculum materials to accompany several of these television series.

President Reagan has appeared in special editions of these televised seminars, as have many of the members of the Cabinet, Senators, Representatives, and other national leaders and officials.

R.J. Reynolds Industries, Inc., and its chairman and chief executive officer, Mr. J. Tylee Wilson, are to be congratulated for their strong support

which allows Close Up's public affairs programming to reach into some 17 million households and 2,500 schools in all 50 States.●

FRANK "FUZZY" ZOELLER

● Mr. LUGAR. Mr. President, as the Senate continues to debate late into another evening, I should like to take a moment of my colleagues' time to praise the speedy work of my fellow Hoosier, Frank "Fuzzy" Zoeller, who won a playoff round today to capture the U.S. Open Golf Championship. Zoeller, who learned to excel at the game of golf along the banks of the Ohio River in New Albany, IN, staged an awesome and overwhelming comeback today to beat Australian Greg Norman by eight strokes. On Sunday, Norman displayed an incredible skill to tie the tournament, but today Zoeller stopped Norman cold. And he did it with a great display of good humor and sportmanship. I have closely watched Zoeller's career since the time he was an outstanding high school golfer in Indiana, and I am proud to celebrate his success tonight.●

SENATOR LLOYD BENTSEN'S STATEMENT HONORING THE 100 CLUB OF HOUSTON

● Mr. BENTSEN. Mr. President, I wish to add my warmest appreciation to the upcoming tribute to the 100 Club of Houston sponsored by the Harris County Sheriff's Deputies Association. The July 14 event is in recognition of the 100 Club's 31 years of service to the Houston law enforcement community.

Founded in 1953, the 100 Club originated with 100 members of the private sector contributing $100 apiece to, quote, "Provide assistance to dependents of certified peace officers who have lost their lives in the line of duty while protecting our lives and our property; to provide life protecting equipment that cannot be secured through regular channels for lack of funds; and to provide law enforcement with education and life saving programs."

The first check to the family of a slain officer was for $1,000; today they average $82,500. In the 31-year history of the 100 Club, $1,300,000 has been given to 59 families. Another $1,300,000 has been used to purchase and donate safety equipment such as bulletproof vests, communication equipment, and an armored vehicle, and $200,000 has financed the graduate degree education of police officers. Today, annual dues remain $100, but the club has grown to 6,000 members. Similar clubs throughout Texas and the Nation have patterned themselves after the 100 Club, which is the first of its kind.

The July 14 tribute to the 100 Club is the first ever. Families of peace officers killed in the line of duty are invited to meet with local personalities at an old-fashioned Texas Bar-B-Q. Past and present officers will be honored for service to their community, and entertainment will follow.

Mrs. Bentsen and I have long been aware and grateful for the valuable services provided to the Houston community by the 100 Club. We take this opportunity to thank the officers and members of the club for their dedication and wish them our best for their continued success.●

THE CLOSE UP FOUNDATION

● Mr. JOHNSTON. Mr. President, I am pleased today to bring once again to the attention of my colleagues the fine work of the Close Up Foundation and the strong support which the foundation receives from R.J. Reynolds Industries, Inc., and its corporate family of companies.

I first became acquainted with the work of the foundation even before I entered this body in 1972. My predecessor, the late Allen J. Ellender, had been an early and active supporter of the young organization, and I was proud to help sponsor legislation which, in the memory of Senator Ellender, affords low-income students and their teachers the opportunity to participate in the program. Since the foundation created its National Development Council in 1980, I have been honored to chair this group, which includes Members of the Senate and the House, as well as corporate executives from around the country.

While the foundation enjoys the support of numerous corporate, business, and philanthropic sources, no company has exhibited a stronger sense of corporate citizenship than R.J. Reynolds Industries and its chairman and chief executive officer, Mr. J. Tylee Wilson.

In each of more than 54 Close Up communities, the R.J. Reynolds corporate family of companies provides fellowship or local program support. As a result of the interest and support of R.J. Reynolds Industries, Close Up has been able to expand its program to allow participation for handicapped students as well as students in foreign countries.

The work of the foundation reached new heights when it joined forces with the Cable-Satellite Public Affairs Network [C-SPAN] to make some of its materials available to high school classrooms and the home viewer. Today Close Up seminars are available to more than 17 million households and 2,500 schools wired to receive cable television. This project, too, is cosponsored by R.J. Reynolds.

Corporate citizenship is a responsibility that must be taken most seriously. It is a responsibility in which R.J. Reynolds Industries has exhibited an outstanding model for others to follow. Mr. J. Tylee Wilson, chairman and chief executive officer of R.J. Reynolds Industries, must be proud of this important national example of a partnership among business, government, and education in the service of young people and the country.●

RECESS UNTIL 11 A.M. TODAY

Mr. STEVENS. Mr. President, I ask my good friend from West Virginia if there is any further business he wishes to bring before the Senate.

Mr. BYRD. Mr. President, I thank my good friend. My answer is in the negative.

Mr. STEVENS. Mr. President, the Democratic leader had good judgment. I think we should all go home.

Mr. President, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 12:38 a.m., recessed until 11 a.m., on Tuesday, June 19, 1984.

NOMINATIONS

Executive nominations received by the Senate June 18, 1984:

DEPARTMENT OF COMMERCE

Katherine M. Bulow, of Maryland, to be an Assistant Secretary of Commerce, vice Arlene Triplett, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. James V. Hartinger, [redacted], U.S. Air Force.

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 general

Lt. Gen. Robert T. Herres, [redacted], U.S. Air Force.

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. Duane H. Cassidy, [redacted], U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Charles G. Cleveland, [redacted], U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by

the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., XXX-XX... XXX-XX..., U.S. Air Force.

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. Thomas C. Richards, XXX-XX... XXX-X..., U.S. Air Force.

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. Edward L. Tixier, XXX-X... XXX-XX..., U.S. Air Force.

DEPARTMENT OF STATE

Alberto Martinez Piedra, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

EXTENSIONS OF REMARKS

REVIVAL OF SAN FRANCISCO'S CABLE CAR SYSTEM

HON. PETE WILSON

OF CALIFORNIA

IN THE UNITED STATES SENATE

Monday, June 18, 1984

● Mr. WILSON. Mr. President, I rise today to share with you a story with a storybook ending. Mr. President, this week San Francisco celebrates because its rustic cable cars will once again crawl over her many hills.

A relic from the era of the horse-drawn trolley, the San Francisco cable car system is the only survivor of its kind. But, at 106 years of age, the system had grown weary and in desperate need of a facelift. In fact, they had to rebuild the entire system.

Thursday, San Franciscans and millions of visitors will once again be able to enjoy and rely upon these historic cable cars which climb up steep hills and slip down into little valleys in a city once dubbed by columnist Herb Caen as "Baghdad by the Bay."

Many have contributed to making this national historic landmark like new again. At a cost of $58 million and nearly a year of intense mending, the San Francisco cable cars are clanging once more and that is due, in no small measure, to the help received from Congress when the need was the greatest.

In partnership with the people of San Francisco, the Federal Government has done its share to restore one of the miraculous transportation systems in the world. Thanks for helping an old friend.

I am personally very proud of my small part in this marvelous campaign to save the system. It has been a long wait to complete the task. But the sacrifice to allow the repair now seems all worth it because we will surely see another 106 years of joy to those who ride those San Francisco cable cars "halfway to the stars."●

VOLCKER WARNS ON BANK-FINANCED MERGERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. HAMILTON. Mr. Speaker, in reply to a letter I addressed to him on May 4, Chairman Paul Volcker of the Federal Reserve Board has sounded a "cautionary note" to the financial and corporate communities concerning the recent wave of bank-financed merger activity.

Chairman Volcker's letter provides new information on the size of the bank-financed merger wave. According to Federal Reserve staff estimates, about $60 billion in outstanding corporate equities were liquidated in the first 3 months of 1984 alone. As Chairman Volcker states:

> These deals frequently result in the creation of business balance sheets that are heavily laden with debt, and this leverage exposes the firms to great risks should their revenues prove unexpectedly weak or *should interest rates rise substantially* (emphasis added).

Moreover, there is often no offsetting public interest in the underlying merger:

> . . . it appears that a good many acquisitions are motivated largely by tax angles, desire to avoid "unfriendly" takeovers (which may mean only protecting existing management), or other considerations that may have little to do with serving the public interest, let alone shareholders' interests.

Chairman Volcker's letter makes clear that it is Federal Reserve policy to attempt to distinguish the effects of leveraged buy-outs from other sources of credit creation, and to avoid a contractionary policy response to surges in credit creation from its source. I believe that this is welcome news, at least for the short run. Nevertheless, so long as these transactions continue on their present scale, the financial soundness of our business corporations and the financial institutions which support them will continue to erode. If interest rates rise sharply, the next financial crisis may stem, not from Third World debt, but from the consequences of such pyramided stock deals here at home.

A copy of my correspondence with Chairman Volcker is appended.

U.S. CONGRESS,
JOINT ECONOMIC COMMITTEE,
Washington, DC, May 4, 1984.

Hon. PAUL VOLCKER,
Chairman, Board of Governors, Federal Reserve System, Washington, DC.

DEAR CHAIRMAN VOLCKER: As you know, we are experiencing sharp increases in private credit demand. I am concerned that such increases may provoke a policy response by the Federal Reserve which does not take appropriate account of the composition of these increases in addition to their magnitude. I write to seek clarification of the Federal Reserve position.

Though this is only the fifth quarter of expansion, short-term private credit demands are said by some to be approaching the magnitude of end-of-expansion booms. Private sector credit usage has risen more rapidly in this recovery than in any recovery in the last thirty years. Borrowing by nonbank financial institutions jumped an estimated $3.7 billion in the first two and a half months of 1984, which is the biggest gain ever for a comparable period. And short-term business borrowing expanded by some $8.7 billion through mid-March, a pace exceeded only once before.

What lies behind this surge? As Henry Kaufman has pointed out, neither inventories nor receivables are excessive. And the sharp rise in profits still seems adequate to support accelerating capital spending without recourse to borrowing.

Part of the explanation seems to lie in the pace of recent cash merger activity. The volume of mergers in the previous quarter exceeded $20 billion, more than double the previous record. Kaufman notes that even if only a third of this was financed through the banking system or in the paper market, then much of recent credit growth was associated with mergers. Excluding this merger-related demand, business loans at large commercial banks would have fallen in the quarter instead of rising by $4.6 billion.

Once, banks were reluctant or unwilling to finance mergers. Today, as Fortune magazine put it, "banks are greeting each new loan with jubilation and are falling over one another to get as big a piece of the action as possible. Banks are now openly lending to competing bidders and have made a quantum leap in backing leveraged buyouts."

I believe it is appropriate to examine the impact of these mergers on credit growth and interest rates, so as to define an a dilemma. If the Federal Reserve fully accommodates increased merger activity, so as to prevent interest rates from rising, there is an implied endorsement of such activity and some observers would argue that the consequences would be inflationary. On the other hand, to ignore the phenomenon altogether is to condone a crowding out of productive investment activity in favor of essentially unproductive uses of bank finance, with possible adverse consequences for investment, employment and productivity growth.

In the past, on at least three occasions the Federal Reserve has expressed its concern about the extensive use of credit to finance purely financial transactions.

In an October 10, 1979 letter to large member banks in the wake of such activity, you stated "this is not the time to finance activities that have little to do with the American economy."

In a letter to member banks on October 23, 1979, you wrote: ". . . credits for extraordinary financial transactions would be viewed as questionable by the Board. Examples would include loans . . . for corporate takeovers that simply substitute one source of financing for another and do not clearly promise improvement in economic performance.

". . . Lending institutions need to be alert to the continuing need for credit to finance the basic needs of the economy. In accommodating these needs, we believe banks should take particular care that small businesses, consumers, home buyers, and farmers continue to receive a reasonable share of available funds."

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

In 1982, in response to questions about merger activity, a Federal Reserve spokesman said:

"I do not want to suggest that we should be complacent about takeover loans. They may in some cases be cause for concern and they should be given close scrutiny. Moreover, they can have a somewhat inhibiting effect on short-run flows of credit. In committing themselves to a large volume of takeover loans, banks may restrict for a time their lending to other potential borrowers. . ."

How will the Federal Reserve respond to the current situation? Do you intend to allow interest rates to rise, despite the merger-related source of much of the credit? Or will policy be to ignore that part of rising credit which is due to merger activity? If policy is to allow higher interest rates irrespective of the merger-based nature of recent excess credit growth, are we not then imposing serious costs—higher unemployment, lower output growth, lost opportunities for productivity gain—on certain elements in our society for the sake of a line of activity whose social benefit is debatable at best?

In short, is this not the appropriate time to return to a vigorous policy of discouraging bank-financed mergers?

Sincerely,

LEE H. HAMILTON,
Vice Chairman.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, DC, May 29, 1984.

Hon. LEE H. HAMILTON,
Vice Chairman, Joint Economic Committee, Washington, DC.

DEAR VICE CHAIRMAN HAMILTON: Thank you for your letter of May 4. The surge in corporate mergers and buyouts raises many complex questions and, as you suggest in your letter, it is a phenomenon that must be reckoned with in the conduct of monetary policy. I can assure you that the Federal Reserve does endeavor to take account of the impact of this activity on financial markets and flows, with a view toward avoiding any policy actions that might disrupt the satisfactory performance of the economy.

Basically, the loans extended to parties involved in takeovers are merely financiing the transfer of ownership of existing corporate assets. As such, they should have no significant impact over time on interest rates and aggregate demand in the economy—so long as we recognize, when making policy decisions, the distorting effects the transactions may have on the financial flows we watch. We do indeed recognize those distortions. They are, for example, quite visible in the flow-of-funds data we recently published for the first quarter of the year (see enclosure). Our staff has estimated that, during the first three months of 1984, there was a net reduction in the outstanding shares of domestic nonfinancial firms amounting to around $60 billion at an annual rate—reflecting the impact of the absorption of shares of acquired companies.

This liquidation of shares was financed in many ways, including the use of liquid assets and loans from foreign banks, which are not directly reflected in the debt aggregate for which the Federal Open Market Committee has established a monitoring range. Even so, the takeover financing clearly boosted growth of the domestic nonfinancial sector debt measure, probably accounting for all of the acceleration in borrowing that occurred in the quarter; absent the merger financing, though, debt growth still would have been near the top of the range. Similarly, the funding efforts of banks to finance merger loans contributed substantially to the growth of our broadest monetary aggregate, M3, which has been running around the top of its target range thus far this year. Small impacts have been registered on M1 and M2 growth as well, but these have been largely transitory, short-run effects that have not left any appreciable mark on the year-to-date rates of expansion.

Our staff monitors these developments closely, and it keeps us apprised of the estimated effects on money and credit flows. The staff has been assisted in this effort by the cooperation of corporate treasurers and financial firm executives who have provided them with confidential information on credit arrangements and day-by-day payment data for some of the large transactions. With this information, my colleagues and I are in a position to evaluate the performance of money and credit aggregates and to adjust, at least in a rough way, for the distortions caused by the mergers. In this way, we hope we are able to avoid placing undue restraint on the availability of financing to households, businesses, or others attempting to undertake normal spending and investment.

I should emphasize, in this regard, that demands for credit this year—setting aside those that are merger related—have been very strong, as economic activity has expanded rapidly. The rising demands of households and businesses have had to compete in the market with the continued huge credit needs of the federal government, and these pressures inevitably have tended to leave their mark on interest rates. Especially in circumstances where the federal government maintains a highly stimulative fiscal posture, and investors remain concerned about the potential inflationary implications of sustained massive Treasury deficits, there can be no assurance of steady, let alone declining, interest rates even if the Federal Reserve makes appropriate allowance in its actions for the distortions of merger activity.

I should also note that my concerns about merger activity extend beyond the questions of aggregate monetary and credit growth impacts. These deals frequently result in the creation of business balance sheets that are heavily laden with debt, and this leverage exposes the firms to great risks should their revenues prove unexpectedly weak or should interest rates rise substantially. This in turn implies considerable vulnerability for those institutions that have provided the loans. I am encouraged to hear bankers say that they are taking a hard look at their lending policies to ensure that prudent standards are applied to merger loans and that they are turning down deals where the numbers don't look good under a wide range of potential future economic circumstances. I hope that this will result in an adequate degree of self-discipline, so that, even if merger activity does not soon subside markedly, it will at least not contribute to a greater financial fragility of our economy.

It is also entirely appropriate for officials in other parts of the government to take an interest in the many facets of the merger phenomenon. Some mergers certainly do perform useful functions, such as making possible the realization of potential economies of scale or other efficiencies; others provide needed infusions of capital or improved management. These can foster more competitive market conditions and greater productivity. On the other hand, it appears that a good many acquisitions are motivated largely by tax angles, desire to avoid "unfriendly" takeovers (which may mean only protecting existing management), or other considerations that may have little to do with serving the public interest, let alone shareholders' interests.

At this point, while I think a cautionary note to the business and financial community should be sounded, I would not be inclined to undertake vigorous jawboning or to place other extraordinary pressures on banks to curtail merger and takeover lending. However, it certainly is incumbent upon the System, as both a monetary authority and a supervisor-regulator, to monitor developments closely—and we intend to continue doing so.

Sincerely,

PAUL.●

NEW ALTERNATIVE FUELS AND COAL SLURRY PIPELINES WOULD BENEFIT FLORIDA

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. NELSON of Florida. Mr. Speaker, on June 25–27, some 800 individuals who are on the cutting edge of one of the energy world's most exciting new technologies will gather in Orlando for an important conference on slurry fuels. As a long-time proponent of coal slurry pipeline legislation in the Congress, I am excited about this conference and the benefits the new fuels may bring to the consumers of Florida. Stuart Serkin, a native Floridian and vice president for government affairs of the Slurry Technology Association in Washington, has written an article on this subject which I would like to bring to the attention of my colleagues.

NEW ALTERNATIVE FUELS AND COAL SLURRY PIPELINES WOULD BENEFIT FLORIDA

(By Stuart D. Serkin)

While many are talking about the need for energy independence, some 800 people who are doing something about it will be meeting in Orlando to share their findings. Every American who pays a utility bill has a stake in this important conference scheduled for June 25–27 in Orlando, Florida. The Sixth International Symposium on Coal Combustion and Technology, sponsored by the Pittsburgh Energy Technology Center of the Department of Energy, will address the overall technology developments in the coal-liquid fuel mixture field, especially coal-water slurries.

Florida, as a state with extremely limited energy resources, would especially benefit from these cheaper fuels and the coal pipelines which may ultimately transport them. Orlando-area Congressman Bill Nelson and Bill McCollum are supporters of coal pipelines in the Congress. Florida Power and Light Company is currently conducting a year-long commercial test firing of these fuels to evaluate their performance.

Slurry fuels consist of between 65 and 75 percent coal with the remainder water and a

small portion of additives to facilitate burning and suspension. Unlike coal slurry which is transported by pipeline with the water separated from the coal before burning, slurry fuels have the unique characteristic of being able to be direct-fired in boilers constructed to burn diesel fuel. The potential of direct-firing is in the cost savings that will result from eliminating the dewatering process, handling savings and from utilizing existing boilers without the expensive cost of retrofitting. The cutting edge of this technology involves the successful long-term test firing of slurry fuels and the economic long-distance transportation of these slurry fuels.

Clearly, a growing number of researchers and corporate executives are viewing coal-water fuels as a way to replace billions of barrels of imported oil while providing major new markets for the ailing U.S. coal industry. Moreover, the new fuels' price is half to two-thirds that of imported oil.

With nearly one-third of the world's known coal reserves (some 483 billion tons), the United States could use this fuel—its most abundant energy resource—to become more energy self-sufficient and to improve its soaring trade deficit. While we are making substantial strides in the battle to become energy self-sufficient, such as through extensive research into developing slurry fuels, many troubling obstacles remain. First, the railroads continue their successful campaign to block the development of coal slurry pipelines. At every turn, whether in the Congress or in the courts, the railroads are there to block the competition which would result from transporting a mixture of finely ground coal and a liquid through environmentally-safe underground pipelines. Such pipelines could save American consumers billions of dollars in utility costs. As Carl Bagge, president of the National Coal Association has said, "This is a consumer issue. The electric ratepayer is the one who is cross-subsidizing the railroads." Without competition in transportation, there are no restraints on the railroads to moderate rates and the customer pays.

Another troublesome development, but one with the same source—the railroads—is the fact that U.S. imports of foreign coal nearly doubled from 1982 to 1983. According to Department of Commerce figures, we imported 1.2 million tons of coal in 1983 compared with 650,000 tons imported in 1982. Much of this increase is coming from Colombia and South Africa into the Gulf ports of Mobile, Alabama, and New Orleans for use by southern utilities. It is no less than mind-boggling that, while the U.S. is presently suffering from the worst trade deficit in its history, and we are sitting on some 483 billion tons of coal reserves (enough to last us hundreds of years), we are importing foreign coal because it is cheaper than transporting U.S. coal to the utility. Obviously, a problem exists and the problem is the rapacious rate making of the railroads.

Electric Fuels Corporation, the company that purchases coal for Florida Power Corporation of St. Petersburg, Florida, has purchased 150,000 tons of Colombian coal for delivery later this year. Frederick J. Murrell, vice president of EFC, called the Colombian coal an excellent bargain. He said, "We are a natural market for Colombian coals, which offer significant transportation savings over some of our traditional sources in Appalachia. . . . I have been particulary concerned with the recent increases in rail rates, which escalated by 4.1 percent in January. We simply cannot afford this type of cost increase."

The transportation costs for moving coal from Colombia to the U.S. range from $4 to $7 per ton, while the rail haulage rates for moving Appalachian coal to Florida range from $18 to $22 per ton.

Finally, we must be concerned by the ongoing heated activity in the Persian Gulf between Iran and Iraq. It is clear that we are not energy "secure" in the world. According to the Americans for Energy Independence, the 1979-1980 oil disruption in Iran "took a trillion dollars out of Western industrialized countries." We must be concerned, even though we get only about 30 percent of our oil from the Middle East.

What needs to be done? We must utilize modern technologies to further the use of U.S. coal both domestically and for export. How can we do it? First, Congress must recognize that the needs of the consumer must be considered before those of special interest groups such as the railroads. It is imperative that Congress pass legislation to give coal slurry pipelines the opportunity to compete with railroads. Vigorous competition, a time-honored American tradition, will start to moderate prices and ease the utility burden on the consumer. Coal slurry pipelines are noiseless, safe, out of sight, and unlike rail lines, they don't block traffic, divide towns or cause needless injuries and deaths at railroad crosssings. Coal slurry is non-toxic and non-flammable. Coal piplelines would be built by the investment of private capital, with no tax dollars or loan guarantees. In addition, we must promote the expeditious development and utilization of slurry fuels.

The importance of bringing coal to Florida more cheaply is evident by the nearly unanimous support of coal pipeline legislation by the Florida Congressional delegation. Other Members of Congress should join with them to make these technologies a reality. We must commit ourselves to winning the legislative battle next year. It is the Florida consumer who will pay the price if we continue to permit the railroad monopoly to dictate the price we pay for our electricity.●

ARMS CONTROL: THE MISSING ARGUMENT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mrs. LLOYD. Mr. Speaker, Mr. George Will has written a most provocative and thoughtful article entitled "Why Arms Control Is Harmful," which appeared in the June 18, 1984, edition of Newsweek. It is refreshing to see a frank discussion about certain illusionary aspects of arms control and the naivete about the intentions of the U.S.S.R., which is symptomatic of its strongest advocates. Mr. Will discusses a paper presented by Seymour Weiss, retired Ambassador and State Department Director of Political and Military Affairs from 1960-67. Mr. Weiss provides an incisive analysis of the five aims of the Soviets in their approach to arms control negotiations, and it is alarming in retrospect to realize how successful they have been in achieving these aims. Mr. Will reminds us that negotiations, as Dean Acheson noted years ago, can also be used to continue conflicts as well as terminate them. I suggest that any Member of the House who has more than a passing interest in U.S./U.S.S.R. arms control and its attendant negotiations should read this stimulating piece:

Today's arms-control controversy is remarkable for the virtual absence of the most important argument. It is that the arms-control process is injurious to U.S. interests. That argument offends conventional wisdom and (what is much the same thing) wishful thinking. It has the redeeming merit of being true, as Seymour Weiss knows. In a paper presented at the Lehrman Institute, Weiss, retired ambassador and State Department director of political and military affairs from 1960-67, argues that enthusiasm for the arms-control process—a process barren of achievements—reflects misapprehensions about the usefulness of that process in slowing the arms race, saving money and taming the Soviet Union.

The idea of an arms "race"—often described as "spiraling"—is odd. The U.S. nuclear-weapons inventory has been sharply reduced. It contains 8,000 fewer warheads and 25 percent less megatonnage than in the 1960s. This is the result not of arms agreements but of modernization programs that produced safer, more effective weapons—modernizations of the sort that arms-control advocates try to block with agreements.

SAFER WORLD?

During the era of détente and arms control the Soviet nuclear arsenal has grown quantitatively and qualitatively. A study commissioned during the Carter administration compared 41 categories of nuclear capabilities (warheads, megatonnage, delivery systems, etc.) in the period beginning with the Cuban missile crisis. It concluded that the United States had been well ahead in every category in 1962 and was behind in all but two by the late 1970s. Since SALT II was signed in 1979 the Soviet Union has added more than 3,400 warheads. Does anyone think the world is safer than it was when the SALT process began in 1969?

The achievement most celebrated by arms-control enthusiasts is the 1972 treaty effectively banning antiballistic missiles. True, we saved the cost of ABM's. But partly as a result of that decision we will spend many more billions on MX missiles, an unsatisfactory response to the fact that our undefended land-based ICBM's are vulnerable. Because MX is unsatisfactory, billions more may be spent on smaller, mobile "midgetman" missiles. Why is MX so unsatisfactory? Because of an arms agreement.

SALT I limited the number and size of launchers—basically, holes in the ground—rather than numbers or megatonnage of warheads. Limits on those would be hard to verify, given Soviet secrecy. So SALT I drove arms planning toward big missiles packing maximum megatonnage. SALT I did what arms agreements usually do: it did not restrain competition, it turned it in a new direction. It was a direction in which the Soviet Union, with its huge SS-18s, had a lead. SALT I ratified a Soviet advantage and, by giving rise to the inherently vulnerable MX, reduced the stability of deterrence.

This republic overflows with laws, lawyers and faith that the world can be tamed by words on parchment. Americans see arms

control as a way of freezing the status quo; the Soviets see it as one arena in a comprehensive, unending competition. Furthermore, Weiss says, persons who think arms control should be the "centerpiece" of U.S.-Soviet relations ignore the fundamental incompatibility of U.S. and Soviet objectives. The configuration of the Soviet buildup in the arms-control era is unambiguous. The arms are not designed for defense but for producing a world pliant to Soviet designs. Weiss says there is no reason to expect the Soviets to negotiate away advantages, and ample reason to expect the Soviets to exploit the American thirst for agreements.

In addition to selling discord among U.S. allies and paralyzing U.S. procurements, Soviet negotiators have, Weiss says, five aims. First, limit the wrong things (e.g., launchers). Second, make sure the limits on important things are ambiguous. (SALT I limited but did not define "heavy" missiles.) Third, accept specific limits only if they are unverifiable (e.g., the ban on biological weapons or the SALT II limits on cruise-missile ranges). Fourth, evade even strict, verifiable limits by claiming they do not apply to this or that program. (The Soviets claim their ABM system is just a defense against bombers.) Fifth, get the treaty to legitimize violations of the treaty. (SALT II's flimsy verification terms forbid encryption of data from missile tests—except when encryption is not intended to evade arms-control limits. But given that it is encrypted, how are we to tell?)

Because ours is an open society, our government cannot cheat on agreements, and because our society invests such hope in arms control, even an administration as starchy as Reagan's is apt to forgive Soviet cheating or mute even required reports of it. When, complying with a Senate demand, the administration submitted a list of Soviet violations, The New York Times denounced the—you guessed it—administration for "initiating this damaging laundry list."

WEAPONS

The arms-control era has coincided with unparalleled Soviet aggression and threats, from Indochina through Afghanistan. Try to tell victims of "yellow rain" about the wonders of arms control. Biological weapons are controlled—on paper. What has violation of the controls produced? A U.S. clamor for yet more agreements. And arms-control enthusiasts, their enthusiasm impervious to evidence, continue to use slogans that were threadbare when Dean Acheson refuted them.

Acheson demolished the bromide that "as long as the Russians are talking they are not fighting." Acheson said that Americans are so wedded to the belief that negotiations are means of ending conflicts that they are blind to the fact that negotiations are equally suited to continuing conflicts. Of the slogan "There is no alternative to negotiations with the Russians," Acheson said: "This is, of course, silly. For if there is no alternative, and if the Russians will only negotiate, as is now the case, on their own terms, then there is no alternative to surrender."

For that reason someone should tell Ronald Reagan to quit saying that nothing is more important than "development of a better working relationship with the Soviet Union." Such talk worsens the asymmetry in U.S.-Soviet negotiations by building pressure on the U.S. government for concessions to produce "movement." An immoderate and unempirical belief in arms control produces a policy of apologetic retreats.●

D-DAY RECOLLECTIONS

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. MONTGOMERY. Mr. Speaker, I was honored to lead a delegation of 18 Members of Congress to the 40th anniversary of the D-day invasion of Normandy on June 2-6. This visit had special meaning to several members of the group, who participated in the invasion or went ashore just days afterward, and to others who saw action during World War II.

One of the Members on the trip was Representative CHALMERS WYLIE of Ohio. He went ashore on D-day plus 4 as part of the 30th Infantry Division. He has written an account of his thoughts on the events we experienced on this return to Normandy. I want to share them with my colleagues.

D-DAY: FORTY YEARS LATER

(By Chalmers P. Wylie)

I had not wanted to return to Europe to recall World War II experiences until this year. But when G. V. "Sonny" Montgomery, chairman of the House Veterans Affairs Committee, announced that he planned to take a delegation to the 40th Anniversary of D-Day Observance, I signed up immediately. There was something about this occasion that was different. President Reagan would be there with President Mitterrand of France. It would recall an alliance with British and Canadians that would save France and the rest of Europe from much distress. It would be the beginning of a fight to the death of the Third Reich which would rid the world of perhaps the most evil man who ever lived and gained such power.

It was my lot to be assigned to the 30th Infantry Division, a Tennessee National Guard Division that went ashore on D plus 4. I joined the 30th Division as a 2nd lieutenant replacement officer in July. In September, a monument will be erected at Mortain in honor of the 30th Division for winning perhaps the second most important battle in 1944. General Patton had taken off to the south and captured Rennes with a very extended-exposed supply line. The Germans, with Hitler's elite SS Gestapo Division leading the attack, were to try a desperate drive to the sea to cut off Patton! This would have prevented the Falaise Gap where several thousand Germans were surrounded and captured which no doubt shortened the war. The 30th was later to distinguish itself in the Battle of the Bulge and the Rhine River Crossing at Wessel among other decisive battles.

Returning to the D-Day Observance brought back memories kept mostly hidden for 40 years. Codel Montgomery, with 16 Congressmen and 2 Congresswomen, left Andrews Air Force Base at 8:00 a.m. on Saturday, June 2nd. On the way I learned that Sam Gibbons, a Member from Florida, was a Captain in the 501st Parachute Infantry 101st Airborne and landed at 1:24 a.m. on D-Day, 1,000 yards from St. Mere-Eglise. Sam did it right. He kept in touch and was to give us a most interesting narrative account of those first hours on D-Day. He even showed us the tree beside which he dug his foxhole upon landing.

Congressman Bob Young from Missouri was a PFC with the 15th Army Engineer Brigade. He waded ashore at Utah Beach on D Plus 4 with the 87th Infantry Division, 346th Regiment, and stayed on until the war ended in Europe on May 8, 1945.

Bill Nichols was a Captain with the 8th Infantry Division. He was a Battery Commander when he lost a leg in a mine field in Hertgen Forest, Germany.

Teno Roncalio, a former Member who made the trip, was a 2nd Lieutenant in a rifle company with the 18th Regiment of the Big Red 1 Division and waded ashore on D-Day.

G. V. Montgomery came through Le Havre in November 1944 as a 2nd Lieutenant. He was assigned to the 12th Armored Division. He is now a Major General in the Mississippi National Guard.

Tom Bevill was a 1st Lieutenant with the 5th Armored Division of the 3rd Army.

Sam Hall spent 3 years in the Air Force stationed as an Administrative NCO at Sheppard Field.

John Myers was an Infantry Replacement Officer, who served with several different units.

Tom Lantos has a fascinating story to tell as an anti-Nazi underground agent at age 16 in Hungary. He left Hungary after the war when the Soviet occupation began, and later brought his bride-to-be to the United States from Hungary. His parents were killed by the Nazis.

John Paul Hammerschmidt reminds us that there was another theatre. He was awarded 4 Distinguished Flying Crosses, 5 Air Medals and 3 Battle Stars as a C-47 Pilot flying the Burma Hump.

Sam Stratton was a Lieutenant in the Navy who learned Japanese so he could be an intelligence officer. He was a part of the 7th Fleet assigned to the 41st Infantry Division to interrogate prisoners of war.

The husband of Congresswoman Holt, T. Sgt. Duncan M. Holt, was in England on D-Day. He flew 33 missions as a radio operator in a B-17 and received an Air Medal with 6 Oak Leaf Clusters.

Del Latta served a 3-year enlistment with the 37th Division of the Ohio National Guard after which he entered Marine Corps training. He saw no action but his brother did as a Sergeant in the Battle of the Bulge. His wife's brother was killed in the South Pacific.

Congresswoman Byron's father is Harry Butcher. He was a Chief Naval aide to General Eisenhower for three years. While the men were off to war, Mamie and Congresswoman Byron's mother lived together.

Congressmen Robert Badham, Harold Rogers and Toby Roth are too young to have been in World War II. They went as interested observers and to gain a different perspective of World War II.

There was some apprehension as to whether my wife Marjorie would get to go. Marjorie had broken her ankle the Sunday before while rescuing our dog from a groundhog hole. She went with a cast on her leg and with excellent help made all the stops.

The first stop was at Orly Airport in France at 9:20 p.m. (having lost six hours in the process).

The next morning, we went by plane and bus for a tour of Omaha Beach, Pointe Du Hoc and other historical sites on Normandy. We visited the cemetery at Omaha Beach where 9,386 Americans are buried. I asked Mr. Jackie F. Bell, an officer with the Brittany American Cemetery service if any

Ohioans are buried there. Sgt. John W. Calvin of Ohio who was with the 561st F.A. Battalion is buried there and I took a picture of the grave. Most Ohioans were repatriated back to the United States by their families which was their privilege. Altogether from WWII there are 15 American cemeteries in Europe with 79,124 American soldiers buried there.

We toured Omaha Beach. I saw the place where I waded ashore as a replacement officer. It seemed very strange that the picture came back to me so very clear.

We visited Pointe Du Hoc where we saw a climb by soldiers of the 10th Special Forces depicting the climb of the Rangers of June 6, 1944 when 225 went in for the assault. Ninety made it.

We witnessed an Airborne jump of 150 Paratroopers of the 82nd Airborne Division.

This ceremony was meaningful because I met and talked with J. Lawton Collins, who was a Major General, Commander, Seventh Corps, during the Normandy Invasion. The highest rank he obtained in his career was a Four-Star General. I said to General Collins, who was nicknamed "Lightning Joe Collins", "General, I was with the 30th Infantry Division." He said (sharp and alert at 93), "The 30th wasn't a very good division at the beginning but they were one of the best at the end."

General James M. Gavin, Brigadier General of the 82nd Airborne Division during the Normandy Invasion, who advanced to the rank of Lieutenant General, and General James A. Van Fleet were there. It was interesting to hear them talk of how this daring gamble paid off 40 years ago.

On the 6th, we attended the special service at the American Cemetery at Omaha Beach. President Reagan attended with President Mitterrand. It was one of the most moving experiences I have ever had. President Reagan gave a very sensitive and emotion-packed talk which brought tears to the eyes of all those present. I think the most moving experience came as the ceremony was ending when the French Foreign Legion Band played the French National Anthem, Le Marseilles. The crowd was very still and quiet and all that could be heard was the band music. The American Armed Forces Band started to play the Star Spangled Banner and some of us in our delegation started to hum or sing the words softly, others took it up. The President, startled, looked in our direction, a slight smile came to his lips and he started to sing the Star Spangled Banner. President Mitterrand looked slightly to the left towards the President, giving a slight smile and looked straight ahead at the American Cemetery standing at attention. The crowd of about 5,000 Americans picked up and started singing the Star Spangled Banner. This was a most thrilling moment.

I knew then why I went. While we were there we visited a British Cemetery. I was struck by its beauty. Every grave had live flowers. Then we visited the German Cemetery which is stark and bare and makes one feel very sad, very sad that so many young men had to die; American, British, Canadian, French, Belgium, Dutch, Russian and German because of one man.

Yet West Germans are now our friends and the Russians are our adversaries.

I went back to pay my respects and as a tribute to the brave individuals I personally knew and all who paid the supreme sacrifice so that we could live in a world free of Nazism.

I was reminded that I was with 11 Members of Congress who felt a sense of patriotism and pride so strong that they helped change the history of the world.

World War II established the United States as the preeminent power for peace, freedom, democracy, and decency. D-Day 1984 may give us as a nation a psychological lift knowing that we still have the capacity along with the British, the Canadians and the French to provide the balance for keeping our freedom and liberty.●

TRIBUTE TO DR. THOMAS F. O'DONNELL

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. HARRISON. Mr. Speaker, on June 20, 1984, a prominent northeastern Pennsylvania educator, Dr. Thomas F. O'Donnell, curriculum director of Luzerne Intermediate Unit 18 will receive this year's James L. Nicholas Educational Leadership Award being presented by the University of Scranton Internal and External Advisory Committee for school administration and supervision programs.

This award, named in honor of the late James L. Nicholas who served as principal of Lake Lehman High School at the time of his death, is presented annually to an educator who has best personified qualities of educational leadership and contributed to the improvement of elementary and secondary practitioners in the field of education.

Dr. O'Donnell, a Wilkes-Barre area school director for 18 years, is a graduate of GAR High School and received his bachelor of arts degree from King's College, Wilkes-Barre, in 1956. He received a master of arts from the University of Scranton in 1961 and his doctorate in education from Lehigh University in 1973.

He has taught in elementary, secondary, college, and professional schools.

Dr. O'Donnell is a member of the Pennsylvania State School Boards Association and has served that group as State vice president, regional director and member of its executive committee. He is a member of the American Association of School Administrators, the Wyoming Valley Historical Association, the Wilkes-Barre Chamber of Commerce, and is president of the Wilkes-Barre Area Vocational & Technical School Joint Operating Committee.

He and his wife, the former Eileen Harkins, are the parents of four sons.

Mr. Speaker, it is with great pleasure that I rise to join Dr. O'Donnell's family, friends, and colleagues in recognizing him for his outstanding achievement in being named recipient of this year's James L. Nicholas Educational Leadership Award.●

HON. SILVIO CONTE ADDRESSES WOMEN'S RESEARCH AND EDUCATION INSTITUTE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Ms. SNOWE. Mr. Speaker, I recently had the enviable task of introducing my respected colleague from Massachusetts, the Honorable SILVIO O. CONTE at the annual conference sponsored by the Women's Research & Education Institute.

For the past 4 years, the Women's Research and Education Institute [WREI] has brought leading researchers on the status of women together with policymakers in a forum that greatly enhances the efforts of both groups. This year's conference focuses on one of the most pressing concerns of both policymakers and researchers—the issue of women as low-wage earners: its causes and consequences.

Few Members of Congress have done more to improve the status of American women than SILVIO CONTE, and those attending the WREI symposium were extremely fortunate to have the opportunity to hear SIL discuss his important work as ranking minority member of the House Appropriations Committee and Subcommittee on Labor, Health and Human Services and Education. Mr. Speaker, I would like to share these remarks with my colleagues, and express my appreciation to SILVIO CONTE for his substantial record of achievement on behalf of American women.

REMARKS OF THE HONORABLE SILVIO O. CONTE, WREI LOW WAGE-WORK SYMPOSIUM, JUNE 5, 1984, RUSSELL SENATE CAUCUS ROOM

I welcome the opportunity to speak with such a distinguished group and appreciate the kind words of my good friend Olympia Snowe. As co-chair of the Caucus for Women's Issues, Olympia and Congresswomen Pat Schroeder have led the Caucus through a successful transition, expanding the political base and defining the legislative agenda for women's issues in the Congress.

Before 1981, an organization of women Members of Congress was the lone voice in the House advocating women issues. In November of that year, the name of the organization was changed and the political base was dramatically expanded. This change symbolized the growing importance of women's issues not only in the Congress but in American political life as well.

In the 97th Congress, 86 Congressmen and women were members of the Caucus for Women's Issues. In this Congress, membership has grown to 130 members of the House. The expanding political base is evident—115 members of the caucus are men, including myself.

The expanding political base has given women's issues increased importance on the legislative agenda of the Congress. These issues no longer reflect narrow legislative goals designed to affect one group. Instead,

women's issues affect all Americans and raise important questions about our government and our society. Will there be equal pay for comparable work? Will our civil rights laws be applied as the Congress intended and enforced uniformly? Will there be economic equity for all Americans?

Legislation has been introduced to address these important questions. One of these questions is answered by a major initiative developed by the Caucus for Women's Issues. First introduced in 1981, the Economic Equity Act has focused the legislative effort in both the House and Senate. During the 97th Congress, three provisions were enacted: a reform of military spouse pension system, the expansion of the dependent care tax credit and the revision of the agricultural estate tax.

These successes continued in the 98th Congress. Earlier this year, the House of Representatives passed the Child Support Enforcement Act, and just two weeks ago the Private Pension Reform bill was unanimously approved. Later today, the House will consider another provision of the Economic Equity Act. The Child Care Information and Referral bill is included in the Head Start Reauthorization legislation.

It has been my privilege to participate in these victories, and it is my sense that those are just the first of many to come.

My work, as Ranking Minority Member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, concentrates on funding issues affecting women. It is there, in the face of our $200 billion deficits, that the fight seems to get harder rather than easier.

In fiscal year 1985, the budget request for the Department of Health and Human Services will exceed $300 billion, the first Department to exceed $300 billion, and the third largest budget in the world, after the United States and the Soviet Union. Out of the total HHS budget, and this is a new fact for me, 55.7% is spent on women or on women's concerns—just don't ask me how HHS came up with that figure.

Sitting back and taking a look at the overall picture, one of the amazing but little known facts is how much our spending for these programs has increased. In FY 1980, total outlays for the Department amounted to $195 billion. In FY 1984, 4 years later, outlays are now estimated to amuont to $296 billion. So in those 4 years, outlays have grown by over $100 billion, or more than 50%, well above the average rate of inflation, and at the same time as the most massive effort to control spending since many of these programs were created.

These figures show two things. First, the continued commitment of the federal government to provide basic assistance to those in need. Second, when those figures are broken down, almost all the increases are in the uncontrollable entitlement programs like Social Security and Medicare. So when it comes to appropriating for the discretionary programs, funded on an annual basis, there isn't much money left. Congress has been successful in restoring proposed cuts. In FY 1980, for example, discretionary budget authority in HHS amounted to $12.3 billion, and in FY 1984, $13.1 billion. But in FY 1985, the budget request is for $11.9 billion, so we have our work cut out for us again.

Clearly, as we are forced to make the difficult funding decisions, programs like maternal and child health care receive top priority. The program received $373 million in 1982, including a supplemental of $25 million that survived two vetoes. For the past two years, the appropriation has ended up above that authorization level of $373 million. I have introduced a bill, H.R. 4661, to raise the authorization to nearly $500 million. Rather than be bound by existing authorization levels, I believe that my L/HHS Subcommittee will not act on the MCH appropriations until the efforts to raise the authorization level have been successful.

I have also fought hard to maintain the family planning program. For three years running, now, we have turned back efforts to block grant the program, and have gotten the appropriation back up to $140 million. But last year, in the FY 1984 appropriation bill, I sponsored an amendment directing the Department to transfer the program back from the Office of the Assistant Secretary for Health to the Bureau of Health Care Delivery, where it previously had been located. Well, the Department thumbed its nose at us, and I can tell you that in the mark-up of the general supplemental last week, I moved to turn down the Assistant Secretary's request for a pay supplemental of $1 million. I hope to be able to use that as leverage to either transfer the program back under the control of health professionals or else get somebody in charge of the program who has the best interests of the family planning program in mind.

Another critical area that remains a high priority is child care. Title XX is what's known as a capped entitlement, and I support the position that the Congress has to appropriate whatever is authorized. Late last year, the cap was raised to $2.7 billion, but the Administration failed to send up a budget request to raise the appropriation to that level. During our mark-up of the fiscal year 1984 supplemental last week, we included the $25 million necessary to bring Title XX up to its cap.

Furthermore, if and when the Child Care Referral provisions I mentioned earlier and the School Facilities Child Care Act are enacted into law, I would certainly be supportive of working with my colleagues on the Appropriations Committee to address the issue of funding for these programs.

Over in the Department of Education, I have fought long and hard over the past 4 years for the continued existence of the Women's Educational Equity Act program. For the past three years, the Administration has proposed to zero fund this program. I am pleased to say that it has been preserved. After lengthy negotiations, the publishing center for the program is still at Wellesley College, and several publications have been coaxed through the PAVAC review process at the Department. Last year, report language was included in the L/HHS bill telling the Department not to undermine the integrity of the program through any reorganization. As you probably know, the reorganization did take place, and efforts are underway to enact legislation to reverse that action. I believe it is interest like this that discourages any attempt to take on things like rewriting the regulations. I hope so, anyway.

Those are some of the battles I fight on a day to day basis. They may not get the attention that many other efforts get, but if you can't preserve your gains with the appropriations necessary to keep those efforts going, then before you know it, you can be back where you started from.

All of these efforts—the revision of our civil rights laws, the progress of the Economic Equity Act and the maintenance of adequate funding for important federal programs—are positive steps but do not address the fundamental principle of equality for every American. This principle must become part of our fundamental body of law. We must continue to pursue ratification of the Equal Rights Amendment. No law, government program or Presidential directive can replace the ERA.

For those interested in the Fall elections, let me close with some political advice and encouragement, borrowed from a great women activist. Over 100 years ago, Susan B. Anthony—in a letter to Elizabeth Cady Stanton—wrote:

"I shall work for the Republican Party and call on all women to join me, precisely . . . for what that party has done and promises to do for women . . ."

I'm sure Olympia agrees.

Thank you.●

IT IS TIME TO TALK, MR. CHERNENKO

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. BROOMFIELD. Mr. Speaker, President Reagan is ready for a summit meeting with the Soviets. He has taken conciliatory approach to the leaders of that country. This is a step in the right direction. I trust that Mr. Chernenko will take the olive branch and participate in the meeting.

As you all know, President Reagan recently announced the prospect of an eventual summit meeting with Soviet President Chernenko. The United States and the Soviets are already engaged in exchanges to establish a basis for talks.

Our President has shown real flexibility on this issue. He has wisely backed away from some of the conditions he previously insisted upon as prerequisites for a summit meeting. He wrote to the Soviet leader and very clearly told him that he was ready, able, and willing to meet Mr. Chernenko. President Reagan continues to believe in the need for some substantive content as a condition of summit talks. The President is right in saying that the talks should be well prepared in advance to increase the prospect of producing concrete results. The Soviets are also supportive of a general agenda for the talks.

The President has also compromised on another important issue. He has abandoned his previous refusal to discuss with Moscow a treaty to limit antisatellite weapons. Work is already in progress on specific aspects of an antisatellite proposal that will be made to the Soviets. Informal talks on this subject may be held this year. Our Government had previously insisted that such a treaty be verifiable as a condition of discussing it with the Soviets.

I am encouraged by Moscow's initial reaction to the President's initiative.

Although somewhat guarded, the Soviet response was generally positive. This may indicate a significant change in Moscow's attitude. Let us hope that the Soviets will agree to a summit and that discussions on a broad range of subjects will clear the atmosphere and improve mutual understanding between our two countries.

I commend the President for his brave decision to take a chance and for his desire to relax previous conditions for a future summit meeting. His willingness to meet and talk with the Soviets is a step in the right direction. Let us hope that the Kremlin has really abandoned its previous uncompromising position on this important issue.

I am certain that my colleagues will join me in hoping that real progress can now be made on a future summit meeting.●

THE FAIR TRADE IN STEEL ACT OF 1984

HON. KATIE HALL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mrs. HALL of Indiana. Mr. Speaker, I rise to speak in favor of, and urge the support of my colleagues for, the Fair Trade in Steel Act of 1984.

In the First Congressional District of Indiana, the district I am proud to serve, there are more steel mills than in any other district in the country. There is also the highest unemployment in the country. The people of northwest Indiana are all affected in one way or another by the steel industry. Steel is the backbone of the economy in our district; moreover, the repercussions of the crisis in the steel industry can be felt throughout the Nation's economy.

In the first quarter of 1984, foreign steel imports accounted for 25.4 percent of the American market. This means that more than 1 out of every 4 tons of steel used in this country is a foreign import; 1984's first quarter imports were 92 percent higher than those in the first quarter of 1983. These imports account for a loss of over 200,000 American jobs. If ever there was a time for the Fair Trade in Steel Act, it is now.

Steel quotas are the remedy to this critical situation in the steel industry. The Fair Trade in Steel Act of 1984 would impose quotas on foreign countries based on their historical trade patterns with the United States for the next 5 years.

I pledge my total commitment to the task before us because I believe that we are in the midst of the most serious crisis ever to face the American steel industry. I also believe that the Fair Trade in Steel Act is essential to the revitalization of this industry and equally essential to the continued economic growth of the United States.

I urge my colleagues to join me immediately in the cosponsorship of H.R. 5081, the Fair Trade in Steel Act of 1984. If we do not act immediately we may soon witness the death of the American steel industry.●

CITIZENS' SCHOLARSHIP FOUNDATION OF AMERICA HELPS STUDENTS MEET FINANCIAL DEMANDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. FRANK. Mr. Speaker, one of our Nation's highest goals is to help deserving young people with the difficult task of financing higher education. We are all fortunate that the Citizens' Scholarship Foundation of America [CSFA] has existed since 1958 to help establish and to guide scholarship programs.

CSFA grew out of a local "Dollars for Scholars" program, initiated by Mr. Irving Fradkin in Fall River, MA. His idea was to raise money to assist worthy young men and women in the community so that they could attend the college of their choice. Today, there are over 200 "Dollars for Scholars" programs with dedicated volunteers carrying out this important task.

More than 100 companies and foundations sponsor scholarship programs through CSFA, which because of its extensive experience continues to grow both at the community and corporate level. Just this year, CFSA was chosen to administer an education grants program for minority and female employees of General Motors and their families. Over the next 5 years, that program will distribute $7 million to 4-year college programs and vocationally oriented programs of shorter duration.

Overall, an estimated 10,000 college students will receive more than $6.5 million in CFSA program-related scholarships in 1984. While this assistance is no substitute for adequate levels of Federal education funding, we can all be proud of the work that Mr. Irving Fradkin and so many others at CFSA have done.

Mr. Speaker, I commend CFSA on the occasion of its 25th year and ask that an article from a recent addition of CSFA News be inserted in the RECORD.

The article follows:

GM AND EEOC NAME CSFA TO CONDUCT PROGRAM

1984 DISTRIBUTION: $1,400,000

The new year was ushered in as a happy one for CSFA by a joint announcement from General Motors Corporation and the United States Equal Employment Opportunity Commission confirming that CSFA had been named to administer a significant, new student aid program.

The Education Grants Program for Minorities and Women will provide in 1984 some $200,000 in support of four-year college programs and an additional $1,200,000 in support of programs of less than four-year duration in technical or trade schools, science or engineering programs, or courses preparatory to such programs, including remedial training. Both programs have a life cycle of five years, bringing the total distribution during that span to $7,000,000.

The Education Grants Program is one part of the outcome of negotiations between GM, EEOC, and the United Auto Workers for settlement of a long-standing discrimination charge against the company. The grants will benefit employees of GM on a first-come, first-served basis who are minorities or women as well as their spouses and children who are also minorities or women. Awards are for tuition only and may be as much as $2,500 in a single year.

CSFA was judged capable of handling the grants program because of a long history of involvement with several aid programs targeted on vocational-technical education, minorities, and women. CSFA administers vocational-technical programs for Weyerhaeuser Company Foundation, United Parcel Service, Bemis Company Foundation, and for the first time in 1984, Bristol-Myers Company.

In 1979 CSFA custom designed the Feminists for Media Rights Opportunities for Women in Broadcasting Scholarship Program for residents of Eastern Pennsylvania. CSFA also designed and administers programs for minorities that are sponsored by Meredith Corporation Broadcasting Group and New York Telephone Company.

In offering congratulations to the senior management of CSFA who conducted negotiations with GM and EEOC on the Education Grants Program, Ralph Seifert, Chairman of CSAF, said: "Beyond the value of the assistance that will be welcomed by the participants in this program, I am personally gratified by the expression of confidence in CSFA by both General Motors Corporation and EEOC. We have no doubts whatsoever concerning our ability to handle programs of this size and even greater magnitude. That confidence is now obviously shared by the largest of the Big Three auto makers and by one of the more visible and respected commissions of the United States Government. This program is obviously a landmark in the ongoing development of CSFA in student aid programs in the private sector."

The Education Grants Program for Minorities and Women opens on April 2, 1984. CSFA expects to make upward of 3,000 awards in the first year.●

SUCCESS WITH SELF-HELP

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. STARK. Mr. Speaker, on July 14, Community Resources for Independent Living, Inc. [CRIL], will celebrate its fifth birthday and the construction of a new multiservice center

building in the city of Hayward which is in my congressional district.

CRIL was formed in 1979 by a small group of disabled residents in southern Alameda County in response to a lack of basic services to meet the special needs of persons with disabilities. In a relatively short time it has become the central resource for vital services in the area. The program is extremely successful due to the commitment and leadership of the disabled themselves, continually strengthened by growing community support.

CRIL is committed to equal access and equal rights for all persons with disabilities. As an advocate for the disabled community, CRIL keeps abreast of new legislation and programs relevant to the disabled.

Housing services, benefits counseling, advocacy, independent living skills through training, peer counseling, attendant/reader referral and information are among the comprehensive services provided the disabled community by CRIL. It is an exemplary self-help center and I join the friends and supporters of Community Resources for Independent Living in extending congratulations on 5 years of success and in wishing many more years of community enrichment.●

DEMOCRATS AND QUOTAS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. MICHEL. Mr. Speaker, when two lifelong, dedicated advocates of civil liberties, with records of proven commitment to civil rights for all Americans, tell one of our major political parties that it is lacking in candor and commitment in the fight against the quota system, that is news. When those two spokesmen are longstanding Democrats and they are addressing the Democratic Party's National Platform Committee, that news deserves to be known by ever Member of this House and by the American public, no matter what party you belong to.

At this point, I wish to insert in the RECORD, "Democrats, Take a Stand on Race Preferences," a statement by Morris B. Abram and John H. Bunzel, both members of the U.S. Civil Rights Commission.

DEMOCRATS, TAKE A STAND ON RACE PREFERENCES

(The following is taken from testimony Monday to the Democratic National Platform Committee by Morris B. Abram and John H. Bunzel, both members of the U.S. Civil Rights Commission:)

We come before you as longstanding Democrats who have supported for 40 years the efforts of this party to provide rights and opportunities for all individuals independent of race, color, religion, sex or national origin. Twenty years ago we joined with other individuals and groups in urging Congress to pass the Civil Rights Act that was designed to bring Americans together, not to separate or divide them. The purpose of that historic act was to take race out of the equation, to cut out the tumor of racial categories that had been poisoning our whole society for too long. The nation's commitment to equality of opportunity had been reaffirmed.

During the last decade or so, however, congressional policy has undergone many changes—but not because there has been a great reversal of public opinion. As verified by every poll, the American people remain committed to the goal of equal opportunity. Yet today in many quarters the principle of equality of opportunity is being replaced by another principle, namely, equality of results. We are now told, for example, that racial preference should be given to certain persons by virtue of their group membership. That is why there is so much talk today about quotas.

In the name of a new equality, the policy of color blindness, which had long been the moral touchstone and mandate of our Constitution and is a requirement of the 1964 Civil Rights Act, has been severely modified. Benjamin Hooks, the NAACP's executive secretary, said recently that a colorblind approach to civil rights is "wrong because it's stupid." If he really means this, then he is calling into question the lifework of Hubert Humphrey, Roy Wilkins, George Meany and millions of other civil rights activists who have sought to establish a national standard that is blind to color distinctions. Does the Democratic Party now think that a colorblind approach to civil rights is wrong and stupid?

We come before you today because we believe the time is at hand for the Democratic Party to state clearly and unambiguously how it feels about this redefinition of equality. Glittering generalities will not do. It is not enough, for example, for the 1984 Democratic Party Platform to voice strong support for affirmative action without articulating the terms and standards on which this endorsement rests. The issue of affirmative action is not one of moral virtue or "right thinking." Nor is affirmative action, as some would have us conclude, merely an attempt to make up for our past sins as a racist society. The truth is that in practice it frequently presents a collision of rights and a conflict of principles. We urge our fellow Democrats at their convention in San Francisco to be forthright with the American people and tell them what they mean by affirmative action—and what they do not mean. . . .

Does the Democratic Party believe that the principle of nondiscrimination should be replaced with the principle of race-based entitlements to political influence or representation? Most Americans do not believe that race should be the predominant basis on which status is determined, individual worth assigned, entitlements settled or legal rights measured. They believe that everyone should have a "fair shake," which is very different from the concept that everyone should have an "equal share." Does the Democratic Party agree or disagree?

There is clear evidence that racially preferential treatment for certain groups is strongly opposed by the public. It is not their idea of equality. Where does the Democratic Party stand on this important issue? Does it agree that racially preferential treatment is not what affirmative action policy or practice should be all about, or does it disagree? Will the Democratic Party Platform address the issue of preference based on race directly and candidly—or will it blur the issue or, even worse, not mention it at all?

Affirmative action in public education has frequently taken the form of school assignment on the basis of race and compulsory transportation of students to the schools to which they are assigned, in many cases far from where they live. The issue of mandatory busing is extraordinarily complicated, and it would be foolish to pretend that its many vexing questions could be dealt with in a party platform. But in light of the fact that busing for purposes of desegregation and racial balance has met with strong resistance from parents and the public at large (especially in many of our large metropolitan centers), we believe there are some critical questions that the Democratic Party should give attention to. For example, should the student body of every school be racially balanced according to some specified proportion? Should no school be allowed to have a black majority?

The American people have strongly supported the Voting Rights Act in order to eliminate racial discrimination in the electoral process. But we ask this committee to consider an incident that took place during the election of Harold Washington as mayor of Chicago last year. It did not escape the attention of many Democrats everywhere. Several members of the Congressional Black Caucus and other black leaders sent Walter Mondale a mailgram charging him with "profound disrespect" and expressing their sense of "dismay" and "betrayal."

What had Mr. Mondale done? He had endorsed a candidate in the Chicago primary who happened to be white. Harold Washington, is black. The mailgram stated: "You have enjoyed great support from the black community, and for you to endorse a local white politician over a member of the Congressional Black Caucus forces us to seriously reconsider your judgment and sensitivity." The 52-member Black Caucus of the Democratic National Committee, in a unanimous resolution, also expressed "utter dismay and extreme disappointment" with Mr. Mondale and Sen. Kennedy for supporting white candidates in the race.

We think not only Democrats but voters throughout the country deserve to be told how the Democratic Party stands on such a fundamental principle. Does it believe that there should be less, not more, of an emphasis on race in the political process—and will it say so?

Minister Louis Farrakhan of the Nation of Islam, an associate of the Rev. Jesse Jackson, has threatened violence and preached his own brand of racism. Will the Democratic Party repudiate these sentiments and disavow Mr. Farrakhan?

We think there is a significant thread running through what we have tried to say—all too briefly—today. The American people want and will continue to work for a society that is free of racial hatred, racial division and racial injustice. They do not wish to support those whose actions would increase the already pronounced trend to politicize and racialize more and more aspects of American life. They do not believe that racial distinctions should have any place in our laws or public practice, or that persons should be judged on the basis of the group to which they belong. They believe that the individual, not the group, is the fundamen-

tal bearer of rights in our society, and that justice is done to an individual, not a race.

Where does the Democratic Party stand?●

TRIBUTE TO DR. RUSSELL H. DERR

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. YATRON. Mr. Speaker, it is with great pleasure that I have an opportunity today, upon the occasion of a public dinner in honor of Dr. Russell H. Derr at the Peace United Church of Christ in Swartzville, PA, on July 22, to recognize his outstanding contributions to the medical profession and his community.

Dr. Derr is being honored by the people of his community as a local family physician who served his patients well in Adamstown, PA, and the surrounding area in both Lancaster and Berks Counties, from 1946 to the present. Dr Derr was born in Denver, PA, attended and graduated from Denver High School in 1932, Muhlenberg College in 1936, and Jefferson Medical College in 1940. He is married to the former Mary E. Knerr and they came to Adamstown in 1946. Dr. Derr served in the U.S. Army during World War II where he reached the rank of major and served much of his duty in China. He is a member of the American Medical Association, the Pennsylvania Medical Society, the Academy of Family Physicians, and St. Paul's Lutheran Church where he serves as a councilman and choir member. He is also a member of the Adamstown VFW, the Adamstown Lions Club, and the Ephrata Lodge No. 665, F.&A.M. Further he is the health officer for the Adamstown Borough.

Few people have contributed as much to the community as Dr. Derr over the last several decades. Even now he continues his practice in the homes of some of his patients who cannot come to his office. For him, the term "house calls" still applies underlining his determination to ensure the best possible care for all his patients. Dr. Derr has also had a close relationship with the Reading Hospital, where he served his internship/residency and with the Ephrata Community Hospital.

Without question, Dr. Derr's efforts have truly played a major part in medical care in his community. I would like to ask my colleagues to join me in saluting his life's work and in wishing him continued future success. I am indeed grateful that I had this opportunity to bring some of Dr. Derr's accomplishments to your attention.●

U.S. HAZELNUT INDUSTRY

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. AuCOIN. Mr. Speaker, I am today introducing legislation for the growth and enhancement of the U.S. hazelnut industry.

The industry, which is largely centered in my State and my own district, produces only about 4 percent of the world's hazelnuts, yet these are without question the best quality hazelnuts in the world. The United States is the leader in establishing quality standards through administrative regulations in the Department of Agriculture and I am proud to have worked successfully to pass legislation requiring importers of hazelnuts to meet similar quality control standards as domestic producers.

Unfortunately, despite the efforts of myself and other members of the Oregon delegation, we have been unable to obtain the 1-percent quality standard at the U.S. Department of Agriculture established by legislation. A 1-percent quality standard simply provides that no more than 1 percent of imports—and domestic product—will have serious defects: Defects defined by the USDA as "mold, rancidity, insect disease or decay." The domestic producer and the consumer alike are both harmed by allowing more than 1 percent of these defective, rotten, and decayed nuts entering the United States.

Despite this reasonable demand and the clear benefit to the American consumer, we have been unable to obtain enforcement of a 1-percent standard from the Department of Agriculture, which has settled for 2 percent, or double the amount of decayed, rotten and mold-ridden nuts by volume.

The USDA is refusing to implement a quality control provision that is in everybody's interest. With an increased quality standard upheld by importers as well as domestic producers, the consumer will be ensured that all hazelnuts are consistently of the highest standard. The demand for hazelnuts will then increase which the exporting countries can meet in future years.

The legislation I have introduced seeks, in part, to enforce this 1-percent quality standard through the enactment of a 50 cent per pound prohibitive tariff on all imports not meeting the 1-percent quality standard. There are clearly ample quantities of foreign hazelnuts to satisfy this standard from the hundreds of thousands of tons of hazelnuts produced in the exporting countries of Turkey and Italy. Let there be no mistake—this is not a "protectionist" bill. It simply seeks to enforce a strong and necessary quality standard for the sake of the market, the consumer, and the industry here and abroad.

The second feature of this bill is an adjustment to the existing tariff on shelled hazelnuts, referred to as kernels, from 8 cents per pound to 16 cents per pound. The existing tariff was enacted over 36 years ago, and due to the effects of inflation, has been severely eroded. In fact, if it were adjusted for inflation today, the tariff would approximate 32 cents per pound which is not being sought in this bill. Rather, this legislation seeks to establish a 16-cent tariff which is comparable to the existing tariffs for similar nut products; namely, almonds at 16.5 cents and walnuts at 15 cents per pound. The present filbert tariff needs to be adjusted to provide a balance between the rather small producing growers of this country compared to the almost monopolistic pricing power of the dominant producing country, Turkey, which produces roughly 70 percent of the world crop and sets the world price for hazelnuts. With boom crops in Turkey, prices have been driven down, and it appears that some exporting parties have been subsidized.

I am pleased to introduce H.R. 5871 on behalf of the filbert growers and handlers of Oregon. Recognizing the need to establish balance and fair competition, we need to strongly consider increasing the tariff to 16 cents. This bill should be given prompt and thorough consideration and hope my colleagues in the House will join in the effort.●

ITC IN AGREEMENT WITH AMERICAN COPPER PRODUCERS

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. McNULTY. Mr. Speaker, yesterday the International Trade Commission voted 5 to 0 in the affirmative in the petitition of 11 major American copper producers to find injury from foreign competition.

I welcome this conclusion and regard it as the fair and logical conclusion from the facts presented to the Commission and the provisions of our trade laws.

The suffering of the U.S. copper production companies was proven to the satisfaction of all Commissioners. They took note that the American producers are now operating at two-thirds of capacity and in the past 2 years have shut down half of the larger mines in our country. Inventories on the copper commodity exchange have doubled and employment has fallen by half. The ITC members and staff carefully examined the economics of the problem and concluded

that on account of copper imports into the United States, a movement facilitated by the easy flow of information on price and production, it is a certainty that further imports would eliminate any increase in U.S. prices. Imports play and will continue to play the most important role in transmitting a depressed world price to the U.S. market.

Heavy world overproduction is the culprit and the ITC has recognized this crucial fact. There has been serious injury and on behalf of the men and women of the U.S. copper industry. I welcome this finding, believing that an appropriate and timely remedy can now be commended to the President for his approval.●

REQUIRING A TWO-THIRDS VOTE ON ANY GENERAL APPROPRIATION BILL, CONTINUING RESOLUTION AND ON ANY CONCURRENT BUDGET RESOLUTION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. LEWIS of California. Mr. Speaker, I am pleased to introduce today a bill and an amendment whose time has come. As responsible legislators, we all know that time is running out for putting our financial house in order. Therefore, I am proposing both a bill and an amendment that would require a two-thirds vote of both Houses of Congress on bills and joint resolutions making appropriations and on concurrent resolutions on the budget.

Currently, the Constitution requires a two-thirds or three-fourths vote in situations that the framers believed warranted an extraordinary majority. a two-thirds vote is required for convictions by the Senate in impeachment cases, expulsion of Members of Congress, congressional overrides of Presidential vetoes and Senate concurrence to treaties. Extraordinary majorities are also required to amend the Constitution itself. In each case the framers decided to place on Congress, or on one House, an exceptional burden for legislative action.

I propose that we take up that burden regarding certain Federal spending measures. The time is long overdue for serious consideration of the need for extraordinary majority approval before the Congress decides to spend the people's money. If such a requirement had been in place over the last several decades, clearly the upward spiral of our national debt and the taxpayer's obligation would have been drastically curtailed. My bill or constitutional amendment will promote fiscal responsibility and accountability on the part of Members of both Houses and force a more bipartisan atmosphere in our proceedings.

I hope my colleagues will join me in reducing the deficit and establishing a balanced budget by supporting these measures. A copy of the bill and the amendment follows:

H.R. 5884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Rule XXI of the Rules of the House of Representatives is amended by inserting at the end thereof the following new clause:

"8. (a) A vote of two-thirds of the Members present and voting shall be required on the question of passage of any bill or joint resolution making appropriations which is reported by the Committee on Appropriations or on the question of adoption of any conference report thereon.

"(b) The provisions of paragraph (a) may be suspended by the President by declaration of an emergency such as war, the threat of war, or a national domestic crisis. Such suspension shall require the concurrence of both Houses of Congress by a two-thirds vote of all Members of each such House.".

SEC. 2. Rule XVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"9. (a) A vote of two-thirds of the Senators present and voting shall be required on the question of passage of any bill or joint resolution making appropriations which is reported by the Committee on Appropriations or on the question of adoption of any conference report thereon.

"(b) The provisions of paragraph (a) may be suspended by the President by declaration of an emergency such as war, the threat of war, or a national domestic crisis. Such suspension shall require the concurrence of both Houses of Congress by a two-thirds vote of all Members of each such House.".

SEC. 3. Section 305 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(f) TWO-THIRDS VOTE REQUIRED FOR APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.—

"(1) A vote of two-thirds of the Members of the House of Representatives or Senators present and voting in the House or Senate, as the case may be, shall be required on the question of passage of any concurrent resolution on the budget or on the question of adoption of any conference report thereon.

"(2) The provisions of paragraph (1) may be suspended by the President by declaration of an emergency such as war, the threat of war, or a national domestic crisis. Such suspension shall require the concurrence of both Houses of Congress by a two-thirds vote of all Members of each such House.".

H.J. RES. 593

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. A vote of two-thirds of both Houses shall be required to pass any bill or joint resolution making appropriations or to adopt any concurrent resolution on the budget.

"SEC. 2. Section 1 of this article may be suspended by the President by declaration of an emergency such as war, the threat of war, or a national domestic crisis. Such suspension shall require the concurrence of both Houses by a two-thirds vote of all Members of each such House.".●

PUTTING OUR RAILROAD SYSTEMS BACK ON THE RIGHT TRACK

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, I support the outstanding efforts of the gentleman from Pennsylvania to promote high-speed passenger train service. Such a venture would spark economic growth, revitalize industries, and enhance tourism, as well as create much-needed job opportunities.

Rail technology in the 19th century revolutionized commerce, enabling business to be conducted on a regional and national scale. In addition to facilitating interstate trade, the advent of railroads opened vast territories to settlement. During the early 1900's, thousands of intercity passenger trains linked practically all U.S. cities.

The monopoly of rail transportation inevitably led to the development and diversification of other means of excursion, such as automobiles, buses, and airplanes, resulting in a decline in passenger usage of trains. In other countries, the deterioration of the rail industry was offset by the creation of high-speed passenger trains. For years, they have been providing fast, reliable, safe, and comfortable trips at a profit.

Economic prudence would indicate that a transportation system for a country as large and heterogeneous as the United States necessitates many healthy travel alternatives. It would be a major mistake for the United States to abandon passenger rail service. To prevent the withering away of an important component of our transportation system, it is essential that state-of-the-art technology be fostered for trains, as it has been for cars and aviation.

The Federal Government has historically promoted rail technology. By passing H.R. 4308, which would authorize the establishment of an interstate high-speed rail compact to conduct feasibility studies on an improved train system, we uphold this tradition and put the gears of railroad transit back in motion.●

PROGRESSIVE CONSUMPTION TAX

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. HEFTEL of Hawaii. Mr. Speaker, recently I introduced H.R. 5841, a bill to replace the Federal income tax with a progressive consumption tax. Since the income tax has played such an important role in the public finances of our National Government, I should like to explain why the new tax I am proposing is needed at this point in our history.

I want to make clear that the principle underlying the income tax—the principle of taxing in accordance with ability to pay—is one I firmly hold to and seek to advance with the progressive consumption tax. As first enacted 70 years ago, the income tax followed that principle and continued to do reasonably well through World War II, when it became the mainstay of the Federal revenue system.

However, in the past several years the income tax has been severely eroded by the granting of tax privileges that have eaten away more and more of its base. The Internal Revenue Code now contains far more than a hundred exemptions, exclusions, deductions, and credits. They are called tax privileges but as these special provisions have proliferated—as exempt IRA's were added to the Keogh plans, after expensing of some capital outlays was added to accelerate depreciation, as income tax incentives were given for everything from saving with life insurance to the preservation of historic structures, and so forth—the tax privileges might better be called tax freebies.

The old stereotype of the tax privilege lobby as being the spokesmen for bankers, Wall Street, and big business has long been out of date. It is too narrowly drawn. Now the reasonable expectation of every right-minded group in America—whether the association represents homeowners, the elderly, church ministers, college presidents, physicians, professional athletes, retired military officers and noncoms, artists, inventors, small or large businesses, infant or old industries, State or local governments, or who you will—is that it will receive a tax freebie for its members. And the successful record of the tax lobby in the Congress gives them every reason to be confident that it can deliver.

We have come to the point where less than half of the net income received by the people of this Nation is subject to the income tax. If you add the income received surreptiously in the underground economy, only about a third of all personal income is actually reached by the IRS. That third, mostly in the form of salaries and wages, bears the entire burden of the income tax.

Mr. Speaker, we have approached the political limits of the income tax. It is common knowledge that the income tax applies most unequally, that its burden increasingly depends not so much on how large your real income is but on the form in which you receive it. Should we attempt to raise more revenues from income taxation, as the monstrous national deficit requires, we run the risk of driving those who bear the heavy burden into tax evasion. That would be fatal, for voluntary compliance has been the mainstay of our tax system. Without it we would be forced to depend on excises or other forms of sales taxation, where the individual circumstances of the taxpayer do not matter and where justice in taxation cannot be achieved.

The danger to the integrity of the Federal tax system is recognized in the several bills introduced before this Congress to reform the income tax law. The measures introduced by Mr. GEPHARDT and Mr. KEMP would eliminate many, though by no means all, of the tax privileges which now undercut the tax base. In my opinion, however, it is too late to reclaim the income tax. Tax privileges are so firmly set in place that I do not think they can be removed by mere amendment of the income tax statutes.

That is why I have introduced a bill for a progressive consumption tax. It provides a fresh start. It reaches all personal receipts, in whatever form. It provides no special exclusions, exceptions, or credits. Of the long catalog of deductions under the income tax, only five are retained: For charitable contributions, large medical costs, uninsured property losses, State/local income taxes, and mortgage interest—on a principal residence only.

Conceptually, the consumption tax differs from the income tax in that it taxes according to how much of the national product the taxpayer uses and not according to how much he contributes to it. The purpose is to encourage savings and investment, on which the growth of the national economy depends.

In form, the consumption tax strongly resembles the income tax. The taxpayer aided, by W-2 and 1099 information returns, as at present would report the sum of his receipts during the year. From that total, less a standard deduction or the few deductions noted above, he would subtract the amount added to savings or investment during that year. The difference—the amount of receipts not saved—must be the amount consumed. That is the basis of taxation at a progressive rate.

During the past several days the national press has reported on a current proposal of the Brookings Institution that the income tax be replaced by a new form of taxation, a cash-flow tax. That is simply the consumption tax under a different name. The details vary in some respects from H.R. 4442, the bill I introduced last November, but the cash flow concept is essentially the same as the progressive consumption tax.

The authors of the Brookings Institution proposal, like myself, are concerned lest the new tax shift the tax burden to persons in lower income groups. Their proposal, like mine, raises the personal exemption level. Both proposals defined investment to include social security contributions, the major form of saving for many low- and moderate-income families. In my bill, the initial tax rate is set at 10 percent, a point below the beginning rate of the income tax.

There are other provisions to ensure that low-income groups do not bear an unfair portion of the tax burden under the progressive consumption tax. However, the encouragement of saving under the tax must be balanced by a tax on wealth. It is in the national interest to stimulate investment. However, justice requires that wealth accumulated under the shelter of the progressive consumption measure be taxed after the death of the saver.

Therefore, as an integral part of my proposal the estate tax would be restored to provide a check on the accumulation of wealth and the further growth of family dynasties.

Mr. Speaker, I urge the leadership of the House to set aside sufficient time during this session for an examination of the alternative routes to tax reform which have been placed before us in the Committee on Ways and Means. I am impressed by the advantages of the progressive consumption tax and its apparent administrative feasibility. However, it must be thoroughly analyzed by the committee, along with the other tax reform bills that have been introduced. We must act deliberately, but we must start acting now.●

THE CAPS ISSUE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. ASPIN. Mr. Speaker, the key issue of this year's jockeying on the Federal budget is caps. The Senate, at the behest of the White House, wants to enact a new law with two caps, one limiting defense spending and the other limiting discretionary domestic spending. The House of Representatives would rely on the existing Budget Act, which puts a single cap on total discretionary spending, whether for defense or domestic programs.

The announced rationale for the two caps idea is to forestall any later shifting of funds from defense to domestic programs by the Appropriations Committees. The budget resolutions debated in the House and Senate are broken down into categories like defense, agriculture, health and other domestic areas. The division of discretionary funds to each category, however, is not binding on the Appropriations Committees. In theory, they are free to divide the total amount allocated to them by the budget resolution in any way they see fit. The Senate says this is giving too much freedom to the Appropriations Committees—that Members believe when they vote for a budget resolution they are setting priorities and the Appropriations Committees should be required to observe those priorities.

The Senate argument sets forth the letter of the law correctly. What it misses is the spirit. The Appropriations Committees may be free in theory to deviate from the priorities of the budget resolution, but the politics are quite another matter. This is particularly true with gross categories, like defense spending, on the one hand, and domestic spending, on the other—the very categories the Senate is worried about.

The table shows for the last 4 years how budget authority under the control of the Appropriations Committees would have been divided by the budget resolution, and how the committees actually divided it.

	Defense	Nondefense
1981:		
Budget resolution	$165,338	$254,943
Appropriation	177,338	252,975
Difference	+12,000	−1,968
1982:		
Budget resolution	222,286	242,341
Appropriation	212,122	238,250
Difference	−10,164	−4,091
1983:		
Budget resolution	246,759	240,202
Appropriation	239,094	236,027
Difference	−7,665	−4,175
1984:		
Budget resolution	260,311	279,266
Appropriation	256,327	281,341
Difference	−3,984	+2,074
4 year average difference	−2,453	−2,040

Notes.—In this table, "defense" is the total budget authority provided by the Department of Defense and Military Construction appropriations bills and "non-defense" is the total provided by all other appropriations bills.

The budget resolution numbers shown are those of the first resolution. Accordingly, the appropriations numbers for 1982 and 1983 exclude supplemental appropriations for two mandatory programs, the unemployment trust fund and the Commodity Credit Corporation. The original appropriations bills fully funded the amounts provided for these programs in the budget resolutions. When these amounts proved inadequate, supplemental appropriations were requested and approved and subsequently the budget resolution numbers amended to accommodate the higher appropriations.

Clearly, the Appropriations Committees have varied somewhat from the defense-domestic priorities of the budget resolutions. This is most evident at the beginning of the current defense buildup in 1981 when more was appropriated for defense than provided in the budget resolution and at the height of the buildup in 1982–83 when somewhat less was appropriated than provided in budget resolutions basically dictated by the White House.

The significant point, however, is that none of these savings were diverted to domestic programs. In every year except 1984, appropriations for domestic programs were less than would have been provided for the budget resolution—and in that year they would have been less but for the appropriation of $8.5 billion for the International Monetary Fund, that was not contemplated in the budget resolution.

The Senate caps aren't really necessary to prevent siphoning defense money to domestic programs. That hasn't been a problem and it's not likely to be, given the politics of the situation.

The only remaining rationale for caps is to interject the President in the congressional budget process. Not content with preparing the basic budget document and the President's veto power over appropriations' bills, this White House wants to etch the defense and domestic targets in granite and curtail what little flexibility remains to the Appropriations Committees.●

ANTIBALLISTIC MISSILE INTERCEPTOR

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 1984

● Mr. MARKEY. Mr. Speaker, the Pentagon recently announced the testing of an antiballistic missile interceptor.

This latest item in the Reagan administration's warfighting arsenal is a giant steel catcher's mitt in the sky.

The administration seems to think that we can just catch bombs in a nuclear war, and everything will be all right.

Well, what happens if you drop the ball? You don't lose an out. You lose a city.

And how many of these monster missiles should we build?

Ten for every Soviet warhead?

What about Soviet decoys?

Maybe we should start thinking about a million Minuteman interceptor missiles.

Then, after a nuclear war, we can say, maybe they incinerated all our cities, but we caught a lot of their bombs.

This new missile is another example of the administration's dangerous delusion that nuclear wars can be fought and won.

And the Pentagon admits these interceptor missiles can also be used as antisatellite weapons. This is another step toward extending the arms race into space.

The Pentagon has spent $300 million to develop these destabilizing missiles. How much have we spent to negotiate a treaty to ban antisatellite weapons?

The Soviets want to negotiate on antisatellite weapons, but President Reagan refuses.

For every problem, real or imagined, the Reagan administration thinks arms are the answer, and negotiations are a nuisance.

It is time for Congress to stop the arms race in space before it is too late.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 19, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold oversight hearings on the proposed sale of Conrail by the Department of Transportation.

SR-253

Foreign Relations

To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Energy, Nuclear Proliferation and Government Processes on S. Res. 368 and S. Res. 283, measures calling for a ban on chemical weapons.

SD-419

Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold joint hearings with the Committee on Foreign Relations on S. Res.

368 and S. Res. 283, measures calling for a ban on chemical weapons.
SD-419

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1734, to revise the scope of the copyright limitations on the performance of a nondramatic musical work on a coin-operated phonorecord player (jukebox).
SD-226

Labor and Human Resources
To continue oversight hearings on certain allegations involving the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

Joint Economic
Investment, Jobs, and Prices Subcommittee
To hold hearings on urban policy.
2212 Rayburn Building

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the District of Columbia school system.
SD-138

Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on S. 747, to prohibit any person from exporting from the United States any currency directly or indirectly to any person in Vietnam.
SD-538

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
Health Subcommittee
To hold oversight hearings to review a General Accounting Office study on program changes in the Maternal and Child Health Block Grant Program.
SD-215

Small Business
Business meeting, to mark up S. 2375, to facilitate the development of a secondary market in the Small Business Administration's guarantee loan program.
SR-428A

Veterans' Affairs
To hold hearings on measures to provide for veterans' compensation, including S. 2736, S. 2737, S. 2267, S. 2268, S. 2451, S. 2759, and S. 2760.
SR-418

Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Thomas H. Etzold, of Rhode Island, to be Assistant Director of Multilateral Affairs, U.S. Arms Control and Disarmament Agency.
SD-419

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet on pending business matters.
EF-100, Capitol

9:30 a.m.
Appropriations
Business meeting, to mark up the provisions of H.R. 5798, appropriating funds for fiscal year 1985 for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.
SD-192

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on the proposed transfer of the Civil Aeronautics Board authority to regulate consumer protection, including related provisions of H.R. 5297, Civil Aeronautics Board Sunset Act of 1984.
SR-253

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 463, to limit the amount of severance taxes imposed by States on oil, natural gas, and coal.
SD-215

Labor and Human Resources
To hold hearings on S. 2501, the substance of S. 2502, and S. 2503, bills to provide for greater use of competitive medical plans and preferred provider arrangements.
SD-430

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Frank K. Richardson, of California, to be Solicitor, Department of the Interior.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold hearings on S. 2480, to restore mineral and grazing rights on certain lands in North Dakota to the Three Affiliated Tribes of the Fort Berthold Reservation, and S. 2663, relating to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, North Dakota and South Dakota.
SR-485

2:00 p.m.
Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on S. 2127, proposed Federal Advisory Committee Act Amendments of 1983.
SD-342

JUNE 22

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 817, S. 1069, and H.R. 555, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Environment and Public Works
To hold hearings on proposals for establishing appropriate levels of lead in gasoline, including S. 2609.
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on S.J. Res. 10, proposing an amendment to the Consitution of the United States relative to equal rights for women and men, focusing on the impact of ERA on family law.
SD-226

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2762, the Barrow Gas Field Transfer Act of 1984.
SD-562

Finance
International Trade Subcommittee
To hold hearings on measures to provide import relief to the domestic nonrubber footwear industry, including S. 2731, American Footwear Act of 1984, and amendments to section 201 of the Trade Act of 1974.
SD-215

2:00 p.m.
Finance
Health Subcommittee
To hold oversight hearings on medicare home health care benefits and the difficulty interpreting the intermittent care rule.
SD-215

Foreign Relations
To hold hearings on the nominations of John W. Shirley, of Illinois, to be Ambassador to the United Republic of Tanzania, and Owen W. Roberts, of New Jersey, to be Ambassador to the Republic of Togo.
SD-419

JUNE 25

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

JUNE 26

9:30 a.m.
* Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Lacey Act amendments (Public Law 97-79), to control international trade in wildlife.
SD-406

Judiciary
Constitution Subcommittee
To hold oversight hearings on issues of religious freedom.
SD-562

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10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on Outer Continental Shelf leasing activities.
SD-366

Finance
International Trade Subcommittee
To hold hearings to examine the impact of the American Telephone & Telegraph divestiture on international trade and the future of international trade in telecommunications.
SD-215

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine measures to combat adolescent drug use.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

2:00 p.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 2649, authorizing funds through fiscal year 1989 for the Environmental Protection Agency to develop regulations for monitoring of unregulated contaminants now found in surface and underground drinking water sources.
SD-406

Labor and Human Resources
To hold hearings on S. 2568, the Civil Rights Act of 1984.
SD-430

4:00 p.m.
Temporary Select Committee to Study the Senate Committee System
To hold an organizational business meeting.
SR-301

JUNE 27

9:00 a.m.
Environment and Public Works
Environmental and Pollution Subcommittee
To hold hearings on amendment No. 2807, proposed Wildlife and the Parks Act of 1984, to S. 978, to provide financial assistance to States for wetlands conservation.
SD-406

Labor and Human Resources Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings on the implementation of the Voting Rights Act.
SD-226

Special on Aging
To hold hearings on the scope of medical malpractice, and to examine options to medicare.
SD-628

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. Con. Res. 56, to express the sense of the Congress in opposition to further expansion of cargo preference requirements.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
International Trade Subcommittee
To hold hearings on the state of the U.S. automobile industry, focusing on the competitiveness of the industry, effects of the Japanese auto export restraints, and the future of international trade in autos.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings on congressional access to reliable agency information.
SD-562

Labor and Human Resources
Business meeting, to consider S. 2568, the Civil Rights Act of 1984, and the nomination of Rosemary M. Collyer, of Colorado, to be General Counsel of the National Labor Relations Board.
SD-430

Joint Economic
To hold hearings on the minimum wage.
340 Cannon Building

JUNE 28

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2692 and H.R. 2982, bills to exempt certain water conveyance systems from right-of-way fees and conditions under the Federal Land Policy and Management Act of 1976, H.R. 2889, to authorize funds for fiscal years 1984 through 1987 for the National Museum for the Building Arts for operating expenses during its renovation, and to change the name of the museum to the National Building Museum, and H.R. 2838, to provide assistance to certain groups and organizations volunteering to plant tree seedlings on public lands.
SD-366

Labor and Human Resources
To hold hearings on S. 2748, to revise the procedures for new drug applications and to provide for the extension of patents for certain regulated products, and the proposed Drug Export Amendments of 1984.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
To hold hearings on the trade deficit.
SD-215

*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2561, authorizing funds for fiscal year 1985 to facilitate the transfer of computerized training programs of the Federal Government to the private sector and to State and local governments for use in manpower training programs.
SD-562

JULY 6

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation in June.
SD-106

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.
SD-430

JULY 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

JULY 27

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings to discuss whether tax laws should encourage employers to provide certain fringe benefits.
SD-215

JULY 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To resume hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325