HOUSE OF REPRESENTATIVES—*Monday, February 25, 1985*

The House met at 12 o'clock noon.

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

Help us, O God, to appreciate the gifts that You have given us and not to be envious of others or circumstances beyond our control. Allow us to celebrate this new day and week with lives of thanksgiving and deeds of service. Teach us to appreciate more fully those who work with us and may we be supportive of others as we seek to labor together in the common good. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. 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.

Mr. DELAY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 131, nays 86, not voting 215, as follows:

[Roll No. 12]

YEAS—131

Addabbo
Akaka
Alexander
Andrews
Anthony
Barnard
Bates
Bedell
Bennett
Berman
Bevill
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Breaux
Brooks
Brown (CA)
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carr
Chappell
Clinger
Coleman (TX)
Cooper
Coyne
Crockett
Darden
Daschle
Dingell
Duncan
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Edwards (CA)
English
Evans (IL)
Fazio
Flippo
Florio
Foley
Fuqua
Gaydos
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Gray (PA)
Hall (OH)
Hall, Sam
Hamilton
Hawkins
Hayes
Hefner
Holt
Horton
Howard
Huckaby
Hughes
Hutto
Johnson
Jones (TN)
Kastenmeier
Kennelly
Kildee
Lehman (FL)
Lowry (WA)
Manton
Marlenee
Martinez
Mazzoli
McHugh
Mica
Miller (CA)
Montgomery
Moore
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Oakar
Oberstar
Obey
Pease
Perkins
Pickle
Rahall
Reid
Richardson
Rowland (GA)
Rudd
Sabo
Sharp
Sisisky
Slattery
Smith (FL)
Smith (IA)
Spratt
Stallings
Stark
Stenholm
Stokes
Stratton
Swift
Synar
Thomas (CA)
Thomas (GA)
Torres
Udall
Vento
Visclosky
Vucanovich
Walgren
Watkins
Waxman
Weaver
Wheat
Whitten
Williams
Wirth
Wyden
Yates

NAYS—86

Badham
Bartlett
Bateman
Bereuter
Bliley
Broomfield
Carney
Chappie
Cheney
Coats
Coble
Combest
Coughlin
Craig
Daub
DeLay
Dickinson
Edwards (OK)
Evans (IA)
Fish
Gallo
Gekas
Gingrich
Grotberg
Gunderson
Hammerschmidt
Hansen
Hunter
Hyde
Ireland
Jacobs
Lagomarsino
Leach (IA)
Leath (TX)
Lent
Lewis (CA)
Lightfoot
Lott
Lujan
Lungren
Mack
Martin (IL)
McCollum
McDade
McKernan
Meyers
Miller (OH)
Miller (WA)
Molinari
Monson
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Penny
Petri
Regula
Ritter
Roberts
Roemer
Saxton
Schuette
Schulze
Shaw
Shumway
Shuster
Sikorski
Skeen
Slaughter
Smith (NE)
Smith, Robert
Snowe
Solomon
Strang
Stump
Sweeney
Swindall
Weber
Whitehurst
Wolf
Wortley
Young (AK)
Zschau

NOT VOTING—215

Ackerman
Anderson
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Barnes
Barton (TX)
Beilenson
Bentley
Biaggi
Bilirakis
Boehlert
Boggs
Bosco
Boucher
Boulter
Boxer
Brown (CO)
Broyhill
Burton (IN)
Callahan
Campbell
Carper
Chandler
Clay
Cobey
Coelho
Coleman (MO)
Collins
Conte
Conyers
Courter
Crane
Daniel
Dannemeyer
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy (MS)
Downey (NY)
Dreier (CA)
Dymally
Eckert (NY)
Edgar
Emerson
Erdreich
Fascell
Fawell
Feighan
Fiedler
Fields
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Garcia
Gejdenson
Gephardt
Gilman
Goodling
Gray (IL)
Green
Gregg
Guarini
Hall, Ralph
Hartnett
Hatcher
Heftel (HI)
Hendon
Henry
Hertel (MI)
Hiler
Hillis
Hopkins
Hoyer
Hubbard
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Kanjorski
Kaptur
Kasich
Kemp
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lantos
Latta
Lehman (CA)
Leland
Levin (MI)
Levine (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lowery (CA)
Luken
Lundine
MacKay
Madigan
Markey
Martin (NY)
Matsui
Mavroules
McCain
McCandless
McCurdy
McEwen
McGrath
McKinney
McMillan
Michel
Mikulski
Mineta
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Nowak
Olin
Ortiz
Owens
Panetta
Parris
Pashayan
Pepper
Porter
Price
Pursell
Quillen
Rangel
Ray
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Roybal
Russo
Savage
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shelby
Siljander
Skelton
Smith (NH)
Smith (NJ)
Smith, Denny
Snyder
Solarz
Spence
St Germain
Staggers
Stangeland
Studds
Sundquist
Tallon
Tauke
Tauzin
Taylor
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Volkmer
Walker
Weiss
Whitley
Whittaker
Wilson
Wise
Wolpe
Wright
Wylie
Yatron
Young (FL)
Young (MO)

□ 1250

Mr. McCOLLUM and Mr. SKEEN changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 391. An act to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes; and

S.J. Res. 14. Joint resolution authorizing the President to advance Lt. Gen. Ira C. Eaker, USAF (retired) and Lt. Gen. James H. Doolittle, USAF (retired) to the grade of general on the retired list.

The message also announced that pursuant to the provisions of title 22 of the United States Code, the Vice

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

President appoints Mr. MATHIAS as chairman and Mr. BIDEN as vice chairman of the Senate delegation to the North Atlantic Assembly during the 99th Congress; Mr. GRAMM as chairman and Mr. DODD as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 99th Congress; and Mr. STEVENS as chairman and Mr. ZORINSKY as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 99th Congress.

THE MX SHOWDOWN

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

Mr. STRATTON. Mr. Speaker, in recent days, the major topic of conversation—as far as our Nation's defense posture is concerned—has been the strategic defense initiative, popularly known as the star wars proposal.

But the furor over star wars may have pushed into the background the fact that within the next week or 10 days, this Congress will face a very crucial vote over another item in our defense arsenal, the MX missile.

Unless the House and Senate vote favorably on four up-or-down votes on MX, our only hard-target missile will go down the drain in spite of the fact that the Soviet Union already has 800 MX-type missiles in its own missile stockpile.

Not only that, but if the U.S. Congress should reject the President's request and vote down any one of those votes, we can kiss goodbye to the most promising opportunity to achieve a verifiable and effective arms control agreement in the past 10 years, because the Soviets will realize that they don't even have to come to Geneva to negotiate, because the U.S. Congress itself will have discarded one of the most effective weapons in our own arsenal, without the Soviet having to spend a single ruble to bring that event about.

REPEAL VEHICLE LOGBOOK RULES

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

Mr. MARLENEE. Mr. Speaker, last month I warned of a tax revolt. Since that time, nearly a thousand Montanans—some of them justifiably hostile—have contacted me to protest the ridiculous recordkeeping regulations for cars and trucks.

As you know, I have introduced H.R. 750 to completely repeal the 1984 Deficit Reduction Act section establishing the vehicle "logbook" rules. Despite recent changes in these rules by the IRS, I will continue to push for repeal.

The changes just do not go far enough:

Employees will still be taxed for vehicles provided them by their employers as part of their wage/benefit package, and

A farmer maintaining an old pickup for farm use must keep either a personal-use log or assume an 80/20 ratio of business to personal use in order to deduct legitimate expenses.

Mr. Speaker, the IRS brought us down the road of taxpayer abuse a mile, then backtracked a few skimpy yards. That's not good enough. The simplest and fairest solution to this problem is to repeal that section of the law dealing with mileage logs. I invite my colleagues to join me as cosponsors to H.R. 750.

BORDER INSPECTIONS AND MISSING DEA OFFICIAL

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

Mr. RICHARDSON. Mr. Speaker, relations between the United States and Mexico are at dangerous levels of tension. We are all outraged by the kidnaping of a U.S. Drug Enforcement Administration official in Guadalajara, Mexico. An all-out effort must be made to locate him and bring the abductors to justice.

But the administration's initial strategy of inspecting every vehicle has made a bad political and economic situation in our entire border region worse without advancing the investigation. It has hurt business, trade, and tourism on both sides of the border while increasing tensions between the United States and Mexico.

Why must we wait for a crisis to realize the need for more efficient high level communication and cooperation between our two countries? The time has come to establish a high level bilateral interagency commission, chaired by the Secretary of State, on immigration and the border to help resolve problems that have long plagued our two nations and that can react immediately without bureaucratic bungling and heightened tensions. Such a commission can help both countries effectively deal with drug enforcement issues, border disputes, and immigration. It makes more sense to sit down at a table and work out a strategy than to tie up traffic at the border. Drug interdiction and illegal immigration are not only domestic issues but foreign policy issues as well. It is time that both the United States and Mexico realize this.

I plan to include this proposal in a comprehensive immigration reform bill. The present crisis is winding down. Car-by-car searches will now be replaced by spot checks. But we can see the critical role such a bilateral commission would play in resolving mutual problems and facing any future crisis.

I urge the President and Secretary of State to give our deteriorating relations with Mexico their utmost attention.

NONCOOPERATION OF AUTHORITIES IN DRUG-PRODUCING NATIONS

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

Mr. OXLEY. Mr. Speaker, I have been quite disturbed by the recent disappearance of a U.S. Drug Enforcement Administration agent in Guadalajara, Mexico, and the events surrounding the kidnaping. The agent was abducted in broad daylight just outside his office, and soon thereafter a Mexican pilot associated with the DEA was abducted under similar circumstances.

Although U.S. drug enforcement agents have intensified their search for suspects, there has not been a similar effort by Mexican authorities, which in fact, apparently allowed four suspects to escape.

This noncooperation by authorities in drug-producing nations is quite disturbing in light of the recent acts and threats of violence to U.S. drug enforcement personnel worldwide. Indeed, there have been recent reports that Colombian drug czars have offered rewards of up to $350,000 to anyone who will kidnap top DEA officials, including DEA Administrator Bud Mullen.

According to Deputy Administrator John C. Lawn, these threats are being taken seriously because consistent information has come from sources here in the United States. Indeed, security has been beefed up around the country at DEA offices and U.S. courthouses after DEA learned that a three-man hit squad, hired by Colombian drug fugitive Carlos Lehder, had been dispatched to kidnap, torture, and murder DEA agents.

I am extremely concerned with the arrogance that these drug traffickers have shown about what they can do to U.S. drug enforcement personnel. According to DEA spokesman Robert Feldkamp, drug traffickers in Colombia threatened in January to kill five Americans in Colombia for every Colombian extradited to the United States on drug charges. As of this time, four Colombians have been extradited. This is a threat which should indeed be taken seriously.

RYAN OSTERBLOM NEEDS A LIVER TRANSPLANT

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

Mr. NELSON of Florida. Mr. Speaker, I rise today in the House of Representatives to make an appeal to someone who may hear my voice or read my words on behalf of a 1-year-old constituent of mine, Ryan Osterblom, who needs a liver transplant.

Ryan is presently located in the University of Florida Medical Center, where he has been kept alive. He is No. 1 on the list of three major liver transplant hospitals in this country. His small size, only 16 pounds, his unusual blood type, B-positive, make it very difficult to find a donor who meets those specifications.

We have had press conferences, some of the networks have carried this message, but time is growing short, and I make this appeal across this land to a grieving parent who might have lost their child to consider donating the organs of that child so that other children may live.

□ 1300

A CONGRESSIONAL APPEAL—A PRIVILEGE DENIED INDIANA'S EIGHTH DISTRICT

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

Mr. GINGRICH. Mr. Speaker, the appeal by the gentleman from Florida is very real and very human, and I can personally sympathize because just last week we had a little 5-year-old boy in my district who had a liver transplant and who was taken to Pittsburgh, which is one of the great centers for doing this. I hope that the gentleman from Florida will not mind my both reinforcing his appeal but also bringing to the attention of the House the fact that for a similar child in the Eighth District of Indiana there is no one here to speak for it.

The tragedy is that the kind of eloquent personal representation the gentleman from Florida just gave on a human, personal, compassionate issue is impossible if you are 1 of the 550,000 people in the Eighth District of Indiana right now, and that is why this morning's Wall Street Journal talked about the problems of not seating Mr. McIntyre. I will talk about that later today in a special order, but I wanted to say that I sympathize totally with the gentleman from Florida. We just had a similar case which so far, God willing, has been successful, and we are hoping for the best for this young 5-year-old boy who has had a transplant and is doing well.

Mr. Speaker, I can sympathize with his appeal, and I hope someone out there will hear him and respond, and my heart goes out to those in Indiana who no not have representation to make that kind of effective personal appeal.

A TRIBUTE TO RAY MADDEN

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

Mr. VISCLOSKY. Mr. Speaker, it is with a deep sense of privilege and history that I address this House today.

It is a special day for me and the people of Indiana's First Congressional District: Special for me because this is the first time in my life that I have addressed the U.S. House of Representatives; special for the first district because it is the 93d birthday of the Honorable Ray J. Madden, a gentleman who served the people of northwest Indiana longer than any other Representative in Indiana's history.

Others have spoken to this body about Chairman Madden's professional accomplishments; it is a list of accomplishments that spans six decades. I would prefer to speak about the other side of Ray Madden, the private side, which he lived as a gentleman.

We always want to talk about the great events of a public person's life. We should focus on the less public but no less important events of a great person's life. Events that show how a person lived, influenced other careers, changed lives and made the general society in which he lives more just.

I met the Honorable Ray J. Madden when I first traveled to the Federal City at the age of 13 with my father, John. Chairman Madden treated me with individual kindness on that trip. I was invited to my first committee hearing, I ate with the chairman and received the requisite Capital picture.

Our paths next crossed when I entered law practice with Adam Benjamin, Jr., in 1973. In 1976, Adam was elected to serve the people of the First District, but Ray Madden would harbor no ill will. When Adam passed from our midst, Chairman Madden showed extraordinary courtesy by returning to Indiana to pay respects to Mr. Benjamin, his family, and the people—always the people—Adam and Ray had publicly represented for so many years.

And many years before, when Adam was a young man just starting out, who nominated him to the U.S. Military Academy at West Point? Ray Madden. Always changing lives, always helping people.

Now, Chairman Madden continues to exercise influence over events in northwest Indiana. In August, and again in November, he counseled me regarding the Congress and those I am charged to represent. He continues to give advice that I actively seek and am grateful to receive.

This advice is epitomized in Chairman Madden's message to me in November. "Never forget labor," he told me. "Never forget those who work, who have families to raise."

Ray Madden spent his entire life, from age 8 when he first became interested in politics, until today, changing lives and always helping people.

The Honorable Ray J. Madden is a great person. Great for his public deeds; greater for his public kindness, and greatest because he is a gentleman.

Chairman Madden is 93 years old today. On behalf of the people he loves, I wish to congratulate him, wish him good health and a very, very happy life.

INTRODUCTION OF RESOLUTION TO DESIGNATE THE WEEK OF MAY 12-18, 1985, AS NATIONAL SENIOR CENTER WEEK

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

Mr. ROWLAND of Georgia. Mr. Speaker, before we recessed for the Lincoln/Washington district work period, I introduced a resolution to designate the week of May 12, 1985 through May 18, 1985, as "Senior Center Week."

Since the month of May is traditionally designated as Older Americans Month, I feel it is fitting that we give special notice to senior centers by designating the second week in May as Senior Center Week.

Nationwide, over 8,000 senior centers and the 5 million older Americans who participate are a vital part of our towns and communities. These centers provide a wide range of services for older persons, from programs on nutrition and counseling to information on employment and community opportunities, not to mention social interaction which provides invaluable benefits to older citizens. Also, I want to add that we have 179 senior centers and nutrition sites in Georgia alone.

We know that the Nation's health care system is beginning to change and will probably be radically altered in the future. As the health care system is redefined with a greater emphasis on preventive measures, we should acknowledge that senior centers are a part of the long-term caring system for older persons through daily contact in our communities and also with the experience in dealing with the various stages of health. In promoting the well-being of older persons, the theme of the National Institute of Senior Centers for 1985 is "senior centers are wellness centers."

Under the Older Americans Act, Congress established a separate program to recognize the value and to develop multipurpose senior centers as a place where older Americans could receive health and legal services. Once again, we can join together in declaring Senior Center Week as part of the proclamation for Older Americans Month.

SOUTH AFRICA

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

Mr. CROCKETT. Mr. Speaker, the recent governmental actions in South Africa—18 persons killed in the black crossroads squatter camp outside of Capetown and the arrest on charges of treason of six leaders of the United Democratic Front, an alliance seeking nonviolent change—once again highlights South Africa's determination to maintain its repressive apartheid system at all costs.

They also serve notice to this Congress and the people of the United States that the Reagan administration's foreign policy on South Africa—that of constructive engagement—has made no significant inroads, has received no substantive concessions, has fostered no meaningful changes in that country's dedication to racism, and has, in fact, given both encouragement and strength to those forces opposing any type of peaceful reform.

It is time for this administration to make clear to South Africa that the United States can no longer be a silent partner to its practice of state supported terrorism, systematically visited upon its 22 million black South Africans. We can do this most effectively by indicating now that American dollars will no longer be available to a country that practices such inhumanity to man. In short, now's the time to halt any further American investments in South Africa; and now is the time to push for a timely withdrawal of all U.S. firms doing business there.

THE SO-CALLED AMERICAN MIRACLE

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

Mr. ALEXANDER. Mr. Speaker, all of us in this House welcome economic growth and prosperity. However, Mr. Reagan's description of his policies as "An American Miracle" has to make even the most rock rib Republican, a little squeemish.

Let there be no misunderstanding—Mr. Reagan and his Republican friends are financing this so-called miracle by borrowing $200 billion a year. In 4 short years, Mr. Reagan and his Republican friends have managed to double the national debt. By 1988, they want to triple it. The only miraculous thing about this borrow-and-spend policy is that Mr. Reagan is still getting away with it.

Mr. Speaker, an editorial in today's Washington Post refers to these borrow-and-spend policies as "The Romantic School of Economic Thought." Mr. Reagan and his Republican friends would be well-advised to read this warning and be advised: That which is for us today an "Economic Miracle," bears for our children the seeds of an "Economic Nightmare."

THE "AMERICAN MIRACLE"

Americans' incomes and economic output rose strongly in 1984. The government's scorekeepers have just revised the GNP numbers upward once again, and President Reagan celebrated them in the preamble to his press conference Thursday evening. That will set off another round in the interesting debate over the reasons for this powerful and gratifying performance.

Mr. Reagan has no doubts. He attributes the "American miracle" to tax cuts, incentives and the unleashed spirit of free enterprise. Now the country is embarked, in his view, on the sustained growth that he promised four years ago.

That's the Romantic School of economic thought—optimistic, ebullient and attractive. But perhaps you ought to ask for a second opinion. There's another explanation that's a little less uplifting but tighter in its logic.

Federal budget deficits speed up economic growth, at least for a while. That's basic Keynesian economics. Governments discovered in the late 1930s that it works, and have been using it ever since—none more vigorously and unapologetically than Mr. Reagan's. He points out that the country's growth rate last year was the highest since 1951. Quite true. But for 2½ years the country has been running the largest federal deficts since 1946.

The curious thing about the Reagan administration's strategy is the fidelity with which it seems to be following the model of the 1960s, the Kennedy-Johnson years. It was a time not only of extraordinarily high economic growth, at least through 1966, but of unbroken growth. There was no recession from 1961 to 1969, by far the longest cycle of growth in the past generation. In Mr. Reagan's first term, he gave great emphasis to the 1964 tax cut as the precedent for his own cuts. But by 1966 the strongest influence on the economy, prolonging the expansion, was the military buildup for the Vietnam War. The present rise in defense spending may similarly extend Mr. Reagan's expansion.

Defense spending in the mid-1980s is not nearly as high, as either a share of the budget or of the country's total output, as it was in the late 1960s. The Reagan proposals would not raise it to that level even by the end of the decade.

But while President Reagan's defense spending is lower than President Johnson's was, his deficits are much bigger. This year's deficit, the administration says, will be 5.7 percent of GNP. Mr. Johnson's largest deficit was 3 percent of GNP, at the height of the war in 1968. That was the year, incidentally, when inflation got out of control, to the great cost of Mr. Johnson's successors.

Mr. Reagan claims to have put the American economy on an altogether new and higher track. But so far it appears to be following a familiar historical pattern.

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL FOR 1984—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SAM B. HALL, JR.) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Monday, February 25, 1985.)

□ 1310

THE DISPUTED ELECTION IN THE EIGHTH DISTRICT OF INDIANA

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

Mr. GINGRICH. Mr. Speaker, I am going to insert in the RECORD today and read into the RECORD several editorials, one from the Atlanta Journal and Constitution yesterday, Sunday, February 24, and one this morning from the Wall Street Journal, both of them talking about the tragic situation in which the Democratic leadership has blocked Mr. McIntyre of Indiana from being seated.

I also hope that the House notices and those Members who are not here today notice that there is a direct relationship between the vote which the gentleman from Texas [Mr. DELAY] asked for and the Journal and what is currently going on, and the fact that it took the House, I believe—could the Chair advise me how long it took the House to vote today?

The SPEAKER pro tempore (Mr. SAM B. HALL, JR.). Approximately 50 minutes.

Mr. GINGRICH. It took us 50 minutes to get a quorum today. I think that also means that there are approximately 216 Members who did not vote today and when those Members come back tomorrow and ask, "Why was there a vote on Monday, a pro forma day?" I hope the Chair will advise them that it is because on the Republican side of the aisle there is very grave concern about the fact that Mr. McIntyre, who has now won both an election and a recount has not yet been seated and the people of Indiana of the Eighth District, as I mentioned in my 1-minute speech earlier, are being denied the kind of personal rep-

resentation which is so necessary if the House in fact is to serve its purpose of representing the American people.

Let me first read the editorial involved in the Wall Street Journal, Monday, February 25, on page 28, entitled "Trashing Hoosier Voters."

TRASHING HOOSIER VOTERS

Democrats in the House have gone into the business of declaring federal election irrelevant. Early this month, all but five members of the Democrat majority voted to further delay the seating of Republican Richard McIntyre, winner by a narrow margin last November in the Eighth District of Indiana. The latest ballot set up a "task force" to look into the election, which was lost by one-term Democrat Frank McCloskey. The Democrats don't expect to finish their report until late April. That means that for four months, a half-million Americans will have no representation in the House of Representatives.

The bare facts of the dispute are that Mr. McIntyre was certified as the election's winner by 34 votes. Mr. McCloskey challenged that victory, and after a recount, Mr. McIntyre's lead increased to more than 400 votes. The House majority refuses to recognize the results. Mr. McIntyre has filed suit in federal court to be seated while the investigation proceeds.

The Democrats' decision to temporarily disenfranchise such a significant number of citizens is largely without precedent. It also has practical consequences. Indiana's Eighth District has many farmers, whose affairs are a central issue in Washington now. Whatever his or her politics, a member of Congress is their surrogate to public and private deliberations that may affect them directly. So what's the point?

Speaking from the high ground, the Democrats have said in a motion to have the McIntyre suit dismissed that they are merely acting in accordance with the constitutional provision that each house shall be the judge of its members' elections. Speaking from more familiar lower ground, the House Democrats say they've got problems with the varying counting standards used in the district's counties. It now appears that the House Democrats will send some staff aides out to show Indianians how to count votes. That ought to put the national Democratic Party in tight with the state's elected officials.

The constitutional provision cited by the Democrats sounds impressive, but the Supreme Court had a pass at this issue in 1969 and was not impressed. The House had tried to prevent the seating of the flamboyant and controversial Harlem Democrat Adam Clayton Powell Jr., who was perennially reelected by his constituents. The court said the House members had the right to kick Mr. Powell out of Congress, but until that formal action was taken they did not have the right to deny a seat to an elected representative. Mr. McIntryre concedes the House may work its will with his election, but he has his election certificate and he wants that seat right now.

There is a broader issue. House Republicans and Democrats also have conducted a bitter fight over committee assignments. The Republicans argued persuasively that the Democrats packed many standing committees with an unfairly large number of their own members. From all appearances, the Democrats fared so badly at the polls last fall that their House leadership is taking any advantage that rolls into this room. But refusing to seat an elected Republican or packing committees really looks like dog-in-the-manager behavior. On the Senate side, holding Ed Meese's confirmation hostage while demanding a larger farm bailout was another telling example of this instinct.

Congressional politics can be rough, but all the members know well enough when the game is being played outside the rules. The wheel could turn eventually, and it would only take a handful of Republicans to make sure that some future Democrats get badly trashed. It's possible, especially in the insular world of the capital, to dismiss all this as mere partisanship. But we wonder whether the electorate shares that view today. Voters do not take it kindly when their choices are ignored. They cast votes to have their public affairs conducted in a responsible manner. What they are now getting is an increasingly disabling pettiness on Capitol Hill.

This is the Wall Street Journal, probably the most widely read single newspaper in America, certainly the most widely distributed, a publication which in this case is simply saying, "Look, Rick McIntyre won. He won with 34 votes on election night. He won on 415 votes on the recount. He is clearly the winner. Indiana law is satisfied. The secretary of state of Indiana has certified that he won and he ought to be seated."

The Wall Street Journal made the point that has practical consequences as it refers to the Eighth District of Indiana farmers.

Let me point out to the Members of this House that if we do take up an emergency farm bill later on this week that the farmers of Indiana's Eighth District will have no voice and have no vote. If we are going to be truly compassionate and concerned, there is something wrong with the way we are going about this.

If the election task force, which itself is biased 2 to 1 in favor or the Democrats, but if the election task force wants to go ahead and finish its work and report back, if at a later date it decides that the election was not won by Mr. McIntyre, then he can be asked to step aside.

In a New Hampshire case in 1937-38, it took a year and a half to make that decision. One gentleman served during that period. When the House committee finally responded, he stepped aside and the other gentleman was seated; but to have no representation now as we end February, to have gone through all of January with no representative for the Eighth District of Indiana, to go through all of February with no representation for the Eighth District of Indiana is basically, fundamentally wrong.

□ 1320

And there is no constitutional case or precedent for doing it. The only case ever cited is a 1961 case which was rather peculiar in which both Members of Congress happened to have certificates.

In this case there is only one certificate, there is only one winner. The secretary of state in the State of Indiana has said who they thought won, and that person should be seated until proven otherwise.

Mr. Speaker, I have a second editorial written by Dick Williams in the Atlanta Journal-Constitution, the Sunday paper, which is the largest paper in my State and covers my district. He says some rather strong things that I may need to ask for the Chair's advice and the Parliamentarian's advice in one or two places in here, because there is some strong language. I am not totally certain it is appropriate, but I am not exactly certain how I should enter this material into the RECORD. So I may ask the Chair's advice.

Mr. Williams' column appeared in yesterday's Atlanta Journal-Constitution and was entitled "O'Neill and His Lemmings Steal From the People." It is datelined Washington. It reads:

There's a dirty little secret here that shouldn't stay so secret.

It's about the rape of an entire congressional district, the arrogance of power and the very theft of democracy. Congress is in session, March approaches and yet the people of the 8th Congressional District of Indiana have no representative. The clerk of the House presides over the congressional office.

What we have here is a clear case of right and wrong, with right being trampled on by House Speaker Tip O'Neill and his lemmings. In political terms, the Democrats saw a chance to steal a House seat, and so far, neither law, precedent nor the wishes of the people and officials of Indiana are being heard.

In brief, Republican Richard McIntyre defeated incumbent Frank McCloskey in November by 34 votes of some 228,000 cast. Three months later, a final recount showed McIntyre increasing his lead to 415 votes. What's important is that McIntyre came to Washington in January with the certificate of election from Indiana officials. That certification always outweighs other controversy in these kinds of cases.

Yet twice the House has voted to deny McIntyre the seat while it investigates. Lawsuits are flying, including the obvious one back home in Indiana that contends citizens are being denied representation.

The technicalities aside, the case is interesting for what it says about the Congress. The votes on the McIntyre matter went right along party lines. In the second vote only five Democrats dared abandon O'Neill and the leadership.

Georgia's Democrats went right along with the herd, in defiance of basic decency. When Georgia's more conservative Democrats are running for the Congress, they traditionally make noises about their independence from O'Neill and the radical/liberal wing of the party. A few Republicans near each election try to remind voters that the Democrats' first vote will be for O'Neill and that vote signals bondage. This year it meant the abandonment of fairness.

It didn't use to happen this way. The 1966 election in the Georgia 4th District saw Ben

Blackburn nip Rep. James A. Mackay by 360 votes. The Republican Blackburn was certified by state officials and sent to Washington.

There, a little-known congressman was chairing a little-known subcommittee. The congressman tried to deny Blackburn his seat, but was overruled harshly by the speaker of those days, Rep. John McCormick. Blackburn took office and withstood the challenges.

PARLIAMENTARY INQUIRIES

Ms. OAKAR. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. OAKAR. I want to know, Mr. Speaker——

Mr. GINGRICH. Mr. Speaker, the gentlewoman has not asked me to yield, and I was in fact making an inquiry myself to the Chair. I was asking the Chair to rule in this sort of setting if one is reporting to the House on the written opinion of a columnist in which the columnist has said very strong things, is it appropriate for the House to be informed of this and, if so, what is the correct procedure?

The SPEAKER pro tempore. The ruling of the Chair is that the gentleman should not read into the RECORD things which would clearly be outside the rules of this House.

Ms. OAKAR. Parliamentary inquiry, Mr. Speaker.

Mr. GINGRICH. Let me continue to ask the Chair, because I am a little confused, in other words, if a columnist writing in the largest newspaper in the State of Georgia says very strong things about his concern about the House's behavior, would the House in effect censor a report of that concern?

The SPEAKER pro tempore. No; the House does not censor any report of that kind. The gentleman does take the responsibility, however, for words uttered on the floor, and he is certainly capable of leaving out those items which he knows would be outside the rules of this House.

Mr. GINGRICH. Then let me continue, and then I will be glad to yield to the gentlewoman.

Ms. OAKAR. I am going to ask my own parliamentary inquiry.

Mr. GINGRICH. You can't. I have the floor and I have to yield.

The SPEAKER pro tempore. Will the gentleman yield to the gentlewoman for a parliamentary inquiry?

Mr. GINGRICH. Not at the present moment. If the gentlewoman wants me to yield, then I will be glad to, but I want to continue with this clarification. I would like to follow on.

Ms. OAKAR. Parliamentary inquiry.

Mr. GINGRICH. The gentlewoman does not have the floor. I have the floor and I am not yielding the floor at this time.

The SPEAKER pro tempore. Let the gentleman continue with his parliamentary inquiry.

Mr. GINGRICH. I might tell the gentlewoman that since this is a special order that she cannot get the floor unless I yield it to her.

The SPEAKER pro tempore. The Chair will make the rulings.

Ms. OAKAR. I am perfectly capable of asking the person in the Chair what the rules of the House are.

Mr. GINGRICH. The gentlewoman cannot get the floor to ask it.

If I may continue?

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized.

Mr. GINGRICH. If I may continue a moment to ask the gentleman, if we are in a situation where in the view of some people, such as Mr. Williams of the Atlanta Journal-Constitution, very strong things are legitimately being said, and this is obviously his viewpoint, what is the appropriate manner in which to report his language to the House?

That is not me saying these things; he is saying these things.

The SPEAKER pro tempore. The gentleman knows the rules of the House, I am certain, and he can take out or delete any things that he knows would violate the rules of this House if spoken from the floor.

Mr. GINGRICH. Under the rules of the House, and it would be very helpful if the Chair could instruct us, if one were to only utter the words on the floor that were appropriate, but were to then insert the item in the RECORD, is the RECORD then edited by the House? That is, if it was put in as an extension of remarks or put in under general leave?

The SPEAKER pro tempore. As the gentleman knows, there are precedents where a question of privilege can be raised about certain things inserted in the RECORD, and those could be raised if the gentleman attempts to insert them into the RECORD, or not.

Mr. GINGRICH. In the case of those things which are obviously very strong and which in this case relates Mr. Blackburn's version of what he thought happened to him in 1966-67 when he was elected in a very narrow election, does it makes a difference, I am curious if the Chair could instruct, whether the Member that he is referring to is still in the Congress?

For example, Mr. Blackburn himself is no longer in the Congress.

The SPEAKER pro tempore. The gentleman will find that the rules will turn on whether someone who may have made the statement is currently in Congress or not. The rules turn upon whether the statements if actually uttered on the floor of the House reflect on sitting Members.

Mr. GINGRICH. Do they turn on whether the statement is actually uttered or uttered by a person currently serving as distinguished from somebody who used to serve?

The SPEAKER pro tempore. The Chair does not believe they do.

Mr. GINGRICH. Former members are protected by the same rules as current Members?

The SPEAKER pro tempore. The Chair would suggest that objections would probably come from those sitting Members who are being talked about here on the floor of the House.

Mr. GINGRICH. What I was asking——

The SPEAKER pro tempore. As the gentleman knows, words spoken on the floor of the House can be objected to.

Mr. GINGRICH. OK. Let me then continue.

Ms. OAKAR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman from Georgia [Mr. GINGRICH] yield to the gentlewoman from Ohio [Ms. OAKAR] for a parliamentary inquiry?

Mr. GINGRICH. Will the gentlewoman from Ohio like me to yield to her?

Ms. OAKAR. I would be delighted if you would.

Mr. GINGRICH. I will be delighted to yield.

Ms. OAKAR. My primary inquiry is this, Mr. Chairman, the gentleman from Georgia has already read into the House proceedings what I consider to be a possible violation of the rules of the House when he made reference to the Speaker of the House. I am wondering if the Chair will rule on that, whether or not that item violates the rules of the House.

The SPEAKER pro tempore. The Chair cannot rule on remarks that have already been made. They have already been made and they are now part of the RECORD. As the gentlewoman knows, she has to make those objections timely.

Mr. GINGRICH. If I may reclaim my time and also ask the Chair, also would the Chair uphold the same precedents on the unparliamentary remarks with respect to the President of the United States?

The SPEAKER pro tempore. If they violate the rules of the House the Chair would certainly do that. If the President is personally being abused on the floor of this House, the Chair would do so.

Mr. GINGRICH. In other words, a point of order can be made on those occasions where in the current cycle it might well be Democrats that get excited, as certainly a few years back it was Republicans who got excited about the President, and in a moment of partisan passion they might say things that were unusually strong?

The SPEAKER pro tempore. Anyone could raise a point of order concerning such language, and the Chair cannot now say how the Chair

would rule, whether the point would be sustained or not, but certainly anyone can make an objection.

□ 1330

Mr. GINGRICH. But it is the Chair's—I will yield in just a second—but it would be the Chair's understanding, or the Chair's inclination that the President has the same basic protection as a Member of the House in terms of his name?

The SPEAKER pro tempore. The gentleman would recognize that it is not quite the same standard, but nonetheless anyone, of course, is capable of making an objection.

In Canon's Procedure, as to the President, section 370, it says:

> The principles of decorum and courtesy governing the relations of the two Houses should extend to the relations of the House with the President. In referring to the President a Member shall abstain from language personally offensive and shall eschew terms of approbrium. It is the duty of the House to protect the President from personal abuse or innuendo.

Mr. GINGRICH. So about a year ago when the very distinguished majority leader referred to him I think 16 times in 1 minute, using words like "untrue" and "lie"——

The SPEAKER pro tempore. First of all let the Chair say to the gentleman from Georgia that the Chair is not going to rule on something that happened before.

Mr. GINGRICH. No.

The SPEAKER pro tempore. The Chair heard no objection to that speech to which the gentleman is referring.

The gentleman from Georgia is recognized.

Mr. GINGRICH. Very good. I will be glad to yield to my distinguished colleague.

Mr. DORGAN of North Dakota. It is not my intention to interrupt your interest in the Indiana situation and your discussion of that, although I have some disagreement with things you might have said. I watch with some fascination at your special orders from time to time and did just earlier today, at your characterization of Democrats versus Republicans. And if we could move away from the Indiana situation just for a moment and focus on something you just described that happend over in the Senate, I would like to ask you a question about that.

You, in the process of describing all that is ill being laid at the footstep of the Democrats or the feet of the Democrats here in Congress and all that is good at the feet of the Republican Party, you were referring to the way those rascals over in the Senate, Democrats, you characterized them, over in the other body rather, the Democrats had dealt with the Ed Meese nomination with respect to the filibuster. And it occurred to me as I was listening to that that it was not just Democrats in the other body. I know some hoarse Republicans who spent most of the weekend talking on that filibuster.

I just have difficulty from time to time understanding why the gentleman from Georgia insists on painting with that broad brush all Democrats in this corner and all Republicans in that corner. Is that appropriate?

Mr. GINGRICH. I think that is a very fair question and I am glad the gentleman raised it because I think you must have missed the beginning of my special order when I said, and in fact was reading specifically from a Wall Street Journal editorial which begins "Democrats in the House * * *." And that reference was just frankly taken from directly out of the Wall Street Journal editorial in which they were making an argument about a style of politics that they think is developing in the House and in the Senate. But I would be glad to share with the gentleman the Wall Street Journal editorial. I think there are many cases, as you know, in which we work in a bipartisan manner. I just participated this morning in a military reform press conference that was a bipartisan effort, that included some very distinguished Democrates in both the other body and this body.

There are many ways in which your great party has been, frankly, more progressive and more enlightened than my party.

I would be glad to yield.

Mr. DORGAN of North Dakota. Is it not true that you might have mispoke when you suggested that in the other body it was the Democrats that were exclusively involved in the filibuster? Were not Republicans involved in the filibuster?

Mr. GINGRICH. I think the gentleman is exactly right. And you may wish, as I said I was quoting from a Wall Street Journal editorial and you may wish to write the Wall Street Journal and correct them, because I think they may be misinformed. It is precisely because I don't think inevitably the Democrats are bad people, but I am troubled and I am trying to raise for the attention of my good friends who are on the Democratic side what is a growing sense of concern in the Washington Post and in the New York Post and the Detroit News, and in the Atlanta Journal and in the Wall Street Journal, a growing sense of concern about the McIntyre case.

Ms. OAKAR. Will the gentleman yield?

Mr. GINGRICH. Just 1 second. I am just going to complete this point to the gentleman from North Dakota.

In fact, it is, if you look at the article in this morning's Wall Street Journal, it is the Wall Street Journal which is rather systematically, first of all, taking on the Democratic Party and then it is, second, the Wall Street Journal warning not that the Republicans are pure and saintly but that we may be setting a very dangerous precedent precisely because in future years you may have Republicans who would act in a similar manner. And I think they are focusing on the Democratic Party largely because it is the majority party and it was the Democratic votes which denied Mr. McIntyre a chance to be seated.

But I would be glad to yield one more time to the gentleman from the North Dakota.

Mr. DORGAN of North Dakota. I appreciate that.

Let me just say that this is a Member that voted against seating Mr. McIntyre and I have not voted to seat Mr. McCloskey. I happen to be one person in the House of Representatives who doesn't know who won that race in Indiana and when we find out who won that race I want that person to be seated.

It is a little distressing to me.

Mr. GINGRICH. Let me ask you a question. You have had an election and a recount and a certification from the Secretary of State which is more, frankly, than most of us have had. There is no major allegation that there is any other certificate and no one has suggested that there is any count up to this moment by which Mr. McCloskey wins.

The only count by which he ever showed up in the wire service was adding two precincts twice, and in that sense, under the precedent of the House, there is no precedent—the only precedent ever cited by your side was one case in 1961 where both Members had a certicate. So would it not in fact in terms of serving the farmers of Indiana, would they not be better off temporarily to have won? We know the two guys each got about 50 percent. So are they not better off to have either guy for a while on the floor than to have neither person on the floor?

I will be glad to yield further to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Let me just—you raise some good points, but let me ask you this: If the newspapers in Indiana editorialize in a way that suggests that the election certificate itself was issued in the manner that was not usual following the McClosky victory on election night and for some days prior to the recount of a couple of counties which produced the margain for Mr. McIntyre, if those newspapers in Indiana are raising those questions, does that not raise in your mind some questions about the entire procedure?

Now, as I understand it, in order for us to declare Mr. McIntyre the winner we have to decide that we are going to disenfranchise a lot of voters. Now, it might be in a uniform recount of all

the counties we either leave in or leave out a lot of the voters. I would like to count as many as is possible. But I am just saying this to you: If you are going to pull out editorials from the Wall Street Journal, we have some editorials we can give you from some newspapers right down there in Indiana.

I would like to see someone seated and I would like to see them seated quickly. But as one Member of Congress, don't think I am trying to steal an election by not voting for Mr. McIntyre to be seated. I am trying to find out who won so I can get that person on the floor to vote for Indiana and I do not think we know who won.

Mr. GINGRICH. First of all, I think the gentleman has raised a very legitimate point. I am very willing as a member of House Administration to see a House Administration task force recount that election and take a look at that election.

The point I am making, though, is that there is a presumption normally, there is a presumption that Mr. McIntyre deserves to sit until he is proven unworthy because he does have the Secretary of State's certificate—now, just one second—after the first vote, which I think was a much fairer vote.

I think the opening day of the session one had adequate grounds for confusion.

After the recount, under Indiana law, in which 11 of the 15 counties doing the recounting had a 2-to-1 majority Democrat, after that was over, the only point I would make here to the very distinguished gentleman is that at that point all presumption is in favor of McIntyre and you don't have to say he won the election. All you have to do is seat him conditionally. And in the 1937 case I cited, in fact, Mr. McIntyre, the gentleman who was finally unseated, served 1½ years and was then unseated.

And my last point, and I will yield again, is that we have introduced into the RECORD both the Indianapolis newspaper and the Evansville newspaper and a third newspaper they are trying to find the name of, all three of which recently have said in the last 10 days now that the recount is over, there is no legitimate grounds for not seating McIntyre provisionally.

That is all I ask, that he be seated provisionally, recognizing that 6 weeks or 2 months or 3 months from now that might fail.

I yield to the gentleman one more time.

Mr. DORGAN of North Dakota. The gentleman used the term "normal." Is it your understanding, as it is mine, that had normalcy prevailed that the election certificate would have been given to Mr. McCloskey in the normal course of time following election night?

That is my understanding of what normally would have occurred, in which case Mr. McCloskey would have had the election certificate and in my judgment we still would not have known who won that election.

I am saying I don't care whether it is a Republican or a Democrat who represents that district of Indiana here in this body; I want to see the winner seated at some point and I want to see it happen quickly. But I do not, as a Democrat, appreciate somebody suggesting that those who voted on the other side are trying to steal an election. That is simply not the case.

I did not come down here to debate this issue with you. I simply came to tell you that there are some hoarse Republicans over there on the other side of the Capitol who participated in filibuster against the Meese nomination because they do not like the administration's farm plan.

□ 1340

Mr. GINGRICH. Let me suggest to the gentleman, as I did a while ago, I think the gentleman probably should write——

The SPEAKER pro tempore (Mr. COLEMAN of Texas). The Chair would remind the Members that they are not to refer to proceedings in the other body.

Mr. DORGAN of North Dakota. We thank the Chair.

Mr. GINGRICH. We appreciate the Chair's introducing that point and it will be a little bit trickier now.

Let me suggest to the gentleman that there are those things he may wish to write the Wall Street Journal about which we will not discuss on the floor which I think would be useful for the gentleman to write because I think it is a valid point to express the sense that there are Republicans and Democrats both concerned about this administration's farm policy, both of which were willing to use opportunities that we will not mention in detail on behalf of the farmers of America.

Let me just say also and I know some of my colleagues may find this a little hard to believe, but I think the gentleman has chatted often enough over the years that he can appreciate this. Part of the reason I am trying to bring all of these things to the attention of the House is that it demeans all of us when it gets loose in the land as it is now in major newpaper after major newspaper. As I said the largest paper in my State, the Journal Constitution yesterday, the Wall Street Journal today, the Washington Post 2 weeks ago. There is a sense building that the provisional seating of McIntyre is the only fair step during the interim. As the distinguished gentleman from a farm State knows we may be faced with an emergency vote of considerable importance in the next few days and I know how his citizens back home in the Dakotas would feel if they did not have a voice during this crisis. Therefore, I think he can appreciate that.

Let me just cite—then I will yield to the distinguished gentlewoman from Ohio—the Evansville Press was cited the other day in an editorial entitled "Time To Take a Seat." The other one is the Indiana Star, which is not in the district, but is in Indianapolis and, let me see if I can find the third reference which was an Indiana newspaper, which also said that the time had come.

Mr. DORGAN of North Dakota. While the gentleman is looking would he yield to me.

Mr. GINGRICH. I would be delighted to yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I thank the gentleman.

Again, just to complete the record let me point out that the former Republican Representative from that district, Mr. Deckard, was quoted in the paper as saying in his opinion the House did the right thing in seating neither candidate.

So, again, those who suggested there is some sort of a Democratic initiative here to deprive Indiana of something, I think need to understand even the former Republican Member of Congress from that district said the House did the right thing.

I would, with the gentleman's permission, like to have inserted into the RECORD on this special order the editorial from the Evansville Press that is titled, "A Fouled Recount," again to complete the RECORD, with the approval of the gentleman from Georgia.

Mr. GINGRICH. I think that would be very helpful.

I would simply like to make the comment. It would be useful if the gentleman would put in the date because I think the more recent Evansville Press article which I cited—there are two of them—one is an article by Dale McConnaughay in the Evansville Press and the other is an editorial in the Evansville Press. It was the editorial entitled "Time To Take a Seat" which I was citing the other day and which I think has followed since the earlier article.

Mr. DORGAN of North Dakota. In the Indianapolis News on February 11, 1985, there is an editorial entitled "Truth and Consequences," which follows pretty much in the same view which I think would complete the RECORD and would be a useful inclusion.

I would ask the gentleman from Georgia if he would allow that.

Mr. GINGRICH. I would be delighted to.

The articles referred to follow:

[From the Evansville (IN) Press]

A FOULED RECOUNT

The 8th District recount involves not just the sorry specter of disenfranchising hundreds of voters by throwing out their ballots because they were not initialed by poll workers, as if that were not bad enough. Even worse, the manner in which that recount is proceeding could very well negate the decision of all 232,000 voters who participated in the Nov. 6 contest.

There is every possibility that the U.S. House of Representatives alone will decide whether Republican Richard McIntyre or Democrat Frank McCloskey is seated to represent this district.

Of course, the Democratic-controlled House would probably like nothing more, especially since Republican McIntyre is the certified winner in a see-saw race too close to call under current disparate methods of recount.

The House will be handed this opportunity primarily because local officials blew it. The different recount rules employed from one county to the next and the delayed certification of a winner for reasons which seem suspiciously political beckon for a higher authority to make the call.

The House could reason that its judgment is no more arbitrary or unrepresentative than the method of retabulating votes in the 8th District.

This newspaper noted early in the recount process that both candidates and their respective political enthusiasts had an obligation to place statesmanship above raw ambition and legal maneuvering. That, we suggested, meant an orderly recount of all ballots under agreed upon uniform rules for proceeding.

"Woe be to that winner," we noted, if Congress is the ultimate arbiter of the contest.

In product liability, a consumer goes to court for damages when he is wronged. Our guess is that voters who have been wronged—all 232,000 of them—will not give up, but rather will demonstrate their displeasure in large and conclusive numbers when the next congressional race rolls around.

[From the Indianapolis News, Feb. 11, 1985]

TRUTH AND CONSEQUENCES

Will the real winner of Indiana's 8th Congressional District please stand up?

And, while he's at it, will he reveal how many votes he won by?

Despite vote counts and recounts, certifications and recertifications, Indiana is still without an 8th District congressman some three months after the voters have gone to the polls to choose between incumbent Democrat Francis McCloskey and his Republican challenger, Richard McIntyre.

Last week, Indiana Secretary of State Edwin Simcox, a Republican, submitted official recount figures to the U.S. House of Representatives indicating that McIntyre won the election by 418 votes—114,278 to 113,860.

Simcox said that Democrats have "already played the game by their rules" and lost. Thus, McIntyre should be seated.

The House Administration Committee controlled by Democrats, rejected Simcox's argument. Now the committee plans to look into the election and recount procedures. Ultimately the House may conduct its own recount.

On principle, Hoosiers should get indignant and say that the House is playing politics—which could prove to be the case—and that it should accept Indiana's Eighth District election figures and get about the business of seating the district's duly elected congressman.

But, sadly, the House has some justification for being skeptical of Indiana's ability to declare a winner in this close congressional race.

Initially, McCloskey was adjudged the winner by 72 votes on the basis of a vote canvass. Then, on the basis of a partial recount, Simcox declared McIntyre the winner by 34 votes. Now Simcox says McIntyre won by 418 votes. Which is it?

During the recount, thousands of ballots were tossed out on the basis of technicalities, even though neither side has charged that there was vote fraud. Furthermore, differing standards were used for determining which ballots to accept or reject throughout the district.

If Indiana wants to control the certification of its congressional representatives—as it should—the vote it certifies must be credible.

In the presence of an elastic vote count, and absent timely and uniform recount standards, it is understandable that the house wants to know what on earth is going on out in the Hoosier state before declaring anyone a winner.

Unfortunately, not much is happening in the Indiana General Assembly by way of election reform.

For the second time in eight days the Legislature recently rejected an effort by state Rep. Jerry Bales, R-Bloomington, to force a major rewrite of Indiana's election code before the 1986 elections.

Bales' proposal would have repealed the state election code effective July 1, 1986. It would have created a 12-member, bi-partisan legislative commission to rewrite the election laws and report to the General Assembly by Nov. 1.

"There's two people in the state of Indiana who know what's in the election code," Bales remarked. "And they can't fly in the same airplane. If they were killed, nobody would know what's going on in the state of Indiana."

His colleagues rejected the proposed amendment, 52-42.

And so, once again complaining about the evils of federal intervention, the state Legislature winks and hands another problem over to the federal government to deal with. And that is a tune, whether the lyrics are inadequate prison facilities or legislative gerrymandering, that is wearing a little thin these days.

Now 8th District voters can only hope—and it's a slim hope at best—that the U.S. House Representatives can put politics aside and conduct its investigation in a fair, impartial and timely manner.

[From the Indiana Daily Student, Bloomington, IN, Jan. 25, 1985]

DECKARD: SPECIAL ELECTION SHOULD END EIGHTH DISTRICT DRAW

(By Alan Chitlik)

A special election is the best solution to the disputed 8th Congressional District race, said Joel Deckard, the district's representative from 1978-82.

"Regardless of who is seated now as the 8th District representative, he will have a black cloud over his head," Deckard said Wednesday. "The losing side will say the winner was not correctly seated."

Neither candidate will have a clear mandate because of the closeness of the race, he said. "I wouldn't want to serve if I was either one of them because you have half the people in the district thinking you were unfairly seated," he said by phone from Evansville.

Unofficial re-count totals show Republican Rick McIntyre ahead of incumbent Frank McCloskey by 418 votes, 114,278 to 113,860.

McIntyre was certified as the 34-vote winner of the race by Indiana Secretary of State Ed Simcox, a Republican. But the Democratic-controlled U.S. House of Representatives voted not to seat either candidate, pending the outcome of an investigation by the House Administration Committee.

"The U.S. House did the correct thing in not seating either candidate," Deckard said. "It is obvious no one knows who the winner of this election was. No one can be satisfied that we know with any certainly who won this election."

The special election would be a quicker solution than the committees, he said. The election could be held almost immediately, he said, because both candidates already have enough name recognition and could forgo compaigning.

The re-count process has included the rejection of 5,472 ballots through the district because they did not comply with state laws requiring precinct numbers and clerk's initials. County re-count commissions used different standards to determine which votes to count.

The most votes dismissed were in Vanderburgh County, which is McCloskey's strongest county.

Deckard, 42, said he has been developing some building projects, lobbying and consulting since his 6,300-vote defeat in 1982 to McCloskey, who was then mayor of Bloomington. He said he had considered running in 1984 for the House seat but has no plans to do so in 1986.

McCloskey has an advantage from now on because the matter will be decided in the House, Deckard said. "I would prefer to be the Democrat since the Democrats are counting the votes."

Campaign aides for both sides said they thought the idea of a special election was too expensive. McCloskey said he thought the matter was properly being resolved by House procedures.

A special election only sounds like a good solution, but would actually require too much money and time, said Steve Nix, a McIntyre aide. A representative of the Indiana Secretary of State's office said the idea has no historical or statutory basis.

[From the Indianapolis Star, Jan. 4, 1985]

HOUSE PANEL VOTES TO SEAT TWO INCUMBENTS

(By Robert N. Bell)

A special committee of the Indiana House of Representatives voted unanimously Thursday to seat two incumbents, including one whose reelection Nov. 6 was reversed in a court-ordered recount.

The committee's findings will be submitted to the full House when it meets Monday.

The panel was appointed by House Speaker J. Roberts Dailey, R-Muncie, after vote totals were questioned.

The committee declared Rep. Janet Hibner, R-Richmond, the winner over Democrat Marcia Toschlog French in District 56 in Wayne County, and Rep. W. Laverne Tincher, D-Terre Haute, over James D.

Brighton, a Martinsville Republican, in District 46.

On Dec. 19, a Wayne County recount commission declared Ms. French a 20-vote winner over Rep. Hibner.

However, the House committee adopted guidelines which allowed it to count votes rejected by the commission.

The guidelines allowed only those votes that did not have a precinct clerk's signature or those that were mutilated to be disregarded.

The guidelines were adopted after Rep. Ray Richardson, R-Greenfield, another committee member, pointed out that state law requires a clerk's signature and precinct number on ballots.

However, he said, the law requires only those without the clerk's signature to be thrown out.

Use of the guidelines resulted in Rep. Hibner's receiving 90 votes not counted by the commission and Ms. French's getting 47 not counted by the Commission.

The House committee's final vote total in the district was 10,042 for Rep. Hibner and 10,021 for Ms. French, a 21-vote margin.

Rep. Robert F. Hellman, D-Terre Haute, a committee member, argued unsuccessfully that the recount commission's vote totals should be used by the committee on the grounds that attorneys for Rep. Hibner and Ms. French agreed on the ground rules laid out by the commission.

However, Rep. Jerome J. Reppa, R-Hammond, committee chairman, said the House committee had the constitutional obligation to determine which votes should be counted.

"No court, no body can tell us what the count should be. Our duty is to determine what ballots are to be counted and what ballots are not to be counted," Reppa said.

He pointed out that the Indiana Constitution gives to the legislature the job of deciding which members should be seated. "We are, in effect, the Supreme Court," he said.

The same guidelines used in the District 56 race also were applied in the District 46 race.

Tincher was certified the winner over Brighton in November by a vote of 10,915 to 10,813.

The House committee threw out 113 votes for Brighton and 41 in Owen County which were not initialed by the clerk.

The committee threw out 18 votes for Brighton and 11 for Tincher in Owen County because it could not be determined for whom the voters were voting.

Tincher also received two more votes in Morgan County and three more in Sullivan County.

The House committee's vote total for District 56 for 10,686 for Tincher and 10,682 for Brighton.

Rep. William L. Soards, R-Indianapolis, who presented the vote total recommendations to the committee, said an effort was made to follow voter intent as closely as possible in tabulating the results.

Ms. OAKAR. Would the gentleman yield?

Mr. GINGRICH. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

Obviously the gentleman feels strongly about this and I do too. We are both on House Administration. I think the thing that I took issue with the gentleman on, among other things, is the fact that we are sending a few attorneys—Democratic implied attorneys. I chaired one of those task forces last year, as the gentleman knows. Based on the information given by the staff of House Administration recommended to my task force that the Republican Member continue to be seated. So I know the gentleman did not mean to cast any negative aspersions on the part of the staff of House Administration, but I thought that ought to be in the RECORD.

The other thing is I wanted to point out to the gentleman, knowing how strongly he feels about the issue, that on February 7, when Mr. FRENZEL brought up a resolution relative to this particular issue the gentleman was not here. The gentleman was one of the 30 Members who did not vote.

So if the gentleman felt so strongly about the fact that we were—or the notion—that we were so-called disenfranchising the people of Indiana, the gentleman ought to have thought enough about it to be here to vote. The gentleman was one of 30 Members not here out of 435. I think the American public ought to know that.

I thank the gentleman.

Mr. GINGRICH. I thank the gentlewoman for her two major points which I would like to comment on, if I might, and then I would be glad to yield back if she would like to respond.

On the second one, which I think is of much less import, once the Democratic Party whips had decided that in fact there would be a straight party vote it hardly mattered whether you had one more or one less Republican because we were not going to win that issue.

Ms. OAKAR. If the gentleman would yield, is the gentleman saying that his vote does not mean something to this Congress and the American people?

Mr. GINGRICH. I think that there are times in this building on procedural matters when clearly the gentlewoman's side has an absolute majority and imposes its will and certainly anyone who has studied this Congress knows.

But let me tell the gentlewoman a brief story about that.

Ms. OAKAR. But the gentleman is taking——

Mr. GINGRICH. Let me tell the gentlewoman a story and then I will be glad to yield to the gentlewoman on this point.

Several of our freshmen contacted the Washington Post and said they were hoping for an editorial. The Post reaction was that it was so obvious that McIntyre was going to be seated because the recount was over, he had won by 400 votes, that it was so clear that in any fair body he was going to be seated that there was no point in their editorializing what was self-evident.

It was only on the 11th of February after the Democrats in the House voted not to seat Mr. McIntyre that the Post ran an editorial. Now, I would not claim to be quite as willing to assume that the simple act of having won a recount would change things with the Democratic leadership. But I would say to the gentlewoman that there were many people who honestly believed going into that vote that day that the gentlewoman's side of the aisle would seat Mr. McIntyre because every precedent called for it. Because there was no serious question that under Indiana law, under an Indiana recount, under the Indiana secretary of state's certificate, Mr. McIntyre had won. Therefore he would be seated provisionally.

Let me go back to the gentlewoman's other point for just a second because we do serve on House Administration.

There is no question that at a personality level a chairwoman or chairman of a task force can rise above partisanship, that they can in fact do that which they think is appropriate at a level that has nothing to do with which party they belong to. But if you were to go to the average voter in America and say: 49 percent of the country voted Republican for Congress, 42 percent of the House seats are Republican and the Republicans have 33 percent of the task force recounting an election, one out of three, it is a little hard to make a structural argument that that is a fair task force.

Let me suggest to the gentlewoman that in fact in the Ethics Committee we very explicitly recognized the need for fairness, not because we think the current Ethics Committee chairman not honorable, or the last one or the next one, but because we decided that we would insure fairness by having the Ethics Committee have the same number of Republicans as Democrats.

Now I just find it fascinating and I can tell the gentlewoman, from our side of the aisle where we are the minority, that while I am certain the gentlewoman personally was fair, I am certain that the gentlewoman personally gave the right kind of instructions to her staff, the number of occasions in which I talked with Republican members of task forces who are outnumbered 2 to 1 on a partisan basis and they say to me that it is very, very difficult to get a fair hearing. It is very, very difficult to get a fair rule.

Ms. OAKAR. Will the gentleman yield to me?

Mr. GINGRICH. I am glad to yield.

Ms. OAKAR. Will the gentleman tell me one instance in the history of this Congress when the House Administration's Task Force on Elections was not fair. I chaired a task force and I do not think I was the exception. I think I was the rule in which we had two Democrats and one Republican. I recommended that the Republican

Member continue to be seated and had won that election.

In addition, every single member, Democrats and Republicans, on the House Administration Committee voted in favor of our task force recommendation.

For the gentleman to cast negative aspersions on the integrity of the House Administration Committee I think is blatantly unfair and I think the gentleman knows better. I say once again that if the gentleman felt so strongly about this issue the gentleman personally should have voted for it or against it on February 7. But the gentleman chose not to be here.

□ 1350

You chose not to vote. So, obviously, actions speak a little louder than your rhetoric. And I think it is important that the American people know you were not here to be present when the votes really counted.

Mr. GINGRICH. That is fine, but they did not count.

Ms. OAKAR. There were Democrats who did not vote in favor of the leadership recommendation, as you know.

I think it is important that the American people know this.

Mr. GINGRICH. If I may reclaim my time, let me first of all say to the gentlewoman that, in fact, on that date, we did not get to vote directly on seating McIntyre, that on that date your leadership, by a procedure, blocked a straight vote, just as on the first day of the session your leadership by a procedure moved us.

So it is a little bit much to be told, on the one hand, I should have been here to vote on a procedural vote that your leadership was going to preempt so your leadership——

Ms. OAKAR. If the gentleman will yield, would he like me to define to the American people what the resolution was? Now, you are not going to bluff this.

Mr. GINGRICH. I am not bluffing it.

Ms. OAKAR. Because the fact of it is there was a resolution on the floor that related specifically to this issue and you did not vote that day. That is the issue. And it negates all the arguments you are making about this issue. You know that there were thousands of votes that purportedly were not counted, and that is the issue, that there were people who were disenfranchised in the State of Indiana.

Mr. GINGRICH. If I may reclaim my time, if the gentlewoman will check the RECORD, she will discover that the vote was on a motion to refer, that your leadership deliberately intervened and blocked a straight vote on seating McIntyre, and it was a motion to defer. If you will check the rollcall——

Ms. OAKAR. If the gentleman will yield, the leadership cannot vote for you, NEWT. You vote for yourself.

Mr. GINGRICH. I am talking about your leadership.

Ms. OAKAR. You chose not to vote. The leadership does not vote for 435 Members.

Mr. GINGRICH. Your leadership maneuvered.

Ms. OAKAR. We all have an individual vote.

Mr. GINGRICH. Oh, that is not——

Ms. OAKAR. And I think the American people know that.

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

Mr. GINGRICH. I will be glad to yield to the gentleman from California.

Mr. LUNGREN. I am one person who was here to vote on both occasions. I was not given the opportunity to vote on the question of whether Mr. McIntyre ought to be seated because the Democratic leadership decided that they would use a parliamentary maneuver to disallow that. That happened on opening day, it happened on the day in question. There has not been a vote. Our leader, Mr. MICHEL, has tried on two occasions to bring it up for a vote. It has been sidetracked specifically. I mean the record is absolutely clear.

If the gentleman will continue to yield, I just might mention that those of us who practiced law before we came here would certainly be somewhat concerned if we were told that we could go to a jury, in which it was not evenly divided between two contending forces, if in fact they were going to be identified one way or the other.

They have nominations going through in the other body with respect to the chief law enforcement officer of the Nation. And what have we heard? We have heard that not only should you be fair and even-minded, but you should have every appearance of being fair and even-minded.

And when you go to a question of the Constitution as to whether one person ought to be seated or another, it seems to me we ought to take the extra step in this House to not only be fair, as we believe we are going to be, but to avoid every appearance of bias or unfairness.

And if someone can show me why allowing a committee in this House which deals with ethics requiring it to be evenly divided because it is not a partisan matter but on a question of whether we are going to seat one person or another we do not do the same thing, why we make that distinction, I think the American people would be very happy to learn about it.

But the fact of the matter is, the appearance of fairness is not there, unfortunately, because of the makeup of a particular task force, because of the makeup of the committee itself. That committee, I believe, is not one of the committees that shares the absolute ratio in the House to which we are supposed to be accorded.

Ms. OAKAR. Will the gentleman yield to me so that I can——

Mr. LUNGREN. If the gentleman will continue to yield to me——

Mr. GINGRICH. I yield to the gentleman from California.

Ms. OAKAR. Will the gentleman yield to me?

Mr. GINGRICH. Let me yield to the gentleman first.

Mr. LUNGREN. The gentlewoman has spoken for some time.

Ms. OAKAR. Fine.

Mr. LUNGREN. Let me just say this: I happen to be a member of the Judiciary Committee.

The SPEAKER pro tempore. The gentleman from Georgia has the floor.

Mr. GINGRICH. I yield to the gentleman from California.

Mr. LUNGREN. At this particular time we have not organized. Why? Because we have been denied appropriate representation on the subcommittees. One of the subcommittees involved is the Subcommittee on Civil and Constitutional Rights, the subcommittee that is supposed to be concerned with fairness, the subcommittee that is supposed to be concerned with constitutional rights, the subcommittee that is supposed to be concerned with constitutional amendments.

We have been denied our representation on that. Why? Presumably because one vote makes a difference. They are not allowing us to have a 3-to-2 ratio. Rather, we are given, or we are at least accorded the opportunity to have a 5-to-3 ratio. Why? Because one vote evidently means a great deal to the Democratic side when that is in contest.

Now, I do not understand the argument that one vote does not make a difference in respect to this particular contest. There has been a lot of discussion here about how rules were not followed. There is no allegation whatsoever that stands up with respect to the fact that the State of Indiana did not follow the laws at hand. The only time Mr. McCloskey supposedly was ahead was when there was a miscount, a miscount that was finally admitted, and the miscount was redone by the mandate of a judge who happens to be a Democrat.

And Mr. McCloskey has not been the winner under any standard. He has never been certified. And certification is the standard in this House. It always has been the standard in this House. If what we are going to do is to change certification now, we ought to acknowledge it, we ought to talk about the fact that we are going to change the concept of the sovereignty of the States to determine those matters and go to the House of Representatives.

Now, some people can sit there and smile about this because they think it

is not serious. But those of us who were involved in very close elections, we have four Members on our side of the aisle who were elected with smaller margins than the recount shows that Mr. McIntyre has been elected. Now, if you think it is a matter that the majority is just going to decide on a partisan basis every year, then what happens to representation in this House? What happens to my constituents if I happen to have a close vote, when they can come in here and have their vote taken away because we decide we are going to change every precedent that we have had in the House of Representatives since we have had these contests?

There is no assurity of any Member that he or she will be seated when elected by the people if in fact we continue with the way this House is operating at the present time. The standard in the House has been if there is a certification, that person is seated. If there is a contest—and I understand there are contests in two other cases—the person with the certification is seated.

I wish we would have heard all of the tremendous words of concern with respect to Mr. HENDON's case in the last election, not this one, the previous Congress, where the Federal court said there was evidence of fraud but that they would just have to wait until the next election took place. Mr. HENDON was the incumbent at that time, and he was not given the opportunity here. We would not have asked that he be seated rather than the other individual, but at least a contest should have seriously been considered.

The point of fact is, under the precedents of the House, Mr. McIntyre should have been seated. There is only one certification that has been given to Mr. McIntyre. There have been two official vote tallies. In both cases, Mr. McIntyre has been elected.

We can talk about all of the other things we want to talk about, but if what we are going to do is to come into this House and say, "Forget about those rules that have been established in another State, forget about the fact that those rules have been established for a purpose, that is, to get rid of fraud, to make sure that not only the intent is carried out but the intent is carried out in a fair fashion," then, frankly, all the laws of all the States with respect to how we are trying to get rid of fraud and abuse that has taken place in electoral contests around the country are just going to be out the window.

I thank the gentleman for yielding, because this is a serious matter; it ought to be discussed on the floor on a regular basis. In fact, without casting any aspersions on anybody who sits on the House Administration Committee or anybody on the task force, the question is the appearance, the appearance of fairness. We required that standard of our judges, we required that standard of the top law enforcement official of the country. That is what was being discussed in the other body recently. It is something that really goes to the essence of the justice system. And in this case, that is what we are really talking about. It ought not to have partisan overtones is the only point that I would like to make and repeat in this discussion.

I thank the gentleman from Georgia for yielding.

Ms. OAKAR. Will the gentleman yield?

Mr. GINGRICH. If I can just make a point for a moment, I will yield to the gentlewoman.

The point here is not the personal integrity of any individual Member. The point is the structural integrity. And for the life of me I cannot quite believe that the gentlewoman would mean to suggest that 2 to 1 strikes the average American as fair. I think the average American would automatically say to you that, on a matter that should be nonpartisan, it ought to be 2 to 2 or 3 to 3, but 2 to 1 is by definition stacked in one favor or another.

Now, let me also cite a Democratic Member of Congress who spoke on the 7th of February, who said:

> The only position I am taking here today is that we, in my opinion, do not have the right to refuse to seat Mr. McIntyre. He has been certified. He has been certified twice by the Secretary of State as the winner.

And let me read to the gentlewoman just a brief moment from Mr. FRENZEL, because it was Mr. FRENZEL's speech that really convinced me that this was a serious matter and that the integrity of the House and the integrity of the of the institution, not of any individual Member, was what was at stake. Mr. FRENZEL said:

> First, let us talk about the 5,000 invalidated votes that Republicans stole; 96 percent of the unvalidated votes in the recount were done by a recount commission appointed with 2 to 1 Democrats, by a Democrat judge—hardly a Republican shenanigan.
>
> With respect to the allegation . . . . that there are different rules, of course there are different rules. If the gentleman knew . . . . State law, he would know they have rules for paper ballots, punch cards, and machines. Six counties were on punch cards, six were on machines, and three on paper ballots. Of course they were different.
>
> With respect to the disenfranchisement of black voters, the judge, the Democrat judge, instructed the 2 to 1 recount commissioners on Indiana law and on the Supreme Court decisions which related to it.
>
> Punch cards, when they do not have anything on them other than a punch, in Indiana, have got to be thrown out. That law was followed scrupulously.
>
> Finally, let me say that all these items are smoke being blown over the problem by the McCloskey forces. McIntyre has no burden of proof; he won. McCloskey has the burden of proof; he lost the election. He lost in District Court, and he lost the recount. The only way McCloskey can win is if he confuses his cronies so that they violate the laws of the United States and the State of Indiana and vote him into the Congress.

□ 1400

Here is what he says that I think the gentlewoman should consider because the gentleman from Minnesota [Mr. FRENZEL] is not considered a bomb-thrower or a hothead; he is a very distinguished senior member of the Ways and Means Committee and the ranking Republican on House Administration, Mr. FRENZEL says:

> This is not a procedural vote; it is not a vote on the integrity of any committee. It is not the usual political squabble. It is not just Democrats picking on Republicans, so the suppressed minority will not get uppity. This is a blockbuster vote. This is murder. This is a rape of a system. The issue is the ultimate abuse of representative government.

Now, I think that if that gentleman honestly and deeply believes that, and he does, and I have talked to him since it, if in fact we, on our side, overwhelmingly believe that, then the question I would pose to the gentlewoman is: How can you seriously suggest that 2 to 1 is fair? Not that the chairwoman is necessarily personally unfair, but that the very structure is unfair. How can you suggest that this is a minor issue about which one should quit speaking simply because in one particular day, on a procedural vote, the side which honestly believes it represents the constitutionally correct thing happened to lose?

I yield to the gentlewoman.

Ms. OAKAR. I thank the gentleman for yielding.

I did ask the gentleman a question which he has not answered, and that is: I asked if you could name one time when the House Administration Committee, relative to its task force, has not been fair with respect to elections. The gentleman has not answered that.

Second, I want to point out to the gentleman something very interesting. Of course, this is the first time, I think, that anyone has questioned the veracity of that committee, and I think that is what it goes down to. If you look in the RECORD the day the gentleman was not able to be here, you will see that Mr. CLAY, who is on the task force, did not vote and decided to abstain on the basis of the fact that he was on the task force. The chairman of the Task Force on Elections happens to be Congressman PANETTA of California. He elected to vote "present," and the gentleman on the other side who is on the task force, on the other side of the aisle, chose to take a stand on the issue.

If you will permit, I just want to quote from the Indiana editorial. It says:

> The House has some jusification for being skeptical of Indiana's ability to declare a winner in this close congressional race.

During the recount, thousands of ballots were tossed out on the basis of technicalities. Furthermore, differing standards were used for determining which ballots to accept or reject throughout the district.

Now this was written February 11, 1985. All we are saying is the House Administration Committee has been able to transcend partisan politics. It has been eminently fair. Nobody questioned the ratio when I chaired a task force and ruled in favor of the Republicans. But now you are questioning before they have a chance to come to this body with its recommendation. You are questioning the makeup of that committee, and I, as a member, I was not here to speak on this topic, but just being a member of that committee, having had that responsibility, I really feel it is important that I defend the integrity of that committee.

It has never been unfair; you people know it. You serve on that committee, and I know you will make sure that it is fair.

Mr. GINGRICH. The gentlewoman is suggesting that the committee Wayne Hays used to chair, the committe which was at one time considered an extraordinarly powerful committee that was very deliberately used by its chairman—that that committee has never, you did not mean in the history of the Congress; you meant in the history of your personal experience?

I yield to the gentlewoman.

Ms. OAKAR. I meant in the history of ruling on elections. I was very specific about that. You can bring in any innuendo you want, but you people did not question my recommendation or the fact that the majority of Democrats on that committee, every single one of them down the line, accepted the recommendation of the Chair, which happened in that case to be myself, to rule as lately as last year, to rule on that subject.

To suggest to the American people that that committee is not fair——

Mr. GINGRICH. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentleman from Georgia declines to yield.

Mr. GINGRICH. I would like to say before I yield to the gentleman from California that last year we were not dealing with a Democratic Party which has refused to seat a Member of this Congress who won an election, won the recount, and had been certified. In the last year, we were in a very different situation than the current kind of blatant partisanship which is, I think, unprecedented.

I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman.

You know, this House has faced these questions before. In following the Chambers versus Roush case, a statute was enacted which is to take care of things like this. That statute is the Federal Election Contest Act, which Mr. McCloskey had every right, if he felt that he should contest this, to apply under. He failed to do so. In many other court situations, that would be called a "failure to exhaust his remedies."

The remedies at hand are that, under that procedure the certified winner, the prima facia winner, would be seated and then a contest would ensue under the laws that have already been established. Now, the extraordinary thing here is there has been an avoidance of the very law that was set up to take care of this thing, presumably because under the laws that have been established in the past, one is to take one's seat first, and then the contest proceeds. Because there has been a distinction drawn in the statute between the prima facia winner and the final winner. Or a prima facia right to be seated and a final right to be seated.

Now the extraordinary thing is that we have a procedure, a legal procedure that was well thought out; that was enforced in law, and yet Mr. McCloskey, for whatever reason, decided not to avail himself of that. Because he did not avail himself of that, we have this situation now, and instead of resolving doubt in the way the statute suggests, instead of proceeding in the way we proceeded for 82 out of 83 contests in the history of this House, the only exception being in the case where there were 2 certified winners, we throw all that out and we begin anew, and the gentlewoman wonders why some have some questions about it.

No one is impugning any integrity here; the gentlewoman got up and suggested that one Member on her side of the aisle voted "present," one failed to vote, and a Member on our side of the aisle voted one way or the other. I do not know whether that is meant to impugn the Republican Members' position on this, but the lady brought up the question.

The whole point is whether in fact, when we have an extraordinary proceeding that goes outside the bounds of the Federal Election Contest Act, we ought not to then have an extraordinary scrupulousness with respect to fairness so that the appearances of fairness are there as well.

Now, I understand the gentlewoman, being a Member of the party of the majority may not have the sense of the concern the minority might have for having this go to a task force that is made up 2-to-1 of the majority party, and then go to a full committee that does not even represent the proper ratio of this House. Out of all the committees of the House, it is one of three, I believe, that does not have proper representation.

If the gentlewoman feels that somehow we are being overwrought with concern when we have to go to two forums in which the representation is not equal on a non-partisan question, or what should be a nonpartisan question, then perhaps I cannot help the gentlewoman with the problem. But in point of fact, that is a concern that we do have.

Mr. GINGRICH. I only have about 4 minutes; let me make two comments then I will yield briefly to the gentlewoman.

First of all, I used to teach courses in which we tried to examine the psychology of slavery. One of the problems you always had was that masters always thought slaves were happy and slaves always thought they were supposed to be quiet, and it always came as a great shock to the masters to discover that the slaves had not been all that happy.

Now you have two Republicans here saying to you that we think 2-to-1, two Democrats and one Republican, probably is not fair by the very structure of it. That is not to say that the chairwoman is unfair; it is not to say that there is any deliberate attempt to be biased or nasty; it is to say to you that by definition 2-to-1 cannot be even. Two-to-one cannot be fair by definition. Two-to-one automatically means that the two Democrats are automatically setting up the procedures, and the Republican is at best being pleasant and diplomatic and conciliatory in getting the best deal they can.

Now if the gentlewoman seriously believes that if everybody who is on the side of the one is reporting that being outnumbered 2-to-1 is not fair, that everybody who gets to be chairman and chairwoman thinks it is fair, if the gentlewoman cannot quite understand the direct parallel between slave-master psychology and that problem——

Mr. COLEMAN of Texas. Will the gentleman yield for just one quick question?

Mr. GINGRICH. Certainly.

Mr. COLEMAN of Texas. The gentleman seems to be extremely certain about numbers in his last statement, and you also are extremely certain that a Mr. McIntyre won the seat.

Mr. GINGRICH. I did not say that; I said it is very clear that Mr. McIntyre has been certified, and under Indiana law, won the vote and the recount and therefore, has the presumption of being seated while the task force has its hearings.

□ 1410

Mr. COLEMAN of Texas. But you do not know by how many votes. You do not know the number of votes by which he won, do you?

Mr. GINGRICH. I think, in fact, he won by 34 and 418.

Mr. COLEMAN of Texas. Which one is it, 34 or 418? Also, on the night of the election, McCloskey won by 72 votes.

Mr. GINGRICH. Wait a second.

Mr. COLEMAN of Texas. I keep questioning how it is that you all are so absolutely certain that that is the case.

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

Mr. GINGRICH. Mr. Speaker, may I reclaim my time?

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] has the time.

Mr. GINGRICH. Mr. Speaker, let me say flatly that that is clearly incorrect, and anybody who looks at the case knows it is incorrect, because on election night two precincts were double-counted, and everybody knows that.

Mr. COLEMAN of Texas. Let me just ask the gentleman a question.

Mr. GINGRICH. No. Let me furthermore make the assertion, because I am about to run out of time and the gentleman may take his own time if he would like, but let me just make the assertion quite clearly that there are many districts and many races in American history that are very close in which one does not know precisely.

Mr. COLEMAN of Texas. So we recount them.

Mr. GINGRICH. But historically we recount them after seating the certified winner, and if the person who holds the certificate then loses, they step aside. In the most famous case in 1937, it took 18 months.

Mr. Speaker, in closing let me ask the gentlewoman this question:

I think, and I do not want to mention any names today, I think I can find some Republicans willing to assert formally on the floor of cases of unfairness in House Administration. If they do that, are you willing on the next vote to switch your vote and seat McIntyre?

Ms. OAKAR. I am not willing to switch my vote to seat McIntyre because I personally think——

Mr. GINGRICH. Then we have no real point in this dialog.

Ms. OAKAR. Let me finish. You asked me a question.

Mr. GINGRICH. I asked you and you answered my question, which is, you will not switch your vote. So in fact the evidence is——

Ms. OAKAR. I can guarantee one thing: I will be here to vote, unlike the gentleman from Georgia, who decided not to be here when there was a critical vote.

Mr. GINGRICH. I think, given the size of the majority you have——

Ms. OAKAR. But I do want to go back to——

Mr. GINGRICH. No. I reclaim my time, since I am about out. But I will be glad to come back tomorrow, if the gentlewoman would like, and share some time.

Mr. Speaker, let me just say in closing that it should be illustrative to Members of this House and the people who are watching that, in fact, those on the Republican side who are in the minority on these committees are saying very specifically that 2-to-1 is not fair, is not unbiased, is not impartial by the very nature of it, and we are saying specifically, and I put it in the RECORD today, the Atlanta Journal Constitution and the Wall Street Journal editorials that say McIntyre should be seated.

Every precedent calls for McIntyre to be seated, and there are 500,000 people in Indiana who today do not have a Representative.

THE FOUR CRUCIAL VOTES ON THE MX MISSILE

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

Mr. STRATTON. Mr. Speaker, the American people today are looking forward to the date of March 12 when the arms control negotiations are to be begun in the great city of Geneva. I think all of us are looking forward to that event with a great deal of optimism, and here in the House of Representatives and, I understand, also in the other body, the presiding officers have named a very large number of congressional observers.

The SPEAKER pro tempore. The gentleman should not refer to proceedings in the other body.

Mr. STRATTON. I apologize, Mr. Speaker.

There have been a large number of observers named in the Congress who will be in Geneva on the 12th of March with the enthusiasm that has been generated, and where events in recent days have seemed to indicate that these negotiations are going to be going ahead with more success than we have had in any certainly in the past 10 years.

I think all of us in this Chamber were very much impressed the other day when the Prime Minister of the United Kingdom lent her support to the strategic defense initiative, which certainly, from what the press has indicated, added to the support on our side of the ocean.

But there is one thing that I think a number of people perhaps are not aware of, and that is that there is one very serious political time bomb that could impair and very possibly even terminate the Geneva arms negotiations before they had ever begun, and that is the arrangement that was made in the military Defense Authorization Act of 1985 in which the money for the purchase of MX missiles in the amount of $2½ billion was fenced in by one of the most unusual and unique arrangements that I have ever seen in the 26 years that I have had the privilege of serving in this body.

That was an arrangement that indicated that no money could be provided for the MX unless and until early in the month of March there would be some four votes in the House and in the other body to unfence that particular money. This means that there would have to be one vote in the House to authorize the money; there would have to be another vote in the House to appropriate the money. Both of these would have to be affirmative votes, with a majority of "ayes."

There would have to be a vote in the Senate to authorize the money, and a second vote in the Senate, also successful, to appropriate the funds in the amount of $2½ billion.

This is a very unusual arrangement, because it means that if any one of those four votes is a negative vote, the MX missile will go down the drain and very likely with it will go the end of the negotiations that are designed to be opened in Geneva on the 14th of March.

Exactly when those votes are going to be taken will be up to the President, who must make the request, and then to the leadership in both this body and in the both body. My understanding is that the Speaker's intention is to get the vote very early in the month of March, which will of course mean before the end of this particular week.

I think there has been in the last several years a very substantial battle over the MX missile.

□ 1420

The House a couple of years ago voted by a slim margin to approve the MX missile, and then in 1984 we cast two votes, one which would have approved the missile by a single vote and another which deleted the missile by a single vote.

There have been a number of Members who have risen in this chamber and even in the Committee on Armed Services to excoriate the MX as a waste of money and pouring money down a rathole and who have felt that it was a waste of funds. But I would point out to those who have traditionally been opposed to the MX missile, as many of them have also been opposed to other aspects of our defense establishment, that the Soviet Union has in its own arsenal at this particular time 800 MX-type missiles. These are the hard-target missiles. These are the missiles that can destroy other missiles in their silos. And here in the United States, as we like to project a capability in terms of military achievements certainly at least as good as the Soviets', if not superior, we do not yet

have a single-hard-target missile in our entire inventory.

Judging from some of the votes that have been recorded over the last 2 years that I have referred to, I think it is fair to say that the Democratic Members of this body and the other body have been in the majority of those who were opposed to the MX missile. However, it would seem to me that those who take this as a party position are perhaps foregetting recent history, because the MX missile was not developed by the Reagan administration; the MX missile was developed by the Carter administration. It is clearly and obviously and specifically and historically a Democratic missile. In fact, the Armed Services Committee and the subcommittee that I had the honor of chairing produced a study that indicated that with the capabilities in terms of explosive power and accuracy that the Soviet Union had—and this was back in 1977—the Soviet Union had the capability of wiping out some 90 percent of the land-based missiles in our own arsenal, the Minuteman III. That was because the Minuteman III silos' hardness had no match with the Soviet Union's and also because of the improved accuracy and the greater explosive power of the Soviet missiles.

That study was submitted to the Secretary of Defense, Secretary Brown, in 1977, and Harold Brown pooh-poohed it for a while. Then after additional developments in the Soviet Union and after additional analyses of the material that was provided to our committee, the Secretary of Defense, Secretary Brown, acknowledged that there was in fact a capability on the part of the Soviet Union to be able to wipe out our main nuclear deterrent, the Minuteman III missile, and still leave the Soviets with the capability of a response, even were we to retaliate with our submarine-launched missiles.

So I think we need to realize that Mr. Carter recognized what was indeed a very serious difference between ourselves and the Soviet Union when it came to missile capabilities. In fact, the new President, who had indicated his own concern with respect to arms control, had sent his newly-named Secretary of State, Mr. Cyrus Vance, to the Soviet Union with his first proposal for some kind of agreement in connection with defense. What President Carter instructed Secretary Vance to do was to propose to the Soviet Union that they should give up the SS-18 and the SS-19, which are their most dangerous, most explosive, and most capable missiles, many of them far more explosive and far more accurate and with greater throw-weight than anything we had in our arsenal. Mr. Carter had Secretary Vance tell the Soviets that if they would eliminate the SS-18's and SS-19's or even cut them back, recognizing, as President Carter did, that it was these enormous, elephantine missiles that posed the greatest danger to us, we would not proceed with our effort to try to build a more serious and more effective missile than the one that we still have, the Minuteman III—and we even have some Minuteman II's that go back to the administration of President Kennedy.

And what did the Russians do? They laughed Secretary Vance out of Moscow. They said, "How do you expect us, with all of the efforts that we put into building these missiles to protect our turf, to then destroy them just because you say you are not going to go ahead with a similar missile?" And the Secretary of State came back from Moscow almost unnerved by that kind of treatment that was accorded to the senior member of the new Carter Cabinet.

So when this information was digested, the Secretary of Defense, Mr. Brown, decided that, yes, it was time to begin to find some kind of a weapon that will match the enormous weapons of the Soviet Union and that would provide a genuine measure of deterrence, not only in terms of their throw-weight but also in terms of their accuracy. And that was the MX missile.

So it would seem to me that the Members of this body would not want to be responsible for voting down this particular missile which was developed by the previous Democratic administration at a time when the Democratic Party would then be charged with having wrecked the negotiations in Geneva even before they got started. In fact, it seems to me that at this particular stage we ought to begin to recognize that if we are going to get any kind of agreement, any kind of agreement on arms control, between these two countries that will put an end to the so-called arms race, we ought not to have this be a partisan matter; it ought to be a bipartisan agreement.

□ 1430

We have also, I think, those who for one reason for another seem to enshrine the MX missile as one of the more dangerous pieces of artillery, that it is actually a part and parcel of another rather remarkable arms control arrangement and that is the agreement to build at the same time that we build the MX missile that we also build the so-called Midgetman missile, which would not have the 10 warheads that the MX has, but would have a single warhead, but it would be protected because of its ability to be mobile. As it is moved around, obviously from place to place, it would be much more difficult for any enemy to determine exactly where it is.

One other thing that I think we should recognize is that if anybody has been paying attention, we remember and recognize what it is that the Soviet Union respects is strength and wherever they see weakness, they give it no respect at all. We have seen this demonstrated in just recent months as the Soviet leadership walked out of the INF negotiations last year, not only the INF negotiations, but also the START negotiations and vowed they would not come back to those negotiations unless and until we had taken out the Pershings and the ground launched cruise missiles that we had put into place at the request of our European allies for their protection.

That was a posture that went on for a number of months and then when the strategic defense initiative, the so-called Star Wars proposal by the administration was unveiled, the Soviet Union finally recognized that in this particular field we were ahead of them and they wanted to make certain that they were not coming in as second best. They saw the strength of our position and just as Mrs. Thatcher indicated from this podium just the other day, it was not their beneficent attitude toward the United States that brought them back to the table, it was the buildup that had been represented by the development of not only the strategic defense initiative, but other increases that the Reagan administration has been making in terms of building up our strength in an effort to close the gap, the rather dangerous gap between ourselves and the Soviet Union as far as our own protection was concerned.

We are told that perhaps what we ought to do is exercise restraint, but that has never proved satisfactory. It was Mr. Brown himself, Secretary Brown, the Defense Secretary in the Carter administration, who propounded the very significant proof that when we build, the Soviet Union builds. When we do not build, the Soviet Union continues to build.

We saw back in the early days of the Carter administration that our restraint when we voluntarily at the request of the President gave up the B-1 bomber, we got from the Soviet Union absolutely nothing in return.

We also recognize in the Carter administration the enhanced radiation weapon, which has been dubbed the neutron bomb, was also given up. We declined to provide it to our allies where it would in fact be an extremely effective weapon to defend ourselves against a Soviet invasion of Western Europe. We got nothing in return for yielding that particular development.

So I think it is fairly obvious that we are not going to be in a position to exercise any further restraint, but clearly of a week before the negotiations open in Geneva, the negotiations that the Soviets have been forced to come

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back to because of the military posture that we have been achieving in the last 4 or 5 years, the most tragic thing of all would be if the Congress of the United States by one vote in the House of Representatives, one negative vote in the Senate of the United States, we were to reject the MX missile, we would have brought to a screeching halt the most promising arms negotiation opportunities in a decade. I do not see how we can possibly do that, but I think it is important to remind our colleagues in this body and in the other body just what it is that is at stake. It is negotiating opportunities more than anything else because of the strength of this missile that would begin to match the one that they have in such extensive quantities.

For that reason I intend, with the help of my colleagues to utilize as much as possible between now and the first of March these opportunities in terms of special orders to present the facts with regard to this situation, which certainly nobody wants to bring about, but which could be brought about carelessly if one simply relied on the old prejudices of a year ago or two years ago that would lead to a negative vote, that we would regret for many, many decades into the future.

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

Mr. STRATTON. I yield to my distinguished colleague, the gentleman from Virginia.

Mr. DANIEL. Mr. Speaker, I thank my colleague for yielding, and want to express appreciation to the gentleman from New York who has brought this matter to the attention of the House and the Members. It is gratifying that he intends to talk further on this subject and to have others do likewise.

Let me underscore just one or two points that the gentleman made, if I may. First of all, he talked about the strength of the Soviet Union. The Soviet Union is not an economic power. It is not a political power, but it is an awesome military power and it represents military strength.

The reason, in the judgment of this Member, that the Soviets are at the bargaining table today, in addition to those things the gentleman mentioned, is that they read the polls, they read the vote last fall, and it is very encouraging to me that the new chairman of the Democratic Party in his maiden address following his election indicated that he did not wish for the Democratic Party to be considered as "soft on defense." In that context, it seems to me that if we permit this upcoming vote to fail, it might very well be assumed by the American people that those who vote that way are "soft on defense."

In the judgment of this Member, this is the best opportunity that we have ever had to get an agreement.

□ 1440

Everyone that I have talked with who has been actively involved in the preparations for these talks has said to me there is a difference this time. There is a difference this time. We believe that they really do want an agreement.

They are not going to be very anxious for that agreement if we commence now to unilaterally disarm. So I hope very much that the advice of the gentleman from New York [Mr. STRATTON] will be taken, that we will have an affirmative vote when the matter is brought before the House, that we will have an agreement in Geneva.

I believe that is the wish of the vast majority of the people not only of the United States but in the world.

I thank the gentleman for yielding and again for his willingness to devote his time and energies to get this message out to the American people and particularly to the Members of this congress.

Mr. STRATTON. I want to thank the gentleman from Virginia, certainly an outstanding Member of this body and a very effective and capable member of the House Armed Services Committee. I share his views certainly that this is the will not only of the American people but of peace loving peoples around the world that we conclude a satisfactory agreement that will hopefully bring an end to nuclear weapons.

But a single mistaken vote when this series of four comes along could wipe out, as the gentleman has already said, certainly our best opportunity in a long, long time.

I expect to try to get special orders for the remainder of the week, and a number of Members on both the Democratic side of the aisle and the Republican side of the aisle have expressed their desires to join in so that I think by March 1, and well before March 12 we will have a clear-cut indication that the American Congress, regardless of what it may have done in the last 2 years, recognizes that we must ensure the survival of the MX if we want to move on to even more effective arms agreements.

I yield back the balance of my time.

FARM CRISIS

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Minnesota [Mr. PENNY] is recognized for 60 minutes.

Mr. PENNY. Mr. Speaker, the farm crisis in rural America deepens. An estimated 240,000 family farmers are in financial distress. Unless steps are taken to bring interest rates down, improve our markets and bring commodity prices up, many of these farmers will fail.

We simply cannot allow that to happen.

According to Prof. Neal Harl of Iowa State University, the current Farm Credit Program offered by this administration will assist perhaps as many as 60,000 farm families, only 60,000, or one-quarter of the estimated 240,000 troubled farmers in America.

More must be done or we face a collapse of our rural economy.

Later this week the House will consider the Emergency Farm Credit Act. This credit measure would provide loan guarantees to banks in exchange for those banks reducing interest rates on farm loans by 3 to 4 percentage points. It would also allow advance CCC loans at about 9 percent interest on up to one-half of a farmer's expected crop in order to provide spring operating money to those farmers. These advance loans would be secured by the crop in the fall.

It is clear that this credit effort will go much farther than the administration's program in meeting the credit needs of America's farmers.

As a cosponsor of this measure I was heartened by the strong bipartisan support given this bill in the Agriculture Committee. Most farmers and most lenders agree that we need a credit program similar to the one embodied in the Emergency Farm Credit Act. Clearly most members of the Agriculture Committee are in strong support of this measure and I expect most Members of the House will vote for the bill later this week.

We now need the help of this administration and this President to put the credit program in place before it is too late for rural America.

I want to share today a number of letters from good, hard working farmers in Minnesota. If this administration and this President still have doubts that there is a real crisis in agriculture, I hope that they are listening because we need the help of this administration and this President if we are to offer an opportunity for these family farmers to stay on the land.

First, Mr. Speaker, I have a letter from a farmer in the Albert Lea area. It says:

> We in Southern Minnesota need some serious help in agriculture. The credit bill would give help to get the crops in the ground this year. We need the interest break along with keeping our balance reasonable at the local bank. I am a young farmer trying to stay in agriculture. We feel the farmers' problems were not all caused by farmers.

I have a letter from a farmer from Comfrey, MN:

> I am writing in regard to the farm economy. The high interest rates and low commodity prices are hurting many farmers. We need help in saving our family farms. If something is not done immediately many farmers will be sold out before spring plant-

ing. It isn't only farmers, but also small businesses who are in trouble. I ask for your help in solving this current farm crisis. Please do all you can at the Federal level to help us.

From the Saint Charles community I have a letter from someone who is on the chamber of commerce:

This self-employed individual urges you to do everything you can to help the deserving farmer in their plight for survival. America needs its farmers. Please do whatever you can to help them.

I have a letter from Sauk Centre, MN:

We are writing to you to express our concern about the problems the farmers in our area are facing. Low commodity prices, high borrowing costs, and high operating costs are all coming to force many good farmers into a situation of near failure. We can see a disastrous situation developing Statewide involving not only farmers but small businesses as well. The rural areas need help and soon to keep this situation from getting completely out of hand. We firmly believe this calls for immediate assistance from the Federal Government.

Mr. President, I hope you are listening.

I have a letter as well from Freeborn County. A farmer there writes:

I support the credit program. It provides for some immediate money to plant the 1985 crop. We need this to provide for the last 20 to 30 percent of our loan needs above the bank loans.

Again, this letter is in support of the bill that will be brought before the House later this week.

I have a letter here from Wilmont, MN. The letter reads:

Mr. Stockman tells us that it is the greed that has put farmers into this depression. I cannot understand how an expert economist cannot add two and two in order to figure out that the government deficit and other economic problems are based on the same problems that are putting the squeeze on the farms. Both government and farmers borrow money at ridiculous rates because our government doesn't have control of the money system. Both farmers and government are at the mercy of the government's poor trade policies. The resulting inflation of the dollar has increased the price of what we buy, but not the price of what we sell.

I have a letter from another Freeborn County farmer. It says:

I am in support of the bill that Representative Tom Daschle of South Dakota presented known as the Advance Production Loan Program.

Again, Mr. Speaker, that is the bill that will be brought before the floor on Wednesday of this week. This farmer goes on to write:

I believe the bill offers the most feasible plan to enable the farmer to get his crop planted. I am sure you are aware of the crisis that exists. Timely action is essential to minimize the far-reaching detrimental effects that could occur to not only the farmers but to all those who depend on agriculture. I believe this bill offers us this timely action. Thank you for your concern and your efforts.

I have a letter from Warren, MN, from a family farmer there.

We operate a family farm in the Red River Valley. Our situation is desperate. We need your help as soon as possible. We have been farming for 14 years. My wife and I are 38 years old and have four children, ages three and one-half to eleven years old.

Our problems are as follows: High interest rates, low commodity prices, huge operating expenses and machinery costs. Also weather has been taking a toll on our crops the past three years which we understand is uncontrollable. We need help with interest rates and commodity prices and also a long term, low interest loan for our huge debt. We need a 5 percent interest rate in order to be able to service the debt for producing our crops with the high cost we have and expenses we have in farming. We also need an improved farm program.

□ 1450

Now a letter from a Madison farmer:

I am going to be very honest with you in this letter by telling you how this farming situation is out here. It is really awful now. We have been farming for nearly 20 years now. We bought the family farm of 320 acres and we didn't pay the $800 or the $1,000 an acre for your farm like some of our neighbors did. We have three daughters, all teenagers now; one is college age. We have always had to manage very carefully to make ends meet. We keep the Minnesota Farm Account Book and belong to a farm management program. We farrow more and more hogs every year trying to bring in a little more income. But these days regardless of what we do there is no money to be made out here. We have always been able to meet our basic bills like electricity, telephone, insurance, grocery bills et cetera. Now I have cut way back on groceries and I find myself worried to write out the REA bill which has gone up steadily. Our January bill was $15 more than the same reading would have been in December. Even the school lunch which we have always paid without aid seems terribly high to pay because we just don't know where to turn when our checking account is overdrawn. We have our farm payment coming up now in March which we always paid with our soybean crop. But with the low prices it just isn't there. Our hog checks all go to PCA. With the high interest rates many times the whole check goes for interest, nothing paid on principal. Impossible to get ahead that way. We thought that maybe if we wrote to you and explained our situation you would try to use your influence in Washington to help us out here on the farm. We would appreciate any help you could be to us.

A farmer from Slayton writes:

We the people of rural America are suffering severe financial stress. We implore you to give us the help we so desperately need. Hardworking, honest people are losing their farms, homes and businesses through no fault of their own. It is time that the people who run the government open their eyes and see what is going on out here before it is too late.

We are counting on your help. Please don't let us down.

Mr. President, are you listening to rural America?

A letter here from Minnesota Lake:

The size of my farm is 160 acres, 60 acres of which is slough. Estimation of costs for this coming spring for the chemicals which I use will be approximately $6000. The cost of the seed corn will be approximately $1000.

I currently received $2.34 per bushel on my corn and $5.27 per bushel for the beans. However, several other costs take from any profit I may make. For example, the cost of storage and the cost of drying the corn when harvested. The cost of storage of the grain products at the local elevator is 5 cents a bushel, a total of $210. The cost of drying the corn was $600. The cost of operating the farm in the realm of gasoline, oil and so forth is outstanding. The cost of these things is approximately $2000 per year. The cost of electricity used to maintain the farm is $800. The repairs on my machinery is $5,100, $2000 of which is still outstanding due to the higher interest on the loan. Because prices are so low for the farm products I find it difficult to come up with the money to pay for these outstanding debts. I also raise ten head of beef cattle and approximately 150 hogs. The cost of concentrate is $2,916 per year depending on the number of hogs and the cost of concentrate. The cost of veterinary expenses is $3000 per year. Therefore you can see the importance of my letter. I as a small farmer need lower interest rates on my farm loans. The small farmer needs better prices for the goods which he sells. The present prices for the goods is not enough to pay for the outstanding debts, let alone pay for any living expense. Please take the time to check into this matter. Look closely at the cost of interest and the prices we received. Farmers used to be the bread basket of America. Are they any longer?

A farmer from the Delavan area writes:

Who is going to farm this land when young farmers are put off? Our town used to support three grocery stores. Now one small one is struggling to keep open. Some people go in their cars and go to larger towns and buy groceries. I do too but we also support our home store. Unless farmers get better prices for grain and livestock it will be more closings of businesses.

Now we have to go miles for parts for breakdowns in machinery and that costs the farmer extra money, too. And their interest rates are so far out of line it is ridiculous. No farmer or anyone else can pay them. These young farmers who are willing to work and do work hard should be given more time and a better chance.

A letter from Freeborn County:

I am writing you in regard to our farm crisis which I fear will envelope our entire economy if it is not checked. Although I am a County Farm Bureau president and agree with their basic philosophy and agree that possibly all farmers cannot be saved, the sad truth is there are very few poor farmers or managers out there anymore.

Mr. Block, Mr. Stockman, Mr. Reagan, are you listening, "the fact is there are very few poor farmers or managers out there anymore."

This writer goes on:

And this problem was not caused by farmers buying high priced land. Only a very small percentage of the land has changed hands and little of that has ever or will ever be paid for. Much of that has already gone back. Actually the greed of the vast number of people farming the farmers is a large part of the problem, be it fertilizer, seeds, chemicals, concentrate, machinery, repairs, interests, taxes, buildings, veterinary services, you name it and they are all to blame. About four years ago costs of production ex-

ceeded returns and there is your problem. A large percent of the economy in our country is tied to this expenditure. Five machinery dealers have already gone out in our area since January 1. Farm Bureau policy which is to cut the deficit thus forcing interest rates down plus more exports is great but by that time up to 50 percent of the farmers will be gone and it is hard to promote a poor quality, overpriced product which our exports have become.

Mr. President, this letter tells it all; there are few poor farmers or managers out there anymore. This problem was not caused by farmers simply buying high priced land.

For the last 4 years production costs have exceeded returns. Therein lies the problem.

Now we must get in place a farm program that makes sense for the short term or these farmers will not be there in the long term. This letter says it all.

Are you listening, Mr. President?

From Red Wing, the letter states:

Some farmers are in need of more credit in the short term. However, all farmers need is stable economy with the inflation rate, the tax rate and interest rates held in a state of equilibrium so all the various parts of the United States economy are being treated equally, namely wage earners, businesses and farm borrowers and people with savings. This should result in hard working prudent farm people being able to succeed.

A letter from Janesville:

In a couple of months it will be time to plant our fields. With the low prices for our crops we can't afford to buy seed, fuel for our tractors, pay our taxes and interest is too high. The United States has the cheapest food in the world. The government has helped the auto industry. We can't afford to buy one. The government has helped the auto industry, we can't afford to buy one. They helped New York City and now we need help.

When the farmer gets money for their crops they spend and the little town business is good. Implement dealers are selling machinery and they are all making a living. What are we going to do when our small towns go, when our schools go? We need a fair price and lower interest and lower taxes. The farmer will do his best but we need some help now and with help and with God's help we can make it through.

□ 1500

A family farmer from Madison asks this question:

What corporation or business could remain with a 34 percent increase in interest in just five years? My family farm in 1979 paid $19,000 interest compared to $29,000 in interest in 1984, keeping in mind no increase in income. In fact, a decrease of 8 percent in income from 1979 to 1984.

From St. James the letter writer says:

As a small business owner in St. James, Minnesota, we are feeling the severity of the farm crisis. I have been in business for 9 years. I thought 1983 was terrible, but 1984 was even worse. When a small business as mine shows a lose of $20,000 in one year, things are bad. Something has to be done and soon. The farmers in the surrounding areas support these local towns more than the town people do. So our business depends on farmers. When the farmers are making money we all benefit from it. The farmers have to have better prices for their products. There is not a farmer around that can write a cash flow for these lending institutions with these low prices and high interest rates.

A lawyer in St. James stated that one farm in every section in Watonwan County will go under this year. Many of these farms have been in the family for over 100 years.

These are not poor farmers, poor operators, Mr. President. Let me read that sentence again:

A lawyer in St. James Minnesota states that one farm in every section in Watonwan County will go under this year. Many of these farms have been in the family for over 100 years.

The people are asking for your help. The letter concludes:

The President says the economy is better than ever. Where is he looking? Maybe it is great if you are collecting interest. What about all the small businesses and farmers who have to pay that interest? Don't they count in this country? I talk to people across the country. They do not think it is so great. Who will feed the world when you no longer have the farmers.

That letter from St. James, MN, Mr. President.

Another from St. James:

We are a farming community and it breaks my heart to see my friends lose what they have worked so hard for because of high interest and low commodity prices.

And from Elgin, MN, Mr. President. The letter says:

I have heard about and read about Mr. Block's plan for making our farm products more competitive on the world markets. That is a very nice idea, but how can we sell our products at world market levels when we have to pay United States prices for our machinery, repairs, rent, land, and so forth?

Also other countries are very protective of their own agricultural markets. More than likely they will not allow our products in their countries, no matter what the price.

As you must know the farmers in this country are still in a depression. But this problem is not limited to farmers. Small rural communities are on the verge of economic collapse. If too many farmers go bankrupt, the farm credit system would likely fail due to the inability to collect the face value of these loans.

A farm journal economist said, "Perhaps 40 percent of all farmers would fail by 1988 and these hold over half the $190 billion in private farm debt."

We the farmers are subsidizing the American people with the low prices we receive and the low prices they pay for food. Compared to the rest of the world Americans by far pay the least amount of their income for food. We need help quickly. We need help on all levels to avoid total financial collapse. I read that with every 15 farmers that go out of business, one farm business closes its doors. Just think of the ramifications if only 30 percent of our nation's 1.2 million went broke.

Mr. President, Mr. Stockman, Mr. Block, think of the ramifications, think of the ramifications if we allow these family farmers to go under. It does not stop with the family farm. It is a snowball that rolls right on through our rural communities and into our larger towns and it will jeopardize 20 percent of the gross national product because that is the size of our economy that is based upon agriculture.

A letter from a New Ulm businessman:

I definitely agree with you that we need some form of set-aside acres in order to control production and, at the same time, we need conserving acres to preserve our soil for future generations. In order to do this the farmer needs some incentives which this Administration does not want to provide. I believe that these farm problems began about 10 years ago with the Russian wheat deal under the Nixon Administration. This fence line to fence line farming was the cause of the huge surplus and at the same time is destroying the fertility of our soil.

I hope that we can get back to a basic control and conservation program with some Federal Government incentives.

A Watonwan County business writes:

We represent—

And this is addressed to you, Mr. President—

Dear Mr. President, we represent over 1,000 farm families in southern Minnesota. We are the Board of Directors of a farm business in St. James. We respectfully plead that a sense of urgency be placed on the priorities necessary to lower interest rates dramatically, develop a monetary policy to reduce the value of our U.S. dollar against foreign currencies, and of course, reduction of the federal deficit.

However, the plight of midwest farm families is truly as serious today as in the Great Depression of the thirties. Our farm credit system is in deep trouble. Rural commercial banks are facing serious write downs of assets. Many main street businesses are closing down or filing for bankruptcy. Local farmers need help or many will not be able to get financing to plant the crop. We do not wish to cry wolf when none appears, but seriously, American agriculture and rural communities are not sharing in today's U.S. economic growth. We do not need to have high supports. We need to be allowed to compete in a world market.

Again, Mr. President, this letter was addressed to you and a copy sent to me. What they say needs to be heard.

In their last paragraph when they say ". . . American agriculture and rural communities are not sharing in today's U.S. economic growth," you need to be aware of that. I know in your campaign last fall you promised American farmers that you would not rest until they joined in America's economic recovery. American agriculture has not joined in that recovery and you must be responsive with credit programs in the short term and a better farm policy in the long term so farmers can enjoy that recovery. Listen to what these rural business people and these farmers are saying.

A farmer from the Ellendale area writes:

There are no easy solutions, but we the farmers and the rural communities know that the Congress and the Administration

have great powers and can do something to save the family farm and solve the problems agriculture is facing right now.

Please add my small voice to what I hope is an avalanche of communications to you and others in Washington calling for help now.

Another farmer from Ellendale.

President Reagan's plan for the new farm program would be disastrous for American farmers. His plan to cut price supports and set-aside programs would drive the already low commodity prices even lower.

This plan would probably help exports by having lower grain prices. Farmers are already losing money at current prices. So lower grain prices would force even more farmers out of business. Foreclosures would increase and rural America would slide further into depression. I admit that past government programs have not provided a long-term solution to the problem and have cost a lot of money. But I think President Reagan's plan is a step in the wrong direction.

He concludes by saying:

If we don't do something to help our farmers out of these troubled times, our country is in danger of falling into another depression. A strong America with strong agriculture is much better and in much better shape to help foreign countries than a weak America going through a depression. Why not give these countries some of our surplus grain instead of money. That way both farmers and foreign countries would benefit.

A letter from a Waseca farmer. The letter says:

I don't believe our President realizes how bad things are for the farmer. The interest is way too high and our personal property tax is too high. What we pay to the school district the farmers are keeping the schools going. I average about $19 per acre for our school here in Waseca.

If we had 30 percent acreage reduction and you could sell only 80 bushes per acre and a limit of 30,000 to 50,000 per farmer or else if the government wants cheap food they had better subsidize the farmer or the family farm is on its way out.

I know you are concerned, but if you let the farmer down, the whole economy suffers. Please help.

From a Worthington area farmer.

Times out here on the farm are getting tougher and tougher each year. The two main culprits are lower commodity prices for our crops and high interest costs. With the higher cost of our inputs such as fertilizer, chemicals, seed, fuel and so forth, we are forced to borrow more money each year. It is true that input costs have stabilized in recent months, but we have carried over larger debt loads each year increasing our need for more borrowed money.

□ 1510

This farmer writes:

I have in my possession the signatures of almost 300 small businessmen from the city of Worthington, of which 75 percent can feel the financial pinch we farmers are suffering simply because we don't have any money to spend in town.

Machinery dealers are probably the worst hit, with two of them going bankrupt and selling out, two others with severe financial difficulties, and the other two very uncertain as to what the future holds in store for them.

In the smaller communities of southwestern Minnesota, things are even worse. A large percentage of the farmers haven't got enough borrowing power left to put in a crop for 1985. If current economic conditions continue, 13,000 of Minnesota's 100,000 farmers will be forced out of business over the next two years.

One solution for the improvement of life in America, both rural and urban, is the elimination of the huge Federal deficit. This requires cutting down the wasteful, swollen military budget. A 10 percent shift of the military budget over to the agriculture budget by means of lower interest rates and increased support prices on farm commodities would help preserve the family farms.

The Reagan Administration's proposal to make huge budget cuts in farm programs while essentially protecting defense spending is not only a moral outrage but it raises the real question of whose America we are paying to defend.

You must let the President, fellow U.S. Senators and Representatives know that the slow, painful death of the family farm and of rural America must stop.

That is signed, "A Republican considering joining a different political party."

Mr. President, Mr. Stockman, Mr. Block, are you listening? Rural America needs your help.

A Fillmore County farm family writes:

We have been intending to write you for some time, letting you know our concern on some matters. As you have joined the agriculture emergency group, this might be a good time. There is going to have to be something dramatic done over the short term, either an interest rate buy-down, a moratorium, or a combination of these, plus any other reasonable form of debt relief that can be put together and put into the hands of the farmer very quickly.

If something is not done, there is going to be a magnitude of foreclosures and bankruptcies in the next 30 to 60 days.

You are familiar with our farming operation, as it runs into thousands of acres. For the 1985 crop year, over 50 percent of the land we have rented is owned by the lending institutions, either banks or insurance companies. These are farms they have acquired within the last year. Some banks have already put out feelers to the effect that we take over the farming of various farms they will assume title to on March 1, 1985. We all know this not the long-term solution to the agriculture problem. However, if some of these farmers do not get some quick short-term relief, they won't need any long-term relief because they won't be here.

Do you feel a letter to Mr. Boschwitz and Mr. Durenberger would do any good?

The letter should also be sent to the President, to Mr. Stockman, to Mr. Block. We hope it will do some good.

A farmer from the Waseca area writes:

Please do everything in your power to help us receive a fair price for our farm commodities.

A Mower County farmer writes:

I am writing this letter in regard to the present farm problem. It is a shame that everybody makes a profit in the food industry, including the Chicago Board of Trade, but the lowly farmer has to produce food at a loss.

I am asking you and your fellow Senators and Representatives to stop talking about problems and start doing something, to give us a fair profit instead of a loss. I also would like you to support a farm bill that would support the small farmers instead of Block and all of his big farmer friends.

From the Le Sueur area:

I am writing you to make sure you are aware of some of my feelings about the current farm problem. Yes, we do have problems out here in rural America. Not everyone is in trouble, but many are in very deep trouble. If some of these people in the most trouble don't get help soon, we Americans will have more problems than we have now. If enough farms are sold to enough large corporations, the idea of cheap food will be gone forever. Maybe this is what is going to be, but I sure hope not.

When you are working on some sort of plan of help, remember a few things. Every farm plan that helps the small farm helps the big guy 4 times as much. We didn't make him buy nearly 4 sections, so why should we be asked to help? The large farm does not put more kids in the school system or buy more goods in the local stores or help the small community any more than the small guy. Help save the small guy.

That is from a farmer in Le Sueur County.

From Jasper, MN, a farmer writes with this question?

How can you tell the press and your constituents to apply at a Farmers Home office for a loan when you know there is absolutely no help there?

This gets to the heart of the deficiency of the current farm credit program announced by the administration. They want to funnel that program through local Farmers Home offices, and those offices are so swamped already with their current workload they will not have time to handle it. And that is why Professor Harl, of Iowa State University, has indicated that no more than 50,000 to 60,000 of the 240,000 troubled farmers can get help under the administration program, because the Farmers Home office would have to handle it, and they have a logjam in that office that will make it impossible for them to handle an additional workload.

A bill we will be bringing to the floor later this week allows the approved lender program to get those credit assistance measures into the hands of the local bankers. It allows them to guarantee an exchange for an interest rate reduction for troubled farmers, and by getting the program into the hands of those lenders, we can make it work for a good share of those 240,000 farmers who are in trouble. That is why we need to pass the bill later this week.

Mr. President, Mr. Stockman, Mr. Block, are you listening?

From Dawson, MN, a dairy farmer writes:

A week ago we attended a ground-swell rally on the steps of the State Capitol. I am writing this letter to keep our voice and pleas before you. Solve the farm problem

and the rest will take care of itself. If the farmer would get a fair price for his product, the whole economy would come alive. The President's trickle-down policy doesn't work. Everyone knows that nourishment of a plant comes from the root. Agriculture is the root of our society. As agriculture goes, so goes the nation. Any businessman will tell you they make more money when the farmer gets a good price for his products. One business fails for each 10 average farms what is lost. Three jobs are lost for each farm liquidated. Many tax dollars are lost because farms are losing money and businesses are not profitable. Everyone would benefit from help given to the farm economy. Employment would increase. There would be increased tax revenue from everyone, and therefore taxes would not have to be increased because there would be a broader base. The jobs of 22 million people, one in every five jobs in the United States, depends upon agriculture.

Mr. Stockman, in particular, are you listening to those statistics? You are good at numbers. These numbers add up to an economic disaster in America that has not been experienced before, a disaster as severe, if not more severe, than the Great Depression. Are you listening to these statistics? It is not just a few family farmers. It is our rural communities, it is our entire national economy. These numbers ought to speak loud and clear.

Mr. Block, Mr. Stockman, Mr. Reagan, are you listening to those numbers?

A farmer from Lake Benton writes:

We are wondering if you have any ideas about what we should do. We have farmed for 39 years and at one time had all our debts paid. Now we are so far in debt to the PCA that we don't know where to turn.

Seven years ago we incorporated our farm to try to get our sons started in farming, as that is what they wanted to do when they graduated from high school and college. Four of them want to farm. One has since taken a job teaching vo-ag in a nearby high school. Three of our sons, my husband and myself work for the family corporation. The PCA will not lend us any more money so we don't have our 1984 debts paid, nor do we know how we can farm another year. We don't know what to do. We don't believe that we have overextended. We don't really know where the blame lies. We have tried to sell off 160 acres but no one is buying land, so what are we to do? My husband is not young any more. He is 65. And I am afraid the stress of all of this is slowly killing him. Who do we go to for help?

It does not seem right to tell these 3 boys to move to the cities and look for work. It seems there are a lot of people laid off with no work in the cities, too. We can't seem to find the answers.

Could the government lend the farmers some low-interest money for 3 or 4 years or until we can get over the hump? Then if we could get some decent prices for what we raise, we could get back on our feet and pay off our debts. We have always paid our debts, and we will again if we can get things back under control. We sold—or gave away—200 head of purebred Herefore cows last fall, but after all the sale expense was paid, we had nothing left. Something is terribly wrong, and we can't find any answers. Do you perhaps have some?

And last I want to share three letters. These come from individuals who represent three generations on the family farm in Lamberton, MN.

□ 1520

The first letter:

I am addressing you in concern over low commodity prices, the very high interest rates and the falling land prices in the Midwest. I am 68 years old and remember the Depression and its effects well. I own 480 acres in southwestern Minnesota. After my husband's death in 1977, my son and son-in-law have farmed my land. They both have severe cash flow problems as a result of the previously mentioned conditions. I, too, have to pay interest on debt on my land.

We need your help now for the survivial of farmers and businessmen. I believe the best way is lower interest rates, fair commodity prices, and Government guaranteed loans to farmers. Then we can continue to be the most efficient producers in the world.

From her son and her daughter-in-law:

We are writing in concern over the combination of recent circumstances: Low prices, high interest rates, and now the result is very high agricultural debt. I am 42 years old and my wife and three young sons proudly farm 1,100 acres in southwestern Minnesota. We raise corn, soybeans, cattle, and hogs. I was encouraged by the Federal Government, the State government, and by my lending institutions, all considered experts in their fields of lending professionals, to expand during the 1970's when inflation was running wild and my most productive working capabilities were in my favor.

During the past 10 years, farmers have acquired much net worth. During that period, we were content with a fair income. This past 2 years have been everything in reverse. We have seen falling land prices, falling machinery prices, and very high interest rates. Now we have very low commodity prices to make this a devastating situation.

We need help now to stay alive in farming.

From their children, three young boys, they write:

We are three young boys who are very concerned about the current farm situation. We like to help our parents and know they love us and we all love farming. We raise corn, soybeans, wheat, cattle and hogs on our farm in Southwestern Minnesota. Our dad is 42 years old and very energetic. He was encouraged in the 1970's to expand and his net worth increased and he was content with prices. Now we are in a very serious situation. We have high interest rates, low commodity prices, falling land prices, and cash flow problems. We are hoping for better farm conditions so that when we grow up and pursue further education, we have the option to come home to a family farm.

We are very proud of our dad and all he has accomplished, but all farmers need your help now to maintain a decent standard of living. We are very proud farmers but we need your help now to maintain a decent standard of living on the farm.

They conclude their letter by saying: "We want to keep our farm."

That is the message I want to conclude with today, Mr. Speaker. I want to call on the President one last time: Mr. President, rural America needs your leadership. Help these families keep their farms.

THE LAMENTABLE STATE OF AMERICA

The SPEAKER pro tempore (Mr. PENNY). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the gentleman from Minnesota well knows our mutual concern, and when in his first term here was kind to comment on a special order that I had sustained in which was really a followup of about 18 years of speaking on the subject matter, and anticipated the lamentable and actually very much avoidable crisis affecting, at this point in very acute shape, the former. But actually, every other element.

It reminds me again of a reference I have made to an English poet, who, I think, at a time when England, in a comparable way, was suffering pretty much the same, except in a more elemental society, when he said:

Ill fares a land to hastening ills of prey, where wealth accumulates and men decay. Princes may flourish and may fade. A breath can make them as the breath has made, but a bold peasantry, their country's pride, when once destroyed can never be supplied.

I say it is lamentable because these are not acts of God, these disasters, they are man created, man caused. So today I rise in continuation of what, from the first year that I came to the Congress, in much more of a happy situation, even though at that time, those involved did not seem to be very happy, but compared to the problems that we have confronted, the major crises: Assassinations of Presidents; national leaders and all, which I have had the experience of living through, and in fact was present even at some of these horrible crimes. Therefore, it is particularly distressing and demoralizing to me to rise today to continue along the lines, that as I say and repeat, I started 22 years, the second year that I actually came to the Congress, and after my assignment to the Banking Committee, where today I am the ranking Member and chairman of the most numerous or the largest subcommittee in the whole Congress: The Subcommittee on Housing and Community Development.

The tragedy is that as no time in these 23½ years that I can recall has a supposed national leader, the President of the United States, directly or indirectly, intentionally or unintentionally, created such chasms, such depths of distinction between classes in our society. He has developed a hatred and dislike for the poor, implied that if they are poor, it is their own fault. For the homeless, when after we held hearings right here in

the Nation's Capital, and the first to speak on what, today, is a very distressing crisis, the President dismissed, 12 days after our hearings here, with the casual remark that anybody in America who was homeless was homeless because of his own fault.

With this kind of callous disregard for elemental consideration of those unfortunate strata at this point, that particular segment of our society has crept up from 25 percent to about 33 percent in just the last year and a half. That is, the poor, the homeless, the dispossessed.

The farm area at this time is in acute distress because of two fundamental causes. One which we discussed over the course of years. It is very simple because it is at the heart of the matter, and which my distinguished colleague who just spoke ahead of me [Mr. PENNY], referred to in the sad and distressing and pathetic letters he has read into the RECORD.

□ 1530

The American people, unlike what so many powerful politicians and men of power, money power, seem to think, are not dumb. They are way smarter than the average one of us collectively, and they know that at the heart of the matter what the cause and the root cause is. But with respect to the farmer specifically, I would like the record to show that since 1964 and 1965, I have been emphasizing, even though my district is 100 percent urban—of course, I am surrounded with rural, farm production and others types of rural activities.

But nevertheless, it was as far back as 1964 and 1965 that I was pointing out that the principal grain companies of our country are not American. They are foreign owned. That means that whatever it is our farmer produces, grain, whether it is corn or wheat or any other, is going to depend on the whims and the caprices and the vagaries and perhaps even ill will of some foreign interest that can be fickle as the price levels that he speculates in are.

The immediate cause is the fact that China, Communist China, has reneged on the deal that the President predicated his speech making last year to the farmers on. I think that when I see this President in action, I shudder because he reminds me of an old saying that the triumphs of a demagog are fleeting, but the ruins are eternal. When I compare this President and the aura surrounding him, and that even our media, supposedly charged with the sacred duty of informing a democratic electorate, that in order to act wisely, must be informed, must be knowledgeable, that I compare him to the Jonestown tragedy where how do you explain 800, 900 Americans in this God-forsaken area killing themselves on the direction of a leader by taking a potion that the leader said, "This is good for you."

I said this is the way we are in America, and I said this 4 years, I do not say it now, because it was obvious to me that any national leader, whether in the Presidency or in the Congress or anywhere else in a position of national leadership who would advocate demagogic schemes, and I define demogogic as the dictionary does, would be a false leader and ultimate a price paid for that false leadership.

We have seen it even in his prime area of responsibility as Commander in Chief, which the Constitution makes him, with the murder of 242 marines in Beirut because of the headstrong, obstinate, obduracy of the Commander in Chief ignoring the solid, unanimous advice of his expert military advisers, the Joint Chiefs of Staff. Who would believe that? Yet nobody holds him accountable. In fact, the electorate gave him a pretty overwhelming vote this last year.

But does election make you right? Does political success make you economically correct? Well, of course not. And this is what I wanted to discuss, because the farm distress is just one symptom that now has boiled to the top because of the immediate reneging of the Communist Chinese Government on its promised deal to purchase 6 million metric tons a year. Last year, they just said, "To the devil with you, America. Why should we be hooked to a deal we made with your President?"

Incidentally, and by way of explanation, the President entered into a yet hitherto undisclosed military deal as part and parcel of the grain deal. The President has created a war psychosis amongst us against Russia, but at least Russia, when it entered into the grain deals, kept its word, purchased the grain as it said it would. The Chinese did not even keep their word after the first year, and the President was able to ballyhoo the supposed prosperity out in the Farm Belt by knowing that it was wholly dependent on that deal. That is the immediate cause. The underlying cause is a little bit more complex. The underlying cause is a little bit more complex, and that, of course, also is an integral part of why we have the Rust Belt in Pittsburgh and in the great industrial production area of our country in which America had been the leader for so long that it was taken for granted. Today it is the Rust Belt.

We not only have been preempted with great, great suffering and unemployment. When I introduced in 1983, 2 years ago exactly this month, the Home Mortgage Emergency Assistance Act, nobody cared. Why? Because at that time those most visibly affected were really invisible nationally. Who cares about the 8 or 9 million unemployed right now? They are not too visible.

It is just like during the Vietnam war, which I recall vividly, as long as it was the poorest of the poor white or minority that was getting drafted? When I raised my voice, and I did so right on the floor of this House in the summer of 1965, and appealed to a friend of mine, the President of the United States, a neighbor back home 55 miles away from my hometown, by saying, "Mr. President, are you aware of the fact that over 45 percent of the men who are apt to be and have been in the area of action in Vietnam are draftees?" Who gave a hoot? Nobody. But when the casualties started coming in, the Generals had to ask for more fresh troops, and that ante was raised to over half a million, and some Reserve components had to be activated, and then some of the sons of the middle, affluent, and upper class started getting draft notices, then you began to see the visibility of the Vietnam war.

The same thing is happening today. Who cares about the 25, now 33 percent, yet invisible element in our society that is unemployed? That is the most devastating thing that can happen to any human being.

Yesterday in my hometown I went over to a line of about a 100 men, women, and for the first time, I saw little children 1, 2, 3 years old, waiting for shelter last night in my hometown. I spoke to each an every one of them. I talked to one very young, relatively young man, a fine looking young man, a fine looking American, but with that haunted look in that man's eyes of hurt, hurt pride, hurt self-esteem, because he came from Pueblo, CO.

□ 1540

Pueblo, CO, had been the main area that I based my Home Loan Mortgage Assistance Emergency Act on 2 years ago because at that time the rate of repossession of homes was going at a hundred a month. I thought it was wrong. I did not think it was right that we should remain in frozen indifference. And we had other pockets in Pennsylvania where the rust began to accumulate into the "Rust Belt," where it still is. We had an incremental repossession foreclosure rate on homes far surpassing in point of numbers the highest ratio in the Depression years, which I recall vividly. I am a Depression child.

But yesterday I cannot describe the feeling I had of helplessness when I talked to this young man. And why does he end up in San Antonio, TX? Because his city of Pueblo is fast becoming what? A ghost town. The great steel mill that everybody depended on is inert at this point, and out of 5,000 workers, 4,000 are out. Two years ago it was 3,000, and the home repossession and foreclosure rate, I repeat, was better than a hundred a month.

How long can a body that is supposedly the representative branch of this country wait? How long shall it take before it becomes aware and not wait until, a point by point, each segment of our society is picked off? Today it is the farmer.

But when some of us tried to bring to the attention of the rest of our colleagues the plight of the urban dweller, nobody cared. Why? Because they are still invisible, but they will not be for long because there are things now that make it obvious for anybody to see, and there is beginning to be a sense of disturbing sentiments because of what now is obvious but which some of us had been pointing to as coming events that cast their shadow before them.

To those of us who knew that we were awesomely, incredibly repeating the follies of post-World War I experiences it was very difficult to relate that to what was happening in our day and time in this last quarter or last half-quarter of the 20th century.

One of the letters my distinguished colleague read spoke about our high interest rates. This has been a subject matter of my discussion since 1962, which was the first year I came to the Congress. Who cared? Interest rates were 6 percent or less. Everybody told me, "Well, what are you so upset about? Why, interest rates would never go much over 6 percent."

Then came the credit crunch of 1966, and I tried in vain to point out that, just like we could not control our own destinies with respect to our chief export, which was agricultural goods, today—as of last year anyway—40 percent of these farmers' products depended on overseas export. That is 40 percent. That is gone.

Why? Because in the meanwhile the other countries have not done to their citizens what we have done to our citizens, for our leaders have sold the American people down the river into economic slavery. They have placed our laborers in competition with every single slave labor in the world—the coolie in China, the peon in the Latin American countries, and the equivalent of the old kulak in the Asian countries—unmercifully, uncaring, as long as their greedy sense of profiteering was satisfied.

We reached the point—and I tried to point this out years ago—that our principal banks were going to go heavily into those areas where the attraction was. Just like after World War I, with 30, 35 percent interest, the yield, the profit was blinding them with greed, because just like after World War I, when our erstwhile allies made their key decision—and that was that they would look after their own after the war was over—it was American credit that fueled the war and won it for our so-called allies, not only in World War I but in World War II.

But today, after 4 years of this administration, our country is a debtor nation for the first time since World War I or before. We are at the mercy of fickle foreign investors who have literally flooded our country.

At this point, Mr. Speaker, under my unanimous-consent request I would like to have the RECORD reflect a portion of an article from the current Foreign Affairs magazine, volume 63, No. 3, page 543. I am including just this one page, as follows:

GUNBOAT ECONOMICS

• • • and some estimates showed that 70 percent of total U.S. production of goods was exposed to international competition. Forty percent of American farmland was devoted to exports. One-sixth of all jobs in the manufacturing sector depended on sales abroad. Half of the after-tax profits of U.S. corporations came from overseas subsidiaries. The nine largest U.S. banks had foreign exposure in the Third World alone of close to 200 percent of their primary capital base.

By last June, borrowing by American companies in the Eurodollar market was running at a rate of $18 billion per year, 13 times the volume of just six years ago. Five years ago only eight percent of America's 1,600 largest pension funds invested in foreign securities, but by the end of 1984 some 28 percent were doing so. Funds from overseas financed 40 percent of our budget deficit. Canadian real estate firms like Olympia and York were reshaping the skylines of Manhattan, Minneapolis and Los Angeles. Nestlé S.A., a Swiss corporation, bought Carnation; Mitsubishi Bank acquired Bancal Tristate, a California bank with assets of $3.9 billion; five of Japan's biggest steelmakers spent over $500 million to buy into their American counterparts. France's Société Generale was financing the water system of Dayton, Ohio, and Japan's Sumitomo Bank was guaranteeing bonds for the University of Virginia.

Underlying the growing interdependence were massive capital movements across borders. The flow of money was now dwarfing the growth of world trade. In 1984, for example, world trade in goods and services was on the order of $2 trillion, while global capital transfers reached $20-$30 trillion. It was not just that global bank lending had grown, or that the international bond markets had more than $200 billion of outstanding issues; now an international stock market had emerged as well.

The internationalization of capital, combined with the diffusion of technology and advances in communications, made it easer for industry to expand globally. During the first Reagan Administration, companies spread their operations in new ways. Most visible was the automobile industry, where General Motors and Toyota formed a joint venture, while Honda, Nissan and Mazda were setting up shop on U.S. shores. In late 1984, Ford announced its "world truck," which would have a European-made cab and a North American-built chassis, be assembled in Brazil, and finally be imported into the United States.

Mr. Speaker, to repeat a portion of the article:

• • • some estimates showed that 70 percent of total U.S. production of goods was exposed to international competition. Forty percent of American farmland was devoted to exports. One-sixth of all jobs in the manufacturing sector depended on sales abroad. Half of the after-tax profits of U.S. corporations came from overseas subsidiaries. The nine largest U.S. banks had foreign exposure in the Third World alone of close to 200 percent of their primary capital base.

And these countries cannot pay back and will not be able to pay back. These are our nine principal banks. If this had happened in a small bank in my district, it would have already been declared bankrupt and in receivership. These are our nine largest banks—200 percent or better over their capitalization structure.

That same thing happened after World War I in the 1920's. It was the identical same thing. The only thing you had then was the German Government's bonds and you had the Japanese Imperial Government's bonds, on which our banks were sending their depositors' proceeds as fast as they could get them to the New York speculators. And of course it is interesting to note that the Japanese Imperial Government's bonds were 20-year bonds maturing in 1941. Of course, that is when we had Pearl Harbor.

I continue my reading of this article, from page 543:

By last June, borrowing by American companies in the Eurodollar market was running at a rate of $18 billion per year, 13 times the volume of just six years ago.

That is $18 billion they borrowed from their Eurodollar market just last year. That is these same banks that are overhung in the countries that are broke and that cannot pay back.

"Five years ago only 8 percent of America's 1,600 largest pension funds invested in foreign securities, but by the end of 1984"—that is just 2 months ago—"some 28 percent were doing so. Funds from overseas financed 40 percent of our budget deficit."

That means that this so-called delusion of Reagan prosperity is only so because it has been financed by foreign investors that can pull that money out tomorrow just as fast as they brought it in here to get the high interest yields. Our country has been flagellating our businessmen and our farmers and every American who needs to have a source of credit with these extortionate highway robbery interest rates.

Who cares? When some of us advocated specific remedies, when it could been done in time, in 1966, we were laughed at.

□ 1550

We were ridiculed. We were called phony baloney money men.

It is the same thing they had done to every man who ever stood up in this Congress in similar circumstances, in similar desperate conditions.

Canadian real estate firms like Olympia and York were reshaping the skylines of Manhattan, Minneapolis, and Los Angeles. Nestle S.A., a Swiss

corporation, bought Carnation; Mitsubishi Bank acquired BanCal Tristate, a California bank, with assets of $3.9 billion.

Yet when we had the Chairman of the Federal Reserve Bank, that is the one before this one, Mr. Arthur Burns, and this one as well when he took office, and I asked them to supply us the figures and the statistics about the foreign capital purchase into our banking system, they not only refused, they said they could not do it.

This is the entity that every American, in fact I would say the majority of my colleagues, think is a Federal agency, the Federal Reserve Board. Well, the only thing it has Federal is just that first word "Federal," but it is a private corporation. It is privately run and the way it has been operating for the last decade and a half, it has been completely controlled by the six largest banks in our country, in all their speculative fever, not unlike, in fact parallels, astoundingly disturbingly, as after World War I. Who cares about that?

"Five of Japan's biggest steelmakers spent over $500 million to buy into their American counterparts."

Does one think that the Japanese investor is going to invest in an American producer in order that the American producer can out-compete him? Of course not. The Japanese philosophy and psychology is, they are still at war, except it is economic.

It is the same thing in Europe. It is folly for us to overlook the history and the reality of today's world, which we insist on doing from President to congresssional leaders.

On the discussions on the budget for the military, every one of those discussions have been predicated on a world that might have existed as late as 1947, but no longer is viable; yet the American people will be taxed for $315 billion and over half of that will be for the so-called defense of a Europe that no longer exists.

There is a brandnew generation in Germany alone on the threshold of power that knows nothing about World War II. We may say our troops are there, 300,000 of them. The British have, oh, about 10,000. The French have a little less than that. But who was pointing out the nature of the partition of Germany? The war has not ended. As a matter of fact, I offer for the RECORD at this point an article appearing in the Christian Science Monitor. It is from Wednesday, February 20, 1985, in the International section on page 9 and it says, "Vogel and Kohl clip off political wings of West Germany party."

Part of that says that the West German legal position remains that final borders can be determined only by a peace treaty settling World War II, but Bonn would expect at a future time "freely legitimized" representative of the entire German people to recognize Polish needs.

In other words, there is strong sentiment resurrected in Germany, and by the way, I offer this article from the Christian Science Monitor as the second of the two exhibits, the first as I say and repeat was the Foreign Affairs article I read from.

[From the Christian Science Monitor, Feb. 20, 1985]

VOGEL AND KOHL CLIP OFF POLITICAL WINGS OF WEST GERMAN PARTIES

(By Elizabeth Pond)

BONN.—Consensus is coalescing once more in West German security and foreign policy.

Opposition parliamentary leader Hans-Jochen Vogel has just nudged his Social Democrats back toward the center with a speech in Brussels Feb. 18 dismissing the notion of neutrality for Germany. And Chancellor Helmut Kohl is moving to integrate hard-line postwar "expellees" from East Prussia into the Christian Democratic moderate mainstream.

Dr. Vogel's point is not new; the Social Democrats never have endorsed neutralism in the past quarter century, and their rejection of new NATO missile deployments in November 1983 was twinned with explicit reaffirmation of their commitment to NATO.

Nonetheless, Vogel's strong repudiation of a "special German road" to neutrality is taken as a rebuff to the few in his party who would attract leftist Green voters by endorsing German withdrawal from the NATO military alliance.

It is also taken as a rebuff to many grassroots activists who produced the party's overwhelming rejection of missile deployment in 1983. Vogel is not diverging from that position. But through his speech to NATO ambassadors he was also stressing to his followers that West Germany's security guarantee depends on the American nuclear umbrella and that this dependence must be appreciated rather than put at risk. Stability in Europe can only be maintained, he stated, when both German states remain firmly within their own alliances.

In reporting Vogel's speech, several conservative West German newspapers treated it as the strongest affirmation yet of Social Democratic adherence to the Atlantic alliance.

Social Democrats dispute this interpretation and say their adherence was never in question.

But Vogel's words do make it clearer, in the words of one moderate Social Democrat, that there should now be "no nonsense with simplistic anti-Americanism" in the party. In an effort to unite the wings of his party in the 1983 election at the peak of the anti-nuclear movement in West Germany, Vogel did encourage ambiguity in his own emphasis on "German interests" in discussing missile deployment.

Even as Vogel has been laboring to move his left wing back toward the center, so Chancellor Kohl has been laboring to shift his right wing back to the center.

After weeks of political circus in which the Silesian Germans laid implicit German claim to what is now western Poland, Kohl finally put an end to such speculation. The deputy majority leader in the Bundestag, Volker Ruhe, made a clear statement that West Germany seeks no revision of borders and views them as having a "binding political effect."

The West German legal position remains that final borders can be determined only by a peace treaty settling World War II, but Bonn would expect a future "freely legitimized" representative of the entire German people to recognize Polish needs in those former German territories that now belong to Poland. To the discomfiture of the older generation of post-World War II expellees from lands that are now Polish, Czech, or Soviet, Kohl personally endorsed Ruhe's statement.

The leaders of the older generation would like to leave the issue as ambiguous as possible in hope of winning future revision of borders—and the Soviet-bloc press has had a field day in citing expelless' statements to this effect as proof of dangerous German "revanchism."

Polls taken in recent weeks disclose that the vast majority of West Germans no longer share this hardline view, however. In an Emnid survey 76 percent thought Germans should accept the present Oder-Neisse line as the German-Polish border.

The pragmatic mainstream of Christian Democrats therefore hopes that the controversy of this past month has served to make it clear that old-fashioned hardline views toward the Slavs have no future here.

In this report of the entire German people to recognize Polish needs in those former German territories that now belong to Poland, but this is the heart of the matter, German reunification. Who speaks of that in our debates? What President has informed the American people that we must put on those spectacles and glasses to see the world as it is, not as we think it ought to be and that if we have had from the beginning the causes of so-called cold war confrontations, they stem from the inability to bring about an understanding after what we said was World War II. Everybody I talk to acts as if World War II was terminated. If it were, we would not have 300,000 of our troops in Germany alone. Obviously we have not obviously now and this is the first time I see any kind of news report that refers to the fact that they are expecting some time to have some kind of a peace treaty for World War II.

Do we not see that it is our children and our grandchildren and our great grandchildren, as I have said with respect to the countries closer to us and with whom we should be a lot more familiar, but we are not. We seem to be equally ignorant, whether it is middle Europe, south of the border, Southeast Asia or the Middle East. We go blithely and ignorantly into the most complex subjects.

But what is the motivating force? The motivating force is the fact that those really controlling the decision-making levels are these high powered entities. For we fight against principalities and great powers of corruption today. In the words of the poet Auden: What can one voice do to undo this folded lie?

Well, this is why we have the representative system in our country, be-

cause in this office we are charged under oath with trying to discharge and it is the only office that you cannot get here through appointment. You have to be elected by the people back home in that district and there is no other way to get here; but no nation, no matter how grandly it has inherited and has been the inheritor of great freedom, every generation has to fight the fight for freedom and liberty. Liberty and democracy is never won permanently. We have to work at it and the worst of slaves are corrupted free men. We have allowed ourselves to become corrupted and, therefore, we are in the process of selling our heritage for a mess of pottage.

Indeed, and in fact, we have, I repeat, been sold down the river by these vast interests whose only allegiance is to money making; the more the better, and never satiated and the history of the world is a clear indication that those voices no matter under what clime, in what country, are insatiable and heedless of the greatest interests of the greatest number.

□ 1600

At this point I include in the RECORD also two articles. The first one appeared in the business section last Thursday, February 21, of the New York Times, and is entitled "Easing by Fed Called at an End." The second one would be from the Washington Post, also Thursday, February 21, last week, and it is headed "Fed Stops Easing Monetary Policy."

The articles referred to follow:

EASING BY FED CALLED AT AN END

(By Robert D. Hershey, Jr.)

WASHINGTON, February 20.—Paul A. Volcker, chairman of the Federal Reserve Board, said today that the Fed had ended the progressively easier credit policy it adopted in the final months of last year, when the economy slowed sharply enough to raise fears of a recession.

Revival of the business expansion, which most Fed officials think will result in healthy "real" growth of 3½ to 4 percent this year, has now prompted the central bank to supply credit "a bit more cautiously," Mr. Volcker told the Senate Committee on Banking, Housing and Urban Affairs in his eagerly awaited semiannual report to Congress on the Fed's monetary policy objectives.

"I would not call that a tightening at this point—but a little more caution," he said.

INTEREST RATES CLIMB

Although Mr. Volcker was confirming what most market operations had suspected in recent weeks, his statement was said to have contributed to a sharp increase in interest rates in the money markets today as bond prices fell.

Prices moved down half a point early in the day as Mr. Volcker testified, then drifted gradually lower and declined sharply in late trading. The bellwether 11¼ percent Treasury bond due in 2015 was offered at 97⅝ late in the day, down 1⅜ points, to yield 11.53 percent.

Mr. Volcker, whose two-hour appearance attracted an overflow audience that was accommodated only by piping the proceedings into a second hearing room, also made these points in a wide-ranging discussion of economic conditions:

The United States is "living on borrowed money and time" because of its heavy reliance on foreign investors to finance its large budget deficits.

The Fed remains committed to fighting inflation, which, though greatly suppressed, is still running at about the 4 percent level that prompted the imposition of wage and price controls in the 1970's.

Government intervention in the currency markets, such as to reduce the international value of the dollar, must be used with great restraint and generally only to supplement market forces.

TARGETS DISCLOSED

And although two Senators pleaded with him today to remain in his post, Mr. Volcker avoided giving any clue about whether he would serve out his full term as chairman, which runs until mid-1987. As he has in the past, Mr. Volcker said he had not made "any commitments, one way or the other."

Mr. Volcker also disclosed that the Fed's 1985 target for the M-1 money supply—the narrowest measure but the one generally regarded as the most important—would be a range of 4 to 7 percent, the same as provisionally announced last July. The actual 1984 growth was 5.2 percent, when the target range was 4 to 8 percent.

However, the central bank, at its Federal Open Market Committee meeting last week, did decide to raise the ceiling of the broader M-2 and M-3 measures by half a point from the tentative July levels.

M-2 is now set to grow 6 to 9 percent, reflecting what Mr. Volcker called "a technical judgment" that is could expand more in line with income growth this year because of somewhat slower growth in velocity, a gauge of how intensely money is used. M-3, which exceeded its target last year, is to grow in a 6 to 9½ percent range in 1985.

BUDGET DEFICIT CUTS URGED

Mr. Volcker took today's appearance as yet another opportunity to press Congress to take action to cut the Federal budget deficit by a minimum of $50 billion in the upcoming fiscal year, preferably through curbs on spending but with tax increases if necessary.

"The Federal Reserve can theoretically run the modern equivalent of the printing press—we can create more money," Mr. Volcker asserted. "But more money is not the same as correcting the gross imbalance between our ability to generate real savings and the demands for those savings posed by housing, by investment and by the Federal deficit.

"To create money beyond that needed to sustain orderly growth would be to invite renewed inflation—damaging incentives to save in the process."

EFFECTS OF A STRONG DOLLAR

Foreign investors have recently been financing half the deficit, Mr. Volcker noted, but the strong dollar that has helped attract this money has the adverse consequence not only of building up debt that must someday be repaid but also of inflicting heavy damage on key sectors of the economy, such as manufacturing and agriculture.

"No doubt bad monetary policy could drive the dollar down—a monetary policy that aroused inflationary expectations, undermined confidence and drove away foreign capital," Mr. Volcker said. "But then, how would we finance our investment and our budget deficit?"

Mr. Volcker, questioned about the current farm credit situation, acknowledged its gravity but said he could envision no policy that could prevent many farmers or rural banks from failing.

FED STOPS EASING MONETARY POLICY

(By John M. Berry)

Federal Reserve Chairman Paul A. Volcker said yesterday that the central bank stopped easing its monetary policy last month, a step that means the five-month slide in short-term interest rates probably is over.

With both the money supply and the economy growing more rapidly than they were last fall, Volcker told the Senate Banking Committee that the easing of policy, which began last August and helped foster a 3-percentage point drop in some rates, was ended to prevent "overshoots" in money growth and possible inflation problems later.

But Volcker also stressed that the Fed has not begun to tighten policy and that it intends to supply enough money and credit in 1985 for the economy to grow at about a 3½ percent to 4 percent pace. That should be fast enough for the civilian unemployment rate—7.4 percent last month—to fall below 7 percent by the fourth quarter of this year, he said.

Nevertheless, some of the technical details in the Fed's semi-annual report to Congress on monetary policy indicated that it anticipates that short-term interest rates probably will rise later this year as the economic expansion continues, analysts said.

Financial market participants took a bearish reading of Volcker's remarks, and both short-term and long-term rates rose moderately during the day.

The Federal Reserve's policy making group, the Federal Open Market Committee, which met last week to review the economic outlook and set official targets for money supply growth for this year, expects the inflation rate also to be in the 3½ percent to 4 percent range, Volcker said. The Fed's inflation projection is slightly more optimistic than that of Reagan administration and the Congressional Budget Office.

The Fed's forecast of 3½ percent to 4 percent growth in the gross national product, adjusted for inflation, falls between the administration's 4 percent forecast and the CBO's 3.4 percent.

"Economic growth is expected to remain strong enough in 1985 to produce some further decline in unemployment, with little, if any, pickup in inflation," Volcker told the Banking Committee. "But we must not be beguiled by those tranquil forecasts into any false sense of comfort that all is well. If the enormous potential of the American economy for growth and stability—not just for 1985 but for the years beyond—is to become reality, we need a sense of urgency, not of relaxation."

The Fed chairman noted that inflation is still "in the neighborhood of 4 percent" and that some sectors of the economy, such as farming, are still in deep trouble. Meanwhile, the nations' trade deficit has risen, and only a large net inflow of foreign capital is keeping some interest rate-sensitive sectors from being "crowded out" of financial markets by borrowing to finance the federal budget deficit.

"Looking ahead," he declared, "the stability of our capital and money markets is now

dependent as never before on the willingness of foreigners to continue to place growing amounts of money in our markets. . . . But we are in a real sense living on borrowed money and time."

Volcker urged Congress to use that time to find ways to reduce prospective federal budget deficits, raising taxes to do so if enough spending cuts cannot be found.

In his report on monetary policy, Volcker said that the Federal Open Market Committee, or FOMC, reaffirmed the tentative target set last July for 1985 growth of the money measure M1 of 4 percent to 7 percent. The target ranges for growth of the broader money measures M2 and M3, both tentatively set at 6 percent to 9 percent, were expanded to 6 percent to 9½ percent, primarily for technical reasons, Volcker testified.

The policy group also decided that, given the recent slower pace of the economic expansion, it would be better to have money growth somewhat faster than that early this year and slower later in the year. In addition, the FOMC concluded that if the relationship between money growth and economic growth behaves as expected this year, it would be appropriate for M1 to remain above the midpoint of the 4 percent to 7 percent range for the entire year.

Some administration officials, such as William A. Niskanen Jr. of the Council of Economic Advisers, have been urging that the Fed adopt precisely that approach for 1985.

Furthermore, Volcker explicitly said that the sharp rise over the last three months in M1—which includes currency in circulation and checking deposits at financial institutions—and M2—a broader measure that also includes savings deposits, most money market mutual fund shares and other items—has not left them too high relative to the Fed's targets.

"As a matter of economics and policy, rather than graphics, the [FOMC] is not disturbed by the present level of M1 and M2 relative to its intentions for the year," he told the Banking Committee. "It contemplates that, as the year progresses, growth will slow consistent with the target ranges."

The "graphics" to which Volcker referred is the practice of both the Fed itself and many financial market analysts of depicting the target range for money growth month-by-month as a cone with its point placed at the money level for the fourth quarter of the previous year, the base from which the growth is calculated. Showing the range this way implies the Fed regards it as much narrower early in the year than later when the cone is much wider.

Volcker said that the Fed did not regard itself as constrained in the fashion implied by these graphics and that the target range could as well be illustrated by a set of parallel lines instead of a cone. His testimony included a chart showing both approaches, as was done at least once in similar testimony several years ago.

Some analysts have regarded the Fed as, in fact, feeling constrained to keep money growth within the implied narrow band early each year. Currently, some of these analysts have been arguing that with money growth above the upper limit of the target range, as depicted by the cone, the Fed would have to reduce the flow of reserves to financial institutions to slow down money growth. Any such action would be accompanied by rising interest rates.

What do those things mean? What does it mean?

Is not Mr. Volcker the Chairman that comes to us in the Banking Committee and says "We don't have any control. Rates of interest are acts of God. We can't control them. What you ought to do is just cut spending; that is the culprit, or the deficit."

But now the most monstrous deficit in the history of any country, and with nothing being done to insure we will not confront it every year for the next decade, does the chairman say there is a tie-in? No.

But what does he say? And the way I interpret what he told us is the same thing the former Chairman did in 1972, for political reasons. The way our policies work today, the way the American people have given up the greatest single power any people could have inherently, which Thomas Jefferson time after time was aroused to speak up, and even Alexander Hamilton, who today would be labeled conservative and all of that stuff, I detest because they are just as inaccurate as they can be. Even he and then Andrew Jackson, and then during the Civil War there at the end, the last week before he was killed, Abraham Lincoln had that primarily on his mind, and that was who was going to determine the great power of the allocation of credit resources in this great Nation? Is it going to be the banking element or is it going to be the people, through their Representatives in the Congress and in the White House, the Presidency and the Vice Presidency?

Those Presidents were very clear and clear down to Woodrow Wilson, who is the last one that inveighed against it. After that, the processes are such that today the way our system works was the way it used to work with the exchequer in England until they put a stop to it, because they could see that either the people control their destiny or the interests that never have changed since the time 7,000 years before Christ, in the Code of Hamurabi where they had to pass laws against usury, greed, unconscionably so.

Should anybody be surprised in America today really who stops to think about it that we should be afflicted with these maladies: businesses going under at parralel rates to the depression? But what businesses? Small businesses.

The great, great giants using the credit allocations of the banking systems for what? For nonproductive aggrandizement of more and more power and concentration to the point where there is only a handful of corporations in this country that control the entire destiny and economic well-being, the fiscal policies, the monetary policies of our country.

Who cares about that? Our President is carrying out his role as an actor. Unfortunately, he is an actor that has to have a script and it is the script writers that have worried me all along because the script writers are representative of those authorization forces that every society produces but which no democratic society can tolerate the mastership of those forces.

What it means is that Mr. Volcker has decided that the election is over with, the temporary easing of credit gave the President a good, fertile political ground to get reelected on. Arthur Burns, his predecessor, did it in 1972. They get very wrathful and say, "How dare you accuse us of having political motivations." But the facts are there and everybody knows it except, naturally, they cannot own up to it.

I also at this point would introduce into the RECORD the fourth exhibit which I took also from this magazine article, but it in turn took it from the U.S. Department of Commerce. It shows on a graph the current account balance, the merchandise trade balance, the net foreign balance, the net foreign investment.

[Chart referred to not reproduced in RECORD.]

I said last week and the week before last that the biggest single issue, fatal if not resolved, to our country is not so much the domestic deficit, which is serious, yes, but obviously this President feels he can temporize and live with it. But what he cannot and what no country can, in fact, is the international imbalance which as of December 31, 1984, had reached the monstrous size, never in the history of any country, of $133 billion.

Why is it disastrous? For every one of the $10 billion of the $133 billion, for every one of the $10 billion, you had half a million or close to it of American workers losing their jobs permanently, forever.

Who cares about that? None of the Presidential candidates even discussed it during the campaign. Why? I do not know. If it was not, the American people could not have been given a viable choice. They simply were not informed, I think.

Also in connection with this chart I offer another article appearing on Tuesday, February 19, 1985, on page 11 of the international section of the Christian Science Monitor. It is entitled "Thatcher Leaves Her Woes Behind; Arrives in U.S. for Discussions."

She came here and she spoke to a joint session of the Congress. The President and those surrounding him have had such remarkable ability for PR, for public relations, that the headlines the next day were "Maggie Thatcher Endorses Ronald Reagan's Star Wars."

Well, there was no such thing of the kind. All Mrs. Thatcher said was, "Look, Ronnie, if you are determined to go into this, we see no wrong in your trying to d—" what? Research.

"But, don't you dare produce unless you first get our consent."

And you have shown us that you have done what you said you would do last year when you announced this, that you would also make available—to whom—to the Russians—that the President says is an empire of evil and our enemy, and one with which inevitably we must war.

What Mrs. Thatcher really came for was just as unreported as what the state of the unions are noted for nowadays, as what they leave out rather than what they contain. And in this article from the Christian Science Monitor it says:

With the pound floundering at its historically lowest levels, Mrs. Thatcher will have a chance to voice her opinion that a high dollar and the huge U.S. budget deficit are largely the culprits.

Of what? Of their problems in Europe.

And then further down:

At their last meeting Reagan assured Thatcher that the strategic defense initiative [SDI], better known as "Star Wars," would not be deployed before the U.S. had conducted negotiations on SDI with the Soviets. The British have indicated that they approve of SDI research; testing is another matter.

On the fiscal side, Thatcher is expected to tred cautiously on the issue of the huge U.S. deficit * * *.

But some of her closest advisers have been less restrained. The Chairman of the Conservative Party, John Selwyn Gummer, whose views are close to Thatcher's, accused the U.S. last week of "importing the world's savings and exporting its inflations" through high interest rates.

He took issue with the notion that the United States would become stronger by making other countries weaker. Thatcher will put it more diplomatically.

□ 1610

The only place I saw that discussed at all was in this report in the Christian Science Monitor.

The fact is that we have reached a point where the United States, first, self-induced, then globally, a gigantic distortion in the international financial picture. It would never do anything about protecting its own citizens, such as the farmers. We are the only country that does not have a grain board, for instance.

It can have one, everybody else does. They control their grain. We are at the mercy of the principal grain companies that are headquartered in Brussels, Belgium, in Argentina or in London. I do not think we should expect them to have foremost the interests of the American farmers. They are in the speculative business; they are not in the business to look out for the interests of the greatest number in America. We are in effect hostages, worse than the diplomats in Iran. You know, that made the news. It looked horrible and it was horrible. But that was nothing. We are today hostage to the foreign, fickle, financial interests that have such powers that they can overnight create the failure of the Continental Trust Bank in Illinois.

So that for each and every one of these manifestations over the course of 20 years, I have advanced at different points specific, specific and anticipatory, anticipatory either resolution or specific bills so that when I have taken the floor it is not merely, as the President said last year, where he did not call himself a prophet of gloom or doom when he was saying earlier in the year that disaster was around the corner when his own Secretary of the Treasury was saying the same thing; but then the campaign got into high gear and anybody that said, "Hey, look, Mr President, the way you are heading, you are headed over that precipice," well, you were a prophet of gloom and doom.

I not only have spoken out at a time when these forces were not in place but anticipating them because I did not have to be a prophet, I did not have to be a particular expert. I sat, and for 10 years I was chairman of the Subcommittee on International Finance. I always make it a point to work hard at my assignments We had seen these things.

In 1970 right about the time that a fellow Texan was named Secretary of the Treasury, I saw what just $8 billion of quick, sudden flight of what they call hot money in Germany would bring, and shake the whole wave. You touch one end and the whole wave shakes. I raised questions which then were never answered which, as I have said in the RECORD before, all through my life, before I was in political endeavor and after, if a question is not answered I am not satisfied. Either I will not vote for the bill now or I continue, head on, until shown definitely that I am wrong. But if a question is not answered, I will not yield.

These questions have not only not been answered but they have not even been addressed. So we do not have to be experts. We knew just as surely as 2 plus 2 equals 4 that we were headed for the type of situation which today is quite uncontrollable. The President acts as if the United States can still unilaterally control its destiny. Forces of such magnitude, some of which we helped propel, impinge upon us externally to the point that no matter what we do domestically it can be undone overnight.

We have allowed ourselves to become, just like a Third World country, owned by absentee owners in our key endeavors whether it is finance in the banks, whether it is in oil production.

By the way, I heard earlier during the discussion on the special order on the so-called disarmament, reference to Russia as a country that did not mean much economically.

Well, let me say that Russia outproduces us in petroleum. As a matter of fact, when we talk about such things as the defense systems, and as I said over half of the $315 billion that we are going to tax the American people for so-called defense, is it defense or is it illusion when you predicate it on a world that isn't any longer so?

I think the best example should have been what happened about a year and a half ago when the President did not want our so-called Western European allies to build that pipeline, the gas pipeline from Russia, from over in Siberia, and they built it. But why did the President shut up? Because it was soon obvious that the financial interests behind that are really American. The company bringing in the gas is called Ruhr Gas, based in the Ruhr. But the principal owners are Mobil and Exxon, who in turn are principally owned by Chase Manhattan, the First City National Bank, Chemical Trust and a couple of the others.

This is how intertwined these things are. You cannot separate one segment of our society from the other. We are all in the same boat and we had better, we had better regain control of our destiny, our basic economic destiny.

Mr. Speaker, the article to which I refer is as follows:

[From the Christian Science Monitor, Feb. 19, 1985]

THATCHER LEAVES HER WOES BEHIND, ARRIVES IN U.S. FOR DISCUSSIONS

(By David Winder)

LONDON.—Margaret Thatcher's packed Washington trip, which begins today, could not have come at a more opportune time for her.

With the pound floundering at its historically lowest levels, Mrs. Thatcher will have a chance to voice her opinion that a high dollar and the huge United States budget deficit are largely the culprits.

But she will not, to quote one of her advisers, "come in with handbags flailing," since she has no intention of upsetting Congress, which she is to address in joint session Wednesday.

Nor, with the Geneva arms talks just around the corner, will she want to mar her close relationship with President Ronald Reagan.

Thatcher reflects the European component in East-West relations. Her grasp of the complexities of the arms talks has won Mr. Reagan's respect and given her defense views—particularly on the "star wars" program—a sympathetic hearing in Washington.

Thatcher will be accorded a special celebrity status during her visit this week. In addition to speaking to Congress, she plans to meet with the President and with many prominent representatives on the Hill. She will be inteviewed on all three major television networks. All of this should prove a welcome respite from the discontent she faces at home.

Thatcher's enthusiasm for international travel has been whetted by her domestic difficulties, says one Whitehall official. She has just had one of her toughest fights yet

in the House of Commons—over the government's handling of the Falklands war. Unemployment refuses to come down, while the pound finds it hard to go up.

But while her domestic standing has seldom been lower, her international flag, by a strange irony, is flying high.

Within the last year, she has done much to mend fences with her main European allies, France and West Germany, Anglo-US relations, despite differences over Grenada, are warm. Her government is credited with skillfully negotiating with China and Spain over the future of Hong Kong and the reopening of the Spanish-Gibraltar border.

During her talks with Reagan, Thatcher will probably focus on nuclear arms control. She has been promised a detailed account of the proposals the US will make at next month's Geneva talks.

At their last meeting, Reagan assured Thatcher that the Strategic Defense Initiative (SDI), better known as "star wars," would not be deployed before the US had conducted negotiations on SDI with the Soviets. The British have indicated that they approve of SDI research; testing is another matter.

On the fiscal side, Thatcher is expected to tread cautiously on the issue of the huge US deficit, which she says adversely affects the level of all currencies—not just the pound.

But some of her closest advisers have been less restrained. The chairman of the Conservative Party, John Selwyn Gumeer, whose views are close to Thatcher's, accused the U.S. last week of "importing the world's savings and exporting its inflations" through high interest rates. He took issue with the notion that the US could become stronger by making other countries weaker.

Thatcher will put it more diplomatically.

RULES OF THE COMMITTEE ON APPROPRIATIONS FOR THE 99TH CONGRESS

(Mr. WHITTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matters.)

● Mr. WHITTEN. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit for publication in the CONGRESSIONAL RECORD a copy of the rules of the Committee on Appropriations for the 99th Congress as approved by the committee on February 6, 1985:

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS COMMITTEE RULES

(Adopted for the 99th Congress on Feb. 6, 1985)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the Ninety-eighth Congress, except as otherwise provided hereinafter, shall be, and are hereby adopted as the rules and practices of the Committee on Appropriations in the Ninety-ninth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcommittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority. Provided, however, that party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each member not mentioned in subsections (a), (b) (c) or (d) of this section may select and designate a staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives: Provided, That no member shall appoint more than one person pursuant to subsections (a), (b), (c), (d), or (e); Provided further, That members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(f) In addition to any staff members appointed pursuant to any other subsection of this section, each Member may select and designate one additional staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to this subsection; Provided further, That Members designating an additional staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirements of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee

Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House and all Members of the House shall have access thereto.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Sec. 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that day may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the Rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; *Provided*, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of Members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings:

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Sec. 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No subcommittee shall sit while the House is reading an appropriations measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriation bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Sec. 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action on all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendation shall be report-

ed from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance with Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Sec. 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general appropriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability or Reports—A copy of each bill, resolution or report shall be made available to each Member of the Committee at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report: Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the Full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Sec. 202(b) of the Legislative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only be a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable the Chairman shall direct the head of each government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed no later than sixty days following completion of the travel with the Chairman for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman or would be eligible to become chairman of an Appropriations subcommittee under the rules of the Majority

Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee subject to the approval of the Majority Caucus. But if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.●

RULES OF THE COMMITTEE ON THE BUDGET FOR THE 99TH CONGRESS

(Mr. GRAY of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. GRAY of Pennsylvania. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the RECORD the rules of the Committee on the Budget which were adopted by the committee in open session January 31, 1985:

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET

Adopted January 31, 1985, 99th Congress, 1st Session

MEETINGS

Rule 1—Regular meetings [1]

The regular meeting day of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

Rule 2—Additional and special meetings

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance whild Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 3—Open business meetings

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1). No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

Rule 4—Quorums

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 5—Recognition

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 6—Consideration of business

Measures or matters may be placed before the Committee, for its consideration, by the Chairman or by a majority vote of the members of the Committee, a quorum being present.

Rule 7—Procedure for consideration of budget resolutions

In developing a concurrent resolution on the budget, the Committee shall first proceed, unless otherwise determined by the Committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the Committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 8—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present.

Rule 9—Proxies

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the members assigning his or her vote and shall contain the date and time of the day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 10—Parliamentarian's status report

In order to carry out its duty under section 311(a) and (b) of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed upon concurrent resolution on the budget, the Committee shall periodically advise the Speaker as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the Committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

HEARINGS

Rule 11—Announcement of hearings

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least one week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

Rule 12—Open hearings

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g)(2) the Task Forces of the Committee are considered to be subcommittees.

*Rule 13—Quorums**

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

Rule 14—Time for questioning witnesses

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires had had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and oaths

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such member.

The Chairman, or any member of the Committee, may administer oaths to witnesses.

Rule 16—Witnesses' statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall

[1] Written rule required by House Rules.

be distributed to all members of the Committee in advance of delivery.

Rule 17—Committee prints

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

Rule 18—Broadcasting of meetings and hearings

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, radio, television, and still camera equipment may be excluded from the Committee room by a majority vote of the Committee, a quorum being present.

STAFF

Rule 19—Committee staff

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff, shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives, *provided*, That no member shall appoint more than one person pursuant to these provisions, *provided further*, that members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint no fewer than five staff, recommended by the minority members, who shall provide staff assistance to the minority members.

Rule 20—Staff supervision

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

Rule 21—Preparation and maintenance of committee records

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to committee records

The Chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

APPLICABILITY OF HOUSE RULES

Rule 23—Applicability of House rules

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

Rule 24—Appointment of conferees

Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the Committee.●

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES FOR THE 99TH CONGRESS

(Mr. JONES of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of North Carolina. Mr. Speaker, pursuant to rule XI(2)(a) of the House of Representatives, I offer the rules of the Committee on Merchant Marine and Fisheries for the 99th Congress, which were adopted at the committee's organizational meeting February 7, 1985, and request that they be published, in toto, in the CONGRESSIONAL RECORD.

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, 99TH CONGRESS

RULE I. APPLICABILITY OF HOUSE RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees.

RULE II. JURISDICTION

As established in Rule X of the House Rules, the jurisdiction of the Committee on Merchant Marine and Fisheries is:

(1) Merchant marine generally.

(2) Oceanography and Marine Affairs, including coastal zone management.

(3) Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.

(4) Fisheries and wildlife, including research, restoration, refuges and conservation.

(5) Measures relating to the regulations of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment and fire protection on such vessels.

(6) Merchant marine officers and seamen.

(7) Navigation and the laws relating thereto, including pilotage.

(8) Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.

(9) Registering and licensing of vessels and small boats.

(10) Rules and international arrangements to prevent collisions at sea.

(11) United States Coast Guard and Merchant Marine Academies, and State Maritime Academies.

(12) International fishing agreements.

RULE III. FUNCTIONS

(A) General Oversight Responsibilities—

(1) The Committee shall review and study, on a continuing basis:

(a) the application, administration, execution, and effectiveness of those laws, or parts of laws, within its jurisdiction;

(b) the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution of these laws in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated; and

(c) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within its jurisdiction (whether or not any bill or resolution has been introduced with respect thereto).

(2) The Committee shall undertake future research and forecasting on matters within its jurisdiction.

(3) The Committe shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction.

(B) Annual Appropriations—In its consideration of all public bills and joint resolutions, the Committee shall insure that appropriations for continuing programs and activities will be made annually to the maximum extent feasible and consistent with the nature, requirements and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(C) Views and Estimates—On or before March 15 of each year, the Committee shall submit to the Committee on the Budget:

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

RULE IV. SUBCOMMITTEES

(A) Applicabliity of Committee Rules—Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each of its Subcommittees. Each Subcommittee is a part of the Full Committee and subject to its authority, direction, and Rules.

(B) Standing Subcommittees—There shall be six standing Subcommittees—The Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography; the Subcommittee on Panama Canal/Outer Continental Shelf; and the Subcommittee on Oversight and Investigations.

(C) Other Subcommittees—The Chairman, or a majority of the Committee, may establish, as determined to be appropriate for the conduct of Committee business, other special, select, or ad hoc committees.

(D) Subcommittee Membership—

(1) The ratio of Majority Members to Minority Members on Subcommittees, including Ex Officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(2) A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of a vacancy. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(E) Ex Officio and Other Committee Members—

(1) The Chairman and the Ranking Minority Member of the Full Committee shall serve as Ex Officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member. They shall have the right to participate fully, including the right to vote on all matters before the Subcommittees, but shall not be counted in establishing the requirements of, or in determining, a quorum.

(2) Any Member of the Committee may sit with any Subcommittee of which he or she is not a Member during its hearings or meetings (including closed meetings) and participate therein, but may not vote on any matter, or be counted present for the purpose of determining a quorum, or raise points of order, or, except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule.

(F) Subcommittee Meetings—

(1) Subcommittees may hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee.

(2) Dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to, and in accordance with, workloads.

(3) Subcommittees shall not meet at the same time as the Full Committee without the express permission of the Chairman of the Committee.

(G) Joint Subcommittee Markup—When two or more Subcommittees meet jointly to take action on any measure or matter, each Member shall be entitled to one vote on each amendment, motion, order or proposition.

RULE V. MEETINGS

(A) Regular Meetings—The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, 1334 Longworth House Office Building, while Congress is in session. This meeting may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, if there is no business.

(B) Additional Meetings—The Chairman may call and convene additional meetings.

(C) Meeting Notices—

(1) The date, time, place, and subject matter of meetings shall be announced to all Members of the Committee and the public at least one week in advance. If the Chairman, in consultation with the Ranking Minority Member, determines this is not possible, a public announcement and oral and confirming written notice to Committee Members shall be made at the earliest possible date.

(2) All meeting notices shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(3) All Committee Members shall have adequate notice prior to Committee or Subcommittee investigations or hearings at locations other than Washington, D.C.

(D) Special Meetings—

(1) Three or more Committee Members may file with the Committee Clerk, a signed, written request to the Chairman for a special meeting of the Committee, specifying the measure or matter to be considered.

(2) If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file with the Committee Clerk their signed, written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Only the measure or matter specified in that notice may be considered at that special meeting. Immediately upon the filing of that notice, the Clerk of the Committee shall notify all Members of the Committee of the special meeting.

(3) The above procedures also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting is two, and a majority of the Members of the Subcommittee must file their signed, written notice with the Subcommittee Clerk.

(E) Conflict with Party Caucus or Conference—When a Party Caucus or Conference of either Party directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled. The Clerk of the Committee shall give oral and confirming written notice to that effect to all Committee Members. The Chairman shall reschedule the meeting at the earliest practical time.

(F) Prohibition Against Meetings During Five-Minute Rule—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

RULE VI. COMMITTEE PROCEDURE

(A) Applicability of House Procedure—The procedure in the Committee and its Subcommittees shall follow the procedure of the House.

(B) Referral of Legislation—

(1) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(2) The Chairman may refer any measure or matter simultaneously to two or more Subcommittees for concurrent consideration, or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

(C) Power to Sit and Act and Subpoena Power—

(1) For the purpose of carrying out any of its functions and duties under Rules X and XI of the House of Representatives, the Committee, or any Subcommittee, is authorized:

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned;

(b) to hold hearings; and

(c) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (1)(c) in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority being present.

(3) The power to authorize and issue subpoenas is also delegated to the Chairman of the Full Committee.

(4) Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(5) Compliance with any subpoena issued by a Committee or a Subcommittee may be enforced only as authorized or directed by the House.

(6) The Chairman of the Committee, or any Member designated by the Chairman, may administer oaths to any witness.

(D) Presiding Officer—The Chairman shall preside at meetings. If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member present shall preside.

(E) Vice Chairman—The Ranking Majority Member shall be designated Vice Chairman.

(F) Quorums for Meetings, Markups, and Hearings—

(1) Except as provided below, one-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business.

(2) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(3) Testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(4) Proxies may not be counted for a quorum.

(G) Open Meetings—Each business meeting, including the markup of legislation, of the Committee and its Subcommittees shall be open to the public, except as provided below.

(H) Closed Meetings—

(1) The Committee of Subcommittee, by a rollcall vote in open session and with a majority present, may determine that all or a part of the remainder of the business meeting, including the markup of legislation, on that day shall be closed to the public.

(2) If the meeting or markup is closed, no person other than Members of the Committee, and Congressional staff and departmental representatives as the Members may authorize, may be present.

(3) Any meeting that relates solely to internal budget or personnel matters may be closed by the Chairman after consultation with the Ranking Minority Member.

(I) Closed Hearings—

(1) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

(2) Notwithstanding paragraph (1), a majority of those present, if the number required for the purpose of taking testimony are present, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or tend to defame, degrade or incriminate any person.

(3) The Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(4) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House of Represenatives, by majority vote, authorizes the Committee or the Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures for closing hearings to the public.

(J) Investigative Hearings—

(1) The Chairman shall announce in the opening statement the subject of the investigation.

(2) Except as provided by the rule for closing an investigative hearing, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(3) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(4) At the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(K) Closed Investigative Hearings—

(1) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(2) The Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) In either case, the Committee shall afford such person an opportunity voluntarily to appear as a witness, and shall receive and dispose of requests from such person to subpoena additional witnesses.

(L) Questioning of Witnesses—

(1) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing.

(2) After completing his questioning, the Chairman shall recognize the other Members beginning with the Ranking Minority Member and the Ranking Majority Member, and thereafter, alternating between Minority and Majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Each Member may request up to five minutes in each round of questioning. Additional time may be extended at the discretion of the Chairman.

(M) Minority Witnesses—A amjority of the Minority Members shall be entitled, upon request to the Chairman before the completion of any hearing, to call witnesses with respect to that measure or matter during at least one day of hearing.

(N) Points of Order—No point of order shall lie with respect to any measure reported by the Committee on the ground that hearings on the measure were not conducted in accordance with the Rules governing open or closed hearings, public notice of hearings, or the requirements for advance filing and summarizing of statements by witnesses; except that a point of order on these grounds may be made by any Member of the Committee if, in the Committee, the point of order was timely made, and improperly overruled or not properly considered.

(O) Ordering of Rollcall Votes—A rollcall vote may be ordered by one-fifth of the Members present.

(P) Proxies—

(1) A Member may vote by proxy only on a specific measure or matter and any amendments or motions pertaining to it; except that a Member may authorize a proxy for all motions to recess, adjourn, or other procedural matters.

(2) In order to be considered a valid and duly executed proxy, the proxy authorization must: be in writing; assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee; designate the person who is to execute the proxy authorization; and be signed by the Member assigning his or her vote, noting the date and time that the proxy was signed.

(3) For a proxy to be valid in sessions on succeeding days, it must be stipulated in the proxy, and if not stipulated, cannot be voted.

(4) All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted.

(5) Points of order as to the validity of proxies must be made at the time the proxies are voted.

(6) Proxies may not be counted for a quorum.

(Q) Limitation on Floor Action Under Suspension of the Rules—No bill which directly or indirectly authorizes the expenditure of over $1 million in federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless:

(1) the changes are purely technical and conforming; or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

RULE VII. WITNESSES

(A) Advance Testimony Requirements—A witness shall not be permitted to testify or present evidence, nor will any statement or testimony be included in the Committee hearing record, unless seventy-five copies of the testimony have been delivered to the Clerk of the Committee at least twenty-four hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. At least ten of these copies must be delivered at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. These requirements may be waived only by the Chairman.

(B) Written Summary—Each prepared statement of ten pages or more shall include a summary which may not exceed five pages in length.

(C) Federal and Administrative Witnesses—To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on the matters pending before it.

(D) Ten Minute Oral Testimony—Witnesses will be allowed no more than ten minutes to orally summarize their prepared statement. The full statement will be made a part of the record.

(E) Investigative Hearing Witnesses—

(1) A copy of the Committee rules shall be made available to each witness.

(2) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(3) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(4) A witness may obtain a transcript copy of this testimony given at a public session or, if given at an executive session, when authorized by the Committee.

(F) Responses-Information for the Record—Responses to Members' or staff questions and other information offered for the record, shall be submitted, in triplicate, to the Committee Clerk within 45 days from the time of the request. One copy will be retained by the Clerk for printing and the remainder transmitted to the appropriate Majority and Minority Counsels.

RULE VIII. BROADCASTING OF COMMITTEE MEETINGS

The Chairman may permit any public hearing or meeting to be televised, broadcast by radio, photographed, or otherwise recorded, subject to the following requirements.

(1) At the request of any Committee Member present, a majority vote must be taken to permit the use of such equipment during the hearing or meeting.

(2) Radio and television tapes and television film of any coverage shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(3) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of these Rules.

(4) If the television or radio coverage of the hearing or meeting is live, it shall be conducted and presented without commercial sponsorship.

(5) All persons providing coverage of the meeting shall be accredited to the appropriate Gallery.

(6) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all recorders or microphones used for coverage shall be turned off.

(7) The number of television cameras allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, the allocation among the television media of these positions shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(8) Members of the media and their equipment shall not obstruct in any way the space or visibility between any witness and any Member of the Committee nor obstruct unnecessarily coverage by the other media.

(9) No audio-visual equipment will be allowed on the dais without the express prior approval of the Chairman.

(10) Fixed audio-visual equipment shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(11) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(12) The number of still photographers allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, allocation among this media shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers. Preference shall be given to photographers from Associated Press Photos and United Press International Newspictures.

RULE IX. COMMITTEE RECORDS

(A) Votes—

(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a rollcall vote is demanded.

(2) The result of each rollcall vote—including a description of the issue, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting—shall be available for inspection by the public at reasonable times in the offices of the Committee.

(B) Separate Files—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chairman. These records shall be the property of the House and all Members of the House shall have access.

(C) Permanent Records—The Clerk of the Committee shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitons, and other papers referred to the Committee, together with all evidence taken by the Committee under the order of the House during that Congress and not reported to the House.

(D) Open Hearings—

(1) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after that Member has had an opportunity to examine and approve them. No more than forty-five days after the conclusion of hearings, the transcript shall be closed and no further changes may be made.

(2) In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the General Printing Office for publication.

(E) Closed Meetings—Transcripts and records of closed meetings shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the office of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session transcripts and records be taken from the Committee offices by anyone.

(F) Markup Transcripts—In no event shall markup transcripts and records be taken from the Committee offices by anyone.

RULE X. COMMITTEE REPORTS AND PUBLICATIONS

(A) Activities Report—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on its activities under Rules X and XI of the House during the Congress ending at noon on January 3 of that year.

(B) Procedures for Reporting—

(1) The Chairman shall report or cause to be reported promptly to the House any measure approved by the Committee and shall take or cause to be taken necessary steps to bring the matter to a vote.

(2) The report of the Committee on an measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of this request, the Clerk of the Committee shall immediately notify the Chairman.

(C) Minority, Supplemental or Additional Views—

(1) Members of the Committee must give notice to the Committee Clerk of intention to file supplemental, minority or additional views within twenty-four hours after the time of approval of any measure or matter by the Committee (excluding Saturdays, Sundays and legal holidays).

(2) Members shall be entitled to not less than three calendar days (excluding Saturdays, Sundays and legal holidays) from the time of approval of any measure or matter, in which to file such views, in writing and signed by that Member, with the Clerk of the Committee.

(3) the provisions of subparagraphs (1) and (2) do not preclude—

(a) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this paragraph, or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(D) Committee Report Requirements—Committee Reports shall be printed in a single volume and include the following:

(1) with respect to each rollcall vote to report any bill or resolution, the total number of votes cast for and against, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting;

(2) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules, separately set out and clearly identified;

(3) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides net budget authority or new or increased tax expenditures;

(4) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, separately set out and clearly identified, if timely submitted;

(5) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause

(4)(c)(2) of Rule X of the House Rules, separately set out and clearly identified, if it has been submitted to allow for the Committee's consideration during deliberations on the measure;

(6) on each bill or joint resolution of a public character, a detailed analytical statement as to whether its enactment into law may have an inflationary impact on prices and costs in the operation of the national economy;

(7) on a bill or a joint resolution repealing or amending any statute or part thereof, in the report or in an accompanying document—

(a) the test to be repealed; and

(b) a comparative print showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to the statute;

(8) all supplemental, minority or additional views filed by one or more Members of the Committee; and

(9) on its cover, a recital that any material submitted under subparagraphs (4), (5) and (8) above are included as part of the report.

(E) Approval by Chairman—All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to distribution.

RULE XI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A) Authorization—All travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice or the actual travel.

(B) Trip Report—A substantive report shall be filed with the Chairman within thirty days after any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(C) Domestic Travel—Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States.

(D) Foreign Travel—

(1) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions.

(2) No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose.

(3) The following conditions apply to travel outside the United States or its territories or possessions:

(a) No Member of employee of the Committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem rate set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended.

(c) All such individual reports shall be filed no later than sixty days following the completion of travel with the Chairman of the Committee for use in complying with the reporting requirements in applicable Federal law and shall be open for public inspection.

(3) In carrying out the Committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the Committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(4) A Member or employee of the Committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(E) Lame Duck Members—No local currencies owned by the United States and made available to the Committee, no primary expense resolution, and no additional expense resolution of the Committee may provide for the payment or reimbursement of expenses incurred by any Member of the Committee for travel after the general election in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate, the earlier of the general election date or the adjournment sine die of the last regular session of the Congress.

RULE XII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) Hiring Practices/Terms of Employment—The staff members of the Committee—

(1) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(2) shall not engaged in any work other than Committee business; and

(3) shall not be assigned any duties other than those pertaining to Committee business.

(B) Limitation on Appointing Government Personnel—The Committee shall not appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(C) "Clause 5" Appointments—

(1) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(a) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(b) The Ranking Minority Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Subcommittee Ranking Minority Member.

(c) The staff members appointed pursuant to the provisions of (a) and (b) shall be compensated at a rate determined by the Subcommittee Chairman not to exceed: (1) 75 per centum of the maximum established in paragraph (c) of clause 6 of Rule XI of the House Rules, or (2) the rate paid the staff member appointed pursuant to subparagraph (a) of this paragraph.

(2) Subcommittee staff members appointed under paragraph (1) are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee, as appropriate.

(D) "Clause 6" Appointments—

(1) The Committee shall appoint, by a majority vote, from a list submitted by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of clause 6 of Rule XI of the House Rules.

(2) Each employee on the permanent Committee staff is entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in Section 5316 of Title 5, United States Code, except that two professional staff members shall be entitled to pay at a single per annum gross rate to be fixed by the Chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule in section 5315 of Title 5, United States Code.

(3) Subject to the provisions of paragraph (C)(2), each Committee staff member, other than a member appointed pursuant to the request of Minority Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign.

(4) In the case of staff members appointed pursuant to the request of Minority Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Members in accordance with clause 6 of Rule XI of the House Rules.

(5) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Subcommittee Ranking Minority Member, as appropriate, for duty assignment purposes.

(6) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

RULE XIII. COMMITTEE BUDGET

(A) Annual Budget—

(1) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated funds necessary for all anticipated activities and programs of the Committee and its Subcommittees, that will be requested under a primary expense resolution submitted in accordance with clause 5 of Rule XI of the House Rules.

(2) In presenting the budget, the Chairman shall ensure that it contains sufficient funds to enable the Committee and each Subcommittee to discharge its responsibilities for legislation and oversight.

(B) Additional Expense Resolutions—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(C) Monthly Accounting—

(1) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last accounting from the amount budgeted to the Full Committee.

(2) Each report shall show the amount and purpose of each expenditure and the budget to which the expenditure is attributed.

(3) Each report shall be available, upon request to the Committee Clerk, to any Member of the House of Representatives.

RULE XIV. CHANGES IN THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted upon.

APPENDIX

House rule XI(2)(k)

Investigative Hearing Procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MARTIN of Illinois (at the request of Mr. MICHEL), for February 26 and 27, on account of illness in the family.

Mr. ACKERMAN (at the request of Mr. WRIGHT), for this week, on account of a death in the family.

SPECIAL ORDERS GRANTED

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

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

Mr. GINGRICH, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, February 26.

Mr. GINGRICH, for 60 minutes, February 27.

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

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STRATTON, for 60 minutes, today.

Mr. PENNY, for 60 minutes, today.

Mr. GONZALEZ, for 60 mintues, today.

Mr. MURTHA, for 5 minutes, February 26.

Mr. DICKS, for 5 minutes, February 26.

Mr. TRAXLER, 5 minutes, February 26.

Mr. LANTOS, for 30 minutes, February 26.

Mr. STRATTON, for 60 minutes, February 26.

Mr. GAYDOS, for 30 minutes, February 27.

Mr. MARTINEZ, for 60 minutes, February 27.

Mr. MARTINEZ, for 60 minutes, February 28.

Mr. SYNAR, for 60 minutes, February 28.

Mr. DE LA GARZA, for 60 minutes, May 7.

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

Mr. FORD of Michigan, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, February 26.

Mr. MILLER of California, for 30 minutes, February 27.

Mr. WATKINS, for 5 minutes, February 27.

Mr. MCCURDY, for 60 minutes, February 27.

Mr. LANTOS, for 5 minutes, March 5.

EXTENSION OF REMARKS

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

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

Mr. BONIOR of Michigan.

Mr. DYSON in 10 instances.

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 in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. RANGEL.

Mr. BARNES.

Mr. CROCKETT.

Mr. FAUNTROY.

Mr. MORRISON of Connecticut.

Mr. SKELTON in three instances.

Mr. FORD of Michigan in two instances.

Mr. EVANS of Illinois in two instances.

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

Mr. CONTE in two instances.

Mr. BROOMFIELD in three instances.

Mr. GROTBERG.

Mr. MICHEL.

Mr. SHUMWAY.

Mrs. HOLT in two instances.

Mr. THOMAS of California.

Mr. PURSELL in two instances.

Mr. SMITH of New Jersey.

Mr. MURPHY.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 14. Joint resolution authorizing the President to advance Lt. Gen. Ira C. Eaker, USAF (retired) and Lt. Gen. James H. Doolittle, USAF (retired) to the grade of general on the retired list; to the Committee on Armed Services.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 26, 1985, 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:

595. A letter from the Assistant Secretary of the Army for Installation and Logistics, transmitting the decision to convert to contractor performance the personnel services function at Fort Still, OK, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

596. A letter from the Deputy Assistant Secretary of the Air Force for Logistics and Communications, transmitting the decision to convert to contractor performance the grounds maintenance function at Altus Air Force Base, OK, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

597. A letter from the Deputy Assistant Secretary of Air Force for Logistics and Communications, transmitting the decision to convert to contractor performance the base supply function at Sheppard Air Force Base, TX, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

598. A letter from the Deputy Assistant Secretary of Defense, transmitting the notification of the Navy's intention to exclude the clause concerning the examination of records by the Comptroller General in an agreement with France, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

599. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

600. A letter from the Executive Secretary, National Security Council, transmitting the 1984 annual report on the activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

601. A letter from the Secretary, Commission on Fine Arts, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

602. A letter from the Secretary to the Board, Railroad Retirement Agency, transmitting the 1984 annual report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

603. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report on the alleged violations of a Klamath National Forest employee, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

604. A letter from the Secretary of Defense, transmitting waivers of minimum funding and staffing requirements for technology transfer from Federal laboratories, pursuant to Public Law 96-480, section 11(b); to the Committee on Science and Technology.

605. A letter from the Under Secretary of Labor, transmitting the annual report on the administration of title V (enforcement) of the Employee Retirement Income Security Act of 1974, pursuant to Public law 93-406, section 513(b); jointly, to the Committees on Education and Labor and Ways and Means.

606. A letter from the Secretary of Transportation, transmitting the annual report of the Pipeline Safety Act of 1979 for calendar year 1983, pursuant to 49 U.S.C. App. 1683(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

607. A letter from the Secretary of State, transmitting the Secretary's annual report to Congress on equal employment opportunity efforts, pursuant to Public Law 96-465, section 105(d); jointly, to the Committee on Foreign Affairs and Post Office and Civil Service.

608. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled: "Agricultural Adjustment Act of 1985;" jointly, to the Committees on Agriculture, Foreign Affairs, and Ways and Means.

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. WHITTEN: Committee on Appropriations. Supplemental report on H.R. 1239 (Rept. No. 99-2 Pt. II). Ordered to be printed.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 1096. A bill to authorize appropriations for famine relief and recovery in Africa (Rept. No. 99-3). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA. Committee on Agriculture. Report on allocation of budget totals for fiscal year 1985 (Rept. No. 99-4). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. Report of subdivision of budget totals for fiscal year 1985 (Rept. No. 99-5). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 1035. A bill to provide emergency credit and debt adjustment relief to financially stressed farmers and ranchers; with amendments (Rept. No. 99-6, Pt. I). Ordered to be printed.

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. BENNETT:

H.R. 1240. A bill to direct the Secretary of Defense to conduct a study of the military medical system and make recommendations; to the Committee on Armed Services.

H.R. 1241. A bill to amend title 37, United States Code, to prevent military personnel from suffering a loss in the after-tax levels of military compensation due to changes in the application of Federal income tax laws to otherwise deductible housing expenses; to the Committee on Armed Services.

H.R. 1242. A bill entitled, the "Comprehensive Substance Abuse Education Act of 1985"; to the Committee on Education and Labor.

H.R. 1243. A bill to require the Director of the National Institute of Mental Health to develop, publish, and distribute information on suicide prevention; to the Committee on Energy and Commerce.

By Mr. BIAGGI:

H.R. 1244. A bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers and firefighters; to the Committee on Ways and Means.

By Mrs. BYRON:

H.R. 1245. A bill entitled: "Senior Citizens Tax Improvement Act"; to the Committee on Ways and Means.

By Mr. CHENEY (for himself and Mr. MILLER of California):

H.R. 1246. A bill to establish a federally declared floodway for the Colorado River below Davis Dam; to the Committee on Interior and Insular Affairs.

By Mr. CHENEY (for himself, Mr. ARCHER, Mr. HYDE, Mrs. MEYERS of Kansas, Mr. GALLO, Mr. NIELSON of Utah, Mr. LIGHTFOOT, Mr. OXLEY, Mr. BLILEY, Mr. LOEFFLER, Mr. WALKER, Mr. DUNCAN, Mr. PORTER, Mr. GROTBERG, Mr. HENDON, Mr. HARTNETT, Mr. WHITEHURST, Mr. MOORE, Mr. STANGELAND, Mr. BEREUTER, Mr. WEBER, Mr. DAUB, Mr. HANSEN, Mr. BOULTER, Mr. MADIGAN, Mr. GINGRICH, Mr. SWINDALL, Mr. WILSON, Mr. DIOGUARDI, and Mr. MILLER of Washington):

H.R. 1247. A bill to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President; to the Committee on Rules.

By Mr. DARDEN:

H.R. 1248. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of certain fringe benefits provided to parents of employees; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 1249. A bill relating to the tariff treatment of fresh and concentrated grapefruit juice; to the Committee on Ways and Means.

By Mrs. HOLT:

H.R. 1250. A bill entitled: "Income Eligibility for Assisted Housing Stabilization Act of 1985"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOWARD:

H.R. 1251. A bill to apportion one-half of the funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986 and substitute highway and transit projects for fiscal years 1984 and 1985; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 1252. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount of death benefits payable to public safety officers; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 1253. A bill to amend the Internal Revenue Code of 1954 to reduce the 5-percent threshold applicable to the deduction for medical expenses to 3 percent; to the Committee on Ways and Means.

By Mrs. MARTIN of Illinois:

H.R. 1254. A bill to amend the Social Security Act to permit widows and surviving divorced wives who remarry after age 50 to qualify for Medicare; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 1255. A bill to amend the act establishing Voyageurs National Park, MN, to

allow certain State leaseholders of lands within the park to continue to lease such lands for up to 20 years; to the Committee on Interior and Insular Affairs.

By Mr. PEASE (for himself, Mr. OBEY, Mr. BONIOR of Michigan, and Mr. FLORIO):

H.R. 1256. A bill to prohibit the importation into the United States of benzidine, its salts, and benzidine-based products, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROBERT F. SMITH:

H.R. 1257. A bill to provide for the implementation of certain recommendations of the President's private sector survey on coast control with respect to the Department of Defense; to the Committee on Armed Services.

By Mr. THOMAS of California:

H.R. 1258. A bill to amend the Internal Revenue Code of 1954 to provide that the windfall profit tax shall not apply to an amount of crude oil equal to the amount of residual fuel oil used in enhanced recovery processes; to the Committee on Ways and Means.

By Mr. SPENCE (for himself, Mrs. HOLT, Mr. WOLF, Mr. PARRIS, Mr. MARTIN of New York, Mr. RODINO, Mr. TALLON, Mr. MONTGOMERY, Mr. NATCHER, Mr. LEATH of Texas, and Mr. SAM B. HALL, JR.):

H.J. Res. 167. Joint resolution to authorize the Armored Force Monument Committee, the U.S. Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, the 11th Armored Cavalry Regiment Association, the Tank Destroyer Association, and the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th Armored Division Associations and the Council of Armored Division Associations jointly to erect a memorial to the "American Armored Force" on U.S. Government property in Arlington, VA, and for other purposes; to the Committee on House Administration.

By Mr. BROOMFIELD (for himself and Mr. WORTLEY):

H. Res. 76. Resolution expressing the sense of the House of Representatives that the Soviet Union should allow Igor Ogurtsov to be released from internal exile and allowed to emigrate to the West without renouncing his views; to the Committee on Foreign Affairs.

By Mr. RANGEL (for himself and Mr. GILMAN):

H. Res. 77. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the 1st session of the 99th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

16. The SPEAKER presented a memorial of the State Senate of Michigan, relative to taxes pertinent to homeowners; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 1259. A bill for the relief of Machiko Ichihara; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 1260. A bill for the relief of Joe Herring; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 1261. A bill for the relief of Richard W. Ireland; 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. 4: Mr. GEJDENSON, Mr. DE LUGO, Mr. KILDEE, Mr. COUGHLIN, and Mr. FORD of Tennessee.

H.R. 8: Mr. SCHUMER and Mr. BENNETT.

H.R. 43: Mr. MITCHELL, Mr. CLAY, Mr. LELAND, Mr. REID, and Mr. WEISS.

H.R. 47: Mr. GONZALEZ, Mr. JEFFORDS, Mr. ST GERMAIN, Mr. STARK, Mr. STRATTON, and Mr. VOLKMER.

H.R. 52: Mr. FAUNTROY, Mr. DARDEN, Mr. FUQUA, Mr. LEHMAN of Florida, Mr. WHITLEY, Mr. MCKERNAN, Mr. HATCHER, Mr. ROEMER, and Mr. PEPPER.

H.R. 119: Mrs. SCHNEIDER.

H.R. 125: Mr. CHAPPELL.

H.R. 156: Mr. RAHALL and Mr. GILMAN.

H.R. 326: Mr. CHAPPIE.

H.R. 333: Mr. RICHARDSON and Mr. GILMAN.

H.R. 338: Mr. CHAPPELL.

H.R. 473: Mr. LAGOMARSINO and Mr. WILSON.

H.R. 479: Mr. CRAIG, Mr. WOLPE, and Mr. WORTLEY.

H.R. 480: Mr. MCDADE.

H.R. 509: Mr. LUNDINE, Mr. DORGAN of North Dakota, Mr. REID, Mr. MARTINEZ, Mr. ECKART of Ohio, Mr. JONES of North Carolina. Mr. MATSUI, Mr. MITCHELL, Mr. WORTLEY, Mr. GOODLING, Mr. SHUMWAY, Mr. EDWARDS of Oklahoma, Mr. VENTO, and Mr. YOUNG of Florida.

H.R. 531: Mr. BOEHLERT, Mr. LUNDINE, Mr. STALLINGS, Mr. MCCANDLESS, Mr. BROOMFIELD, Mr. WISE, Mr. MITCHELL, Mr. GORDON, Mr. DORGAN of North Dakota, Mr. LEHMAN of California, Mr. LEWIS of California, Mr. TRAFICANT, and Mr. HEFNER.

H.R. 535: Mr. KOLBE.

H.R. 587: Mr. MATSUI and Mr. FORD of Tennessee.

H.R. 604: Mr. ENGLISH, Ms. MIKULSKI, Mr. MURPHY, Mr. BATEMAN, Mr. APPLEGATE, Mr. HORTON, Mr. LUNDINE, Mrs. LLOYD, Mr. FUSTER, Mr. BEDELL, Mr. LEVIN of Michigan, Mr. SCHAEFER, Mr. WOLF, Mr. DORNAN of California, Mr. KOLTER, Mr. FISH, Mr. WEAVER, Mr. OBERSTAR, Mr. MCGRATH, Mr. MARTINEZ, Mr. BRYANT, Mr. MICA, Mr. LAFALCE, Mr. BILIRAKIS, Mr. FUQUA, Mr. TRAFICANT, Mrs. BENTLEY, Mr. NIELSON of Utah, Mr. NEAL, Mr. WAXMAN, Mr. ATKINS, Mr. BROWN of California, Mr. FAZIO, Mr. REID, Mr. WYLIE, and Ms. OAKAR.

H.R. 708: Mr. MCCOLLUM, Mr. KOLBE, and Mr. STUMP.

H.R. 709: Mr. MCCOLLUM, and Mr. STUMP.

H.R. 747: Mrs. BURTON, of California, Mr. ACKERMAN, Mr. OWENS, Mr. HAYES, Mr. TRAXLER, Mr. FAUNTROY, Mr. FOWLER, Mr. DIXON, Mr. SOLARZ, Mr. STOKES, Mr. TOWNS, Mr. SWIFT, Mr. MATSUI, Mrs. SCHROEDER, Mr. BARNES, Mr. RODINO, Mr. LELAND, Mr. CONYERS, Mr. MURPHY, Mr. HOYER, Mr. TORRES, Mr. MITCHELL, Mr. BERMAN, Mr. MARKEY, Mr. LOWRY of Washington, Mr. DYMALLY, Mr. YOUNG of Missouri, Mr. EDWARDS of California, Mr. WHEAT, Mr. SMITH of Florida, Mr. CROCKETT, Mr. LEVINE of California, Mr. FORD of Tennessee, Mr. MARTINEZ, Mr. DELLUMS, Mr. WAXMAN, Mr. COELHO, Mr. CARR, Mr. FOGLIETTA, Mr. COYNE, Mr. SUNIA, Mr. STUDDS, Mr. SCHEUER, Mr. DOWDY of Mississippi, Mr. FRANK, Mr. CLAY, Mr. WEAVER, Mr. PEPPER, Mr. WILLIAMS, Mr. SEIBERLING, Mr. MINETA, Mr. ROYBAL, Mr. WEISS, Mr. RANGEL, Mrs. COLLINS, Mr. FAZIO, Mr. RICHARDSON, Mr. BIAGGI, Mrs. LLOYD, Mr. WIRTH, Mr. EDGAR, and Mr. NOWAK.

H.R. 749: Mr. EDGAR.

H.R. 773: Mr. BROWN of Colorado, Mr. WORTLEY, Mr. BRYANT, Mr. NEAL, Mr. HARTNETT, Mr. GORDON, Mr. MOLLOHAN, Mrs. HOLT, Mr. STRANG, Mr. ENGLISH, and Mrs. LLOYD.

H.R. 825: Mr. RODINO, Mr. DONNELLY, Mr. WORTLEY, Mr. THOMAS of California, Mr. SIKORSKI, Mr. GEKAS, Mr. CONTE, Mr. BEDELL, Mr. SEIBERLING, Mrs. BYRON, Mr. FRENZEL, Mr. MRAZEK, Mr. MARKEY, Mr. HUGHES, Mr. WISE, Mr. CRAIG, Mr. NOWAK, Mr. RITTER, and Mr. COATS.

H.R. 837: Mr. BLILEY and Mr. NIELSON of Utah.

H.R. 868: Mr. HOYER.

H.R. 976: Mr. RAHALL and Mr. SEIBERLING.

H.R. 980: Mr. PACKARD.

H.R. 984: Mr. NIELSON of Utah.

H.R. 1035: Mr. JONES of Tennessee, Mr. SHELBY, Mr. ROBINSON, Mr. DE LA GARZA, and Mr. SIKORSKI.

H. R. 1142: Mr. GINGRICH and Mr. DIOGUARDI.

H.R. 1171: Mr. TOWNS, Mr. DYMALLY, Mr. SMITH of Florida, Mr. DONNELLY, Mr. HERTEL of Michigan, Mr. EDWARDS of California, Mr. LELAND, Mr. FUSTER, Mr. LANTOS, Mr. DWYER of New Jersey, Mr. GREEN, Mrs. BOXER, Mr. SCHUMER, Mr. KILDEE, Mr. ATKINS, Mr. WAXMAN, Mr. BLAZ, Mr. MINETA, Mr. RANGEL, Mr. MOODY, Mr. BERMAN, Mr. VENTO, Mr. FAZIO, Mr. TORRICELLI, Ms. KAPTUR, Mr. SCHEUER, Mr. MARTINEZ, Mr. LEHMAN of Florida, Ms. MIKULSKI, Mr. MITCHELL, and Mr. FROST.

H.J. Res. 27: Mr. WILSON, Mr. BARTLETT, Mrs. LLOYD, Mr. MONTGOMERY, Mr. GINGRICH, Mr. YOUNG of Florida, Mr. BURTON of Indiana, Mr. HUNTER, Mr. LOWERY of California, and Mr. HUCKABY.

H.J. Res. 74: Mr. VOLKMER, Mr. ROE, Mr. TAUZIN, Mr. BROOKS, Mr. MCKERNAN, Mr. WEBER, Mr. LAFALCE, Mr. BONER of Tennessee, Mr. SUNDQUIST, Mr. MCEWEN, Mr. DYSON, Mr. ANTHONY, Mr. OWENS, Mr. MOORHEAD, Mr. BIAGGI, Mr. BREAUX, Mr. DYMALLY, Mr. APPLEGATE, Mr. DURBIN, Mr. BROWN of California, Mr. LEWIS of California, Mr. WOLPE, Mr. DUNCAN, Mr. HILLIS, Mr. STALLINGS, Mr. COELHO, Mr. CONYERS, Mrs. BOGGS, Mr. MANTON, Mr. KASTENMEIER, Mr. GINGRICH, Mr. VALENTINE, Mrs. LLOYD, Mr. GEKAS, Mrs. MEYERS of Kansas, Mr. BURTON of Indiana, Mr. FLORIO, Mr. LUNGREN, Mr. YOUNG of Missouri, and Mr. FISH.

H.J. Res. 108: Mr. HORTON, Mr. EVANS of Illinois, Mr. UDALL, Mr. TORRICELLI, Mr. BARNES, Mr. BONER of Tennessee, Mr. ROEMER, Mr. GALLO, Ms. KAPTUR, Mr. DEWINE, Mr. LANTOS, Mr. SPRATT, Mrs. COLLINS, Mr. EARLY, Mr. OWENS, Mr. DARDEN, Mr. DURBIN, Mr. BERMAN, Mr. HYDE, Mr. FUQUA, Mr. DWYER of New Jersey, Mr. MINETA, Mr. MARTINEZ, Mr. ROWLAND of Georgia, Mr. ROE, Mr. LAGOMARSINO, Mr. SMITH of Florida, Mr. HUGHES, Mrs. BOXER, Mr. MCGRATH, Mrs. ROUKEMA, Mr. RANGEL, Mr. HATCHER, Mr. CHAPPIE, and Mr. HOWARD.

H.J. Res. 136: Mr. BROOKS, Mrs. BURTON of California, Mr. WALGREN, Mr. FRANK, Mr.

WEAVER, Mr. BOEHLERT, Mr. BOUCHER, Mr. SCHEUER, Mr. SEIBERLING, Mrs. SCHROEDER, Mr. LUNDINE, Mr. BEDELL, Mr. GREEN, Mr. SABO, Mrs. BOXER, Mr. BUSTAMANTE, Mr. FEIGHAN, Mr. BROWN of California, Mr. FROST, Mr. NEAL, Mr. SIKORSKI, Mr. MINETA, Mr. LELAND, Mr. NOWAK, Mr. ROYBAL, Mr. DURBIN, Mr. MOAKLEY, Mr. FAUNTROY, Mr. BOLAND, Mr. SCHUMER, Mr. AUCOIN, Mr. VALENTINE, Mr. PENNY, Mr. HAYES, Mr. WISE, Mr. WYDEN, Mr. BARNARD, Mr. KASTENMEIER, Mr. DWYER of New Jersey, and Mr. EDWARDS of California.

H.J. Res. 137: Mr. DENNY SMITH, Ms. SNOWE, Mr. BONIOR of Michigan, Mr. BATEMAN, Mr. BEREUTER, Mr. BEVILL, Mr. BROWN of California, Mr. BONER of Tennessee, Mr. BARNES, Mr. BREAUX, Mr. DANIEL, Mr. AKAKA, Mr. CONYERS, Mr. EDGAR, Mr. FAZIO, Mr. CARR, Mr. LATTA, Mr. DERRICK, Mr. DEWINE, Mr. MCHUGH, Mr. MCDADE, Mr. GRAY of Illinois, Mr. SISISKY, Mr. LEACH of Iowa, Mr. HOYER, Mr. HAMMERSCHMIDT, Mr. O'BRIEN, Mrs. BOXER, Mr. DYMALLY, Mr. OBERSTAR, Mr. PASHAYAN, Mr. NICHOLS, Mr. PICKLE, Mr. THOMAS of Georgia, Mr. OLIN, Mr. RODINO, Mr. QUILLEN, Mr. MOORE, Mr. WYLIE, Mr. FLIPPO, Mr. MURTHA, Mr. SMITH of Florida, Mr. WHITTEN, Mr. GEKAS, Mr. WATKINS, Mr. VANDER JAGT, and Mr. BOSCO.

H.J. Res. 151: Mr. ROBERTS, Mr. ROEMER, Mr. BATEMAN, Mr. UDALL, Mr. ACKERMAN, Mr. FLORIO, Mr. RAHALL, Mr. SMITH of Florida, Mr. HENRY, Mr. CONTE, Mr. CLAY, Mr. YOUNG of Alaska, Mr. FUSTER, Mrs. COLLINS, Mr. WIRTH, Mr. VANDER JAGT, Mr. YOUNG of Missouri, Mr. BERMAN, Mr. MANTON, Mr. FROST, Mr. STALLINGS, Mr. BEVILL, Mr. HATCHER, Mr. DARDEN, Mr. SOLARZ, and Mrs. BURTON of California.

H. Con. Res. 15: Mrs. BURTON of California.

H. Con. Res. 32: Mr. KOLBE.

H. Con. Res. 34: Mr. FISH, Mr. HUBBARD, and Mr. SOLOMON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

40. The SPEAKER presented a petition of the Wythe County Board of Supervisors, Wytheville, VA, relative to the Federal budget cuts on domestic spending; which was referred to the Committee on Government Operations.

SENATE—*Monday, February 25, 1985*

(Legislative day of Monday, February 18, 1985)

The Senate met at 12 noon, 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.

The Lord loves righteousness and justice.—Psalm 33:5.

Father in Heaven, we commend to You the leadership of the Senate, Senators DOLE and BYRD, SIMPSON, and CRANSTON, all who chair committees, each Senator and staff members. As the avalanche of issues, agendas, and crises inundate, help them with their priorities and grant them wisdom in responding.

Brace all public leadership against cynicism and sick humor by those whose certainty is in inverse ratio to their understanding, whose activities demean and dishearten the people as well as those in public life. Grant us to see, dear Lord, that we are all in this together—vulnerable when divided, victorious when united. In the name of Him Who holds all things together by the power of His word. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SENATE SCHEDULE

Mr. DOLE. Mr. President, under the previous order and the standing order, both leaders will have 10 minutes. I will reserve the remainder of my time after this statement.

Following the leader time, the distinguished Senator from Wisconsin, Senator PROXMIRE, and the distinguished Senator from Oklahoma, Senator BOREN, will be recognized for special orders not to exceed 15 minutes each.

Following the special orders just identified, there will be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m. with statements limited therein to 5 minutes each.

It is my understanding that the distinguished chairman of the Foreign Relations Committee, Senator LUGAR, who is involved now in a hearing, probably wishes to commence action on the African Relief Act about 2 p.m. So we may stand in recess from 1 p.m. to 2 p.m., unless there is some objection to that from the distinguished minority leader.

So we hope to take up S. 457, the African relief bill, about 2 p.m. A total of two first-degree amendments on each side are in order, and two second-degree amendments if each side wants to offer them to their own first-degree amendments, are in order. They will be limited to the farm credit issue. So we are not talking about policy amendments such as increasing parity levels or target prices or loan levels or other policy areas. They will not be relevant or germane. It is my hope that we can dispose of this African Relief Act some time early this week and any other business that might come before the Senate.

Rollcall votes, if they occur today, will not occur until the hour of 4 p.m.

FARM CREDIT CAP

Mr. DOLE. Mr. President, I have tried to indicate in speeches yesterday, to the State of the American Farm Conference and the National Governors Association, that we now have a good farm credit program in place. It is easy to become partisan around this place, but I think we have clarified some of the areas because of bipartisan efforts.

It is also my understanding that the only real change was from the 110 percent cash flow requirement to 100 percent for commercial lenders.

But we did resolve the concerns of at least some Senators that there were limitations on the amount of loan guarantees for debt restructuring. There is no cap on that. There is also no cap on insured farm operating loans from Farmers Home.

So in my view we have been able to clarify areas that both Democrats and Republicans, or Democrats in some cases and Republicans in other cases, wanted to clarify. We have done that in the course of our meetings with the Secretary of Agriculture. We have also done it in a vote on the Senate floor on Saturday on Senate Resultion. 57, the farm credit resolution.

I know others would like to expand on the resolution to provide additional relief. There are literally hundreds of State legislators in town and there will be other farm representatives in town this week and in the following weeks.

But it would seem to me that we should give this program a chance to work. It is a good program. There is no cap. I think the media fails to understand the program. We have the same problem from time to time, but we do not write about it.

We put it in the CONGRESSIONAL RECORD, but not everyone reads the RECORD.

So I would just hope we have some time to focus on the program in place, because I believe it will satisfy the concerns of most farmers. We understand the independent bankers. They do not want to take any risk. They would let the Government take the risk. They would let the Government take over any soft loans the bank might have in its portfolio.

I for one do not believe that would be a good idea. I find in my State the Kansas bankers are not only enthusiastic, they are ready to go to work. They were satisfied with the 110 percent cash flow provision. They were happy with the 105 percent. They are very happy with the 100 percent.

So it would seem to me in the debate this week that we could really focus on what we already have in place. We have a good program, and it is one that has been worked on for some time.

There is one area that I think we should be very attentive to on a bipartisan basis, and that is to make certain the program is going to work—that those who have the responsibility on a State level or Federal level are carrying out the program. I think that is a matter of some concern to both sides of the aisle.

So, Mr. President, I believe we have moved in the right direction. I believe we can be of assistance to a great number of farmers. But when we start holding out hope to everyone, then I think we have really misled many farmers and farm families who are in deep distress.

There are just certain limits on what the Federal Government can do, particularly when we are faced with this massive deficit. I hope we can soon turn to the deficit as the No. 1 priority in the Senate this year.

I reserve the remainder of my time, if there is any remaining.

Mr. President, do I have any leader time remaining.

The PRESIDING OFFICER (Mr. GRAMM). The leader has 3 minutes and 20 seconds remaining.

Mr. DOLE. I yield that to the distinguished Senator from South Dakota.

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

STUDENT FINANCIAL AID

Mr. PRESSLER. Mr. President, last fall I sent out a student financial aid questionnaire. I have recently completed my tabulations of this survey and the results are most interesting. Responses to the specific items on that questionnaire are as follows:

When asked to rate the Federal Student Grant Program, 7 percent of the respondents said it was too generous, 40 percent said not generous enough, and 53 percent said the program was about right.

The respondents listed in order of importance the types of student aid. Grants were listed as most important, followed by scholarships, work study programs, and low-interest loans.

Regarding the eligibility requirements for student grants, 33 percent said the requirements were too strict, 24 percent too complicated, 5 percent too lenient, and 38 percent said they were basically sound.

Fairness of the family financial statement [FFS] in determining eligibility programs were also surveyed. Fifty-three point eight percent said the FFS was fair, while 46.2 percent said it was unfair. Fifty-eight point nine percent said there was equal access of aid to rural and urban students, while 41.1 percent said the distribution was unfair.

Difficulty in repaying loans was another major concern, with 48.6 percent saying repayment of loans was difficult and 51.4 percent said students did not have a difficult time.

Sixty percent of those responding said we should spend more public funds on education, 34 percent said present levels of funding should be maintained, 5 percent suggested moderate cuts, and 1 percent wanted major cuts.

Scholarship programs received strong support, with 81 percent in favor of a scholarship program for students planning to become teachers in South Dakota.

Fifty-three point two percent said that policy decisions were not made with equal emphasis on rural and urban needs.

When asked what the Federal Government should do to improve education, 26 percent wanted increased funding, 22 percent wanted more information services, 42 percent wanted more emphasis on rural family needs, and only 10 percent supported a reduction of Federal regulations.

Twenty-two percent said that if more spending is needed, State governments should bear most of the burden. Thirteen percent said local school districts are financially responsible, 8 percent said the Federal Government should carry most of the cost, and 57 percent said all should bear an equal burden in funding education.

In regard to new technologies, 71.2 percent said that rural and small schools have benefited from new technologies in education.

Eighty-nine point seven percent said they would favor more partnerships between rural schools and private businesses to utilize new technologies, such as VCR's and computers.

When asked if the needs of special students were being met, 54.2 percent believed that the needs of handicapped and gifted students were being met in our rural or small city schools.

In rating the South Dakota educational system's performance, South Dakotans ranked their schools above the Nation's schools in quality of education. Thirty percent said South Dakota schools were good, 51 percent said they needed some improvement, and 18 percent rated them as needing major improvements. The respective ratings for U.S. schools in general were 11 percent, 57 percent, and 32 percent.

Seventeen percent claimed that parents were responsible for the state of education today, while 10 percent put the responsibility on the students, 9 percent on teachers, and 6 percent on the government. A majority of 58 percent said all were equally responsible.

I believe these results are proof that the financial aid system for postsecondary education students is working. This program is vital to the continuation of U.S. leadership in education.

Our country will remain competitive in education only if we continue to maintain strong individual, local, State and Federal support for those programs which have aided so many American students.

As a strong supporter of education funding, and having served on the House Elementary, Secondary and Vocational Education Subcommittee, I have always maintained that education programs are a wise investment for our Nation's future security and prosperity. I will continue to sponsor and support needed education funding.

There are many valuable education programs which are extremely important to South Dakota students. It would be wrong to cut education programs unfairly unless all other budget areas are called upon to make similar sacrifices.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

AFGHAN UPDATE

Mr. BYRD. Mr. President, on those occasions when reports of the fighting in Afghanistan appear in the Western press, they often note that two-thirds of the countryside is controlled by the guerrilla freedom fighters, while the Afghan Communists and their Soviet overlords retain control of the cities.

A report in the Washington Post of February 21 gives us reason to be cautious about how we characterize Soviet control of major towns. The article combines reports from two journalists who have recently returned from the cities of Kandahar and Herat. They point out that the Soviets and the Afghan puppet regime's army are virtual prisoners within their barracks in these towns.

But the report also reminds us of the need to assure adequate assistance for the Afghan resistance fighters. Food and clothing supplies have been disrupted by Soviet bombardment. My amendment of last June 19, 1984, called for all appropriate steps to assure that the Afghan people receive adequate food and medical assistance. That amendment was adopted by the Senate without a dissenting vote. I hope and trust that we are living up to our obligation in that regard, to assist those brave people in their struggle to regain control of their country.

I ask unanimous consent that the article from the Washington Post to which I have referred be included in the RECORD at this point.

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

GUERRILLAS REPORTED IN FORCE IN TWO MAJOR AFGHAN CITIES

(By William Branigin)

BANGKOK.—Kandahar, the second largest city in Afghanistan, is largely in the hands of Moslem guerrillas, who have government posts on the defensive and frequently under siege, according to a free-lance photographer who spent most of last month in and around the city.

Soviet troops are rarely seen in the southern Afghan city, but stay outside it at the heavily guarded airport, said Terence White, 35, of New Zealand.

A similar situation prevailed in the third largest city, Herat, at least as recently as October, according to Dominique Vergos, a French photographer who emerged then from more than a year of traveling with the guerrillas in Afghanistan. Vergos said armed Afghan guerrillas known as mujaheddin were able to ride around openly in jeeps, and he estimated that they controlled about three-fourths of Herat, a city in western Afghanistan near the Iranian border that is rarely visited by westerners.

The accounts of White and Vergos during visits to Bangkok last week indicated that more than five years after the Soviets invaded Afghanistan, they face growing problems in trying to crush the Moslem guerrillas and build up the Moscow-installed government of Babrak Karmal.

The mujaheddin long have been reported to have effective control of the countryside, with the Soviet occupation troops—estimated to be 115,000—dominating the cities and major roads. But the descriptions by White and Vergos of such a tenuous grip on the two largest cities after the capital, Kabul,

point to potentially serious problems for the Soviets and their Afghan government proteges.

Afghan guerrilla leaders interviewed across the Pakistani border in Peshawar earlier this month said the fighting in Kandahar had been the fiercest of any winter since the Soviet invasion in 1979. Although the leaders said they were in control of most of Kandahar Province, the resistance forces have been hampered by several factors.

Gulbaddin Hekmatyar, who heads the fundamentalist Hizbi Islami group that has units fighting in Kandahar, said the Soviets are shifting their attacks from the central provinces to border provinces such as Kanhahar. Their air raids, he said, have been disrupting the flow of food, ammunition and—most important now—war clothing.

The photographers described extensive Soviet air operations, including almost daily strikes on Kandahar and surrounding villages by bombers and helicopters, as the Soviets appear to rely increasingly on their unmatched air power. Despite reports of an increasing flow of arms to the guerrillas from foreign donors, the guerrillas still lack sufficient antiaircraft weapons with which to resist the Soviet air strikes, the photographers said.

White said he left for Afghanistan from neighboring Pakistan with a convoy of eight jeeps in which the mujaheddin were carrying arms, ammunition and other supplies into the Kandahar area. He said that while they drove mostly at night through the desert, switching off headlights when approaching government posts, they occasionally—to his surprise—used main roads without incident.

In the countryside, armed mujaheddin even traveled freely on public buses carrying their Kalashnikov rifles, White said.

On entering Kandahar, White said, he found normal day-to-day activities in the city's bazaar area, with shops selling flat loaves of Afghan bread, meat, fruit, vegetables and other items, while armed guerrillas walked around casually.

Outside one tea shop, White said, an Afghan was cleaning a light machine gun. He said that when he asked the guerrillas what would happen if a partol of Soviet or Afghan soldiers came into the bazaar, the mujaheddin laughed at what they regarded as a naive question.

"They don't, because they would be captured or killed," he quoted Mullah Mohammed Zay, a local commander from the Jamiat-i-Islami guerrilla organization, as saying.

White said that on another occasion, a guerrilla commander pointed to a government post in the western part of Kandahar from about 100 yards away and told him, "Two meters on each side belongs to the post. The rest belongs to the mujaheddin."

White said he was told there are about 30 posts in the city manned by government troops and an Afghan Army garrison on the northwestern edge of the city, but that Soviet forces were concentrated at the airport, about seven miles southeast of Kandahar.

From there, he said, the Soviets mounted almost daily air strikes in and around the city, using jets and helicopter gunships.

"The day I went into the bazaar, two helicopter gunships were firing into the city," White said. He said mujaheddin also told him the Soviets often fired barrages from rocket launchers into Kandahar. During the air strikes, he said, the Afghan government posts fire flares into the air to mark their positions and avoid being hit.

"Every day I was in the city there was bombardment," White said.

White said he was told that the population of Kandahar, formerly about 150,000, was now down to 10,000 to 20,000, most of the inhabitants having fled to Pakistan as refugees. While life went on fairly normally in some areas, like the bazaar, he said, other neighborhoods of Kandahar were deserted and many shops in the city were closed.

The photographer said that whenever he asked guerrilla commanders about American aid, the usual reply was, "Where is it?" He said the mujaheddin repeatedly stressed that they had nothing effective with which to combat the Soviet air attacks.

White said the guerrillas can move fairly freely in the parts of the city he visited, adding that the Afghan troops are largely confined to their posts and must be resupplied by heavily armed convoys and sometimes by air. In the countryside around Kandahar, he said, the Soviets also must travel in big convoys and often cross open deserts to avoid mujaheddin ambushes on the main roads.

Although White's account of normal food sales in the Kandahar bazaar seems at odds with the description by rebels in Peshawar and Afghan exiles arriving in New Delhi, it is possible that food supplies are reaching the large cities but not the rural areas, according to western diplomats in Kabul.

Reports received from Kandahar's rural areas and passed on by the resistance in Peshawar say that the Soviet and Afghan Army's air attacks have seriously disrupted the economy in those areas.

They say armored units attack a village, shoot cattle, burn crops and foodstores and tear up terraced fields. Then, the exiles say, the Army plants explosive charges in the underground irrigation channels dug in the hillsides and leading to the fields, or bombs the surface irrigation ditches.

In Herat, according to French photographer Vergos, guerrillas led by Ismail Khan, a former Afghan Army officer, held similar sway, and government forces were bitterly divided between the rival communist Parcham and Khalq factions that make up the Babrak government in Kabul.

The Afghan Army continues to be riddled by defections, Vergos said. In one incident while he was in Herat, he said, an Afghan Army officer arranged with the mujaheddin to defect with a tank, and one day drove it out of his garrison and headed for a guerrilla zone. Government forces tried to recover the tank, but could not find it, Vergos said.

Mr. BYRD. Mr. President, I ask unanimous consent, for the time being, that I may be permitted to reserve the remainder of my time.

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

Mr. BYRD. Mr. President, I yield the floor.

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

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

WHY THE CONGRESS SHOULD BITE THE BULLET AND CUT STAR WARS NOW

Mr. PROXMIRE. Mr. President, it now appears there is a strong likelihood that the Congress will go along with most if not all of the colossal increase in funding requested by the administration for so-called Star Wars research. The administration wants to increase the outlay for researching this antimissile defense from about $1½ billion this year to about $3½ billion next year. That would be an increase of more than 140 percent in a single year.

It would be a mammoth increase in spending in this single military category at the precise time when the Federal deficit has become so overpowering that the same administration that proposes this colossal increase in research on Star Wars also recommends cutting out all spending entirely for legal services, the Job Corps, the Work Incentive Program, the Small Business Administration, almost all publicly assisted housing, and a long list of other programs. The administration would slash welfare and drastically cut back assistance for farmers who are engaged in the fight of their lives to keep their farms.

This Senator intends to support most of the administration's recommended reductions. All of us recognize that the Federal deficits pose a serious threat to our country that could undermine this marvelous economy which is the bedrock basis not only of our country's economic prosperity but of our Nation's military strength. But now the cry seems to be we will not spend one penny for the production of Star Wars hardware and certainly not for its deployment. But we will go ahead with billions for research on the Star Wars system that we will never use. Did I say "never use"? I did, indeed.

Mr. President, think of how ridiculous this is. Obviously all the research in the world is useless if the research isn't put to work in production of the hardware which is the fruit of research. The production accomplishes nothing unless the hardware is then deployed. So here we are asked to give Star Wars by far the biggest increase in any billion dollar plus budget request, military or civilian—a mammoth 140-percent increase in a single year—for a weapon system which many Members of the Congress have resolutely resolved will never be put into use. And we are told that the total ante for Star Wars research—research alone—has just been raised from $25 to $30 billion over the next 6 years. How should the Congress determine whether to spring for all or any of the $3.7 billion request for 1986 or the $30 billion for the next 6 years?

The President's senior arms control adviser, Paul Nitze, has suggested how we should make that final decision 6 years or so from now. He has come up with two criteria for the production and deployment of the system. He has said that before the country goes beyond research to production and deployment we should first determine whether the system is vulnerable to the attack of an adversary. If it is vulnerable, if an adversary could destroy the deployed system, then we should not build it or deploy it. Second, Nitze has proposed that the Congress not proceed with Star Wars unless the cost will be less than the cost of an offensive system that could penetrate and defeat it.

So the Congress is asked to spend $3.7 billion this year and $30 billion over the next 6 years for research on a project that will never be produced or deployed unless it can meet these two standards. With any reflection, both standards seem almost impossible to apply. Could we construct a Star Wars defense that would be invulnerable to any attack designed to destroy it based on any technology we now know? Could the Star Wars hardware frustrate any nuclear warhead designed to blow it to smithereens? Could it defeat any decoys without suffering exhaustion? And if it could do this, could we reasonably expect that within a year or two or three an adversary could not design a laser device or some other new technology that would destroy it?

Many scientific experts contend the deployed system would be vulnerable, but how does Congress decide? Especially how do we decide the potency of a future technological threat to Star Wars?

The second criteria—whether Star Wars would be cheaper than the offensive system necessary to penetrate it—seems like a perfect 1 in 100 bet. Star Wars would seem to be a sure loser. The odds would seem to overwhelmingly favor the development of a system that would penetrate Star Wars at a far cheaper price than the half a trillion to a trillion dollars Star Wars would cost. After all the Defense Department is asking the Congress to spend only about $170 million in 1986 to do research on the advanced strategic missile system. That would be about one-twentieth of the sum requested for Star Wars. And what would the advanced strategic missile systems do? It would be designed to penetrate the Russian antimissile defense.

The New York Times has suggested that this 1 to 20 ratio is about the proportion that we might expect for the cost of an offense to overcome a Star Wars defense. Of course, the Times estimate is a facetious guess. But in view of the colossal initial cost estimate of Star Wars and the record of the Defense Department in grossly underestimating new weapons system especially in the earliest years of the technology, it seems likely that a 1 to 20 ratio between the cost of an offense that could penetrate a defensive system and the cost of the defensive system in the case of Star Wars would leave plenty of funding for a penetrating offense even with the 1 to 20 ratio. If the Nitze standard is applied, that Star Wars would not go beyond the research phase if it would not absolutely be cheaper on a dollar-for-dollar basis than the technology that would defeat it, then the prospect for Star Wars deployment would seem to be a very long shot, indeed.

So consider how ridiculous a position the Congress finds itself in. The congressional sentiment now may be to go along with research for Star Wars, a colossal 140-percent increase this year to $3.7 billion, and a commitment to proceed to $30 billion over the next 6 years for further research.

Mr. President, I have talked to a number of Senators about this, and I have been surprised at the number of Senators who say they oppose Star Wars, would never vote for its deployment, but say we should go ahead with the research.

Mrs. Margaret Thatcher, who has pretty much said the same thing, said she is for Star Wars research, wants to negotiate deployment, but all the conversations with the British leaders indicate that the British would almost certainly oppose any deployment.

This is a toughie for Congress. The Star Wars advocates put it to the Congress this way: "Just give us a chance. We aren't asking for a trillion dollars. All we want is $30 billion to explore this great idea. If it won't work we'll forget it." Now how about it? Mr. President, I predict Congress will provide that $30 billion research money. And I predict we will be so hooked on prospective contracts in our States and districts, the Congress will spend the half trillion or trillion for this modern version of the Great Wall of China.

Mr. President, on Sunday, February 24, the New York Times carried an editorial entitled: "It's Still Star Wars" that refutes each of the following contentions of the Star Wars backers convincingly:

First. It is the only moral defense in the nuclear age.

Second. It is only research for our grandchildren.

Third. It will soon be useful, indeed, indispensable, even if imperfect.

Fourth. It is a proven stimulus to arms control. As the Times contends, all four arguments fail. The editorial specifies why. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

[From the New York Times, Feb. 24, 1985]

IT'S STILL STAR WARS

President Reagan has a wish about "Star Wars," the new missile defense system to which he gave his energetic blessing two years ago without any public debate whatsoever. "I wish whoever coined that phrase would take it back again because it gives a false impression of what it is we're talking about." And as William Safire reports in proposing a rename-it contest in today's Times Magazine, the Administration is obsessed with the search for a name that can make this radical weapons program palatable.

The problem with Star Wars, however, is not semantic. It's conceptual.

The President and his aides have been selling Star Wars on four different, incompatible grounds: (1) It is the only moral defense in the nuclear age. (2) It is only research for our grandchildren. (3) It will soon be useful, indeed indispensable, even if imperfect. (4) It is a proven stimulus to arms control.

All four arguments fail, even the moral one, because a Star Wars defense becomes moral only when it becomes practical. Yet merely pursuing it looks to be highly dangerous.

1. IT'S THE MORAL WAY TO PREVENT NUCLEAR WAR

Mr. Reagan offered one noble rationale when he sprang Star Wars in March 1983. He said he wanted to rise above the ugly reality of defending the United States by threatening the existence of all life on earth. He was therefore ordering the preparation of a foreseeable missile defense that would make the nation and its allies invulnerable, eventually rendering all nuclear weapons useless and dispensable.

The President recognized even then that any defense, if paired with an offense, would be highly provocative to the Soviet Union, leaving it alone in danger of devastation. But Americans are not aggressive, he said. Besides, once the defense is completed, in 20 or 30 years, America would probably offer it to the Russians if they agreed to scrap most nuclear weapons.

When the experts caught their breath, they proved even to the Pentagon's satisfaction that a leakproof, Berlin-to-Tokyo, all-cities defense is impossible. And even if it became possible one day, it would be so horrendously expensive that the Russians could easily damage, destroy or elude the defense at a fraction of the cost.

2. DON'T GET EXCITED, IT'S JUST RESEARCH

So the Reagan loyalists who found it impossible to support the vision of an all-cities defense retreated to a new line. They concede it's a pipe dream to think there will ever be a better defense for New York than the certain threat of destroying Moscow, and vice versa. And they're satisfied that this certainty will last into their grandchildren's lifetimes. But what's wrong, they ask, with a lively search for alternatives?

There is nothing wrong with modest research that can discourage the Russians from one day finding profit in renouncing the treaty against missile defense; indeed the treaty envisions such research. But no program proclaimed with trumpets from the Oval Office, described as vital and funded with an initial budget of $30 billion, will be "research" in Soviet eyes.

The mere pursuit of such vigorous planning and testing has to make the Kremlin fear a defense that might actually with-

stand a small attack. The pursuit of this research, in short, would provoke the Russians to pursue their own provocative defense and to rapidly expand their offense to guarantee penetration of any American shield.

3. WELL, NOT JUST RESEARCH; WE DO NEED IT NOW

Not just research is what another wing of the Administration argues. These officials don't doubt that deterrence works, either. In fact they say they need Star Wars to preserve deterrence.

What if the Russians keep building those big and accurate missiles, they ask, one day gaining the capacity to use only some of their missiles to knock out all our land missiles and command centers in a single attack?

We would still have all our missile submarines, but they're hard to communicate with, it is said. We'd have bombers and cruise missiles galore, but they're slow and most effective against cities. No Russian leader would be crazy enough actually to order such a surprise attack, these strategists concede. But a Soviet leader might threaten one, as a way of trying to exact impossible demands. And a wobbly future President might capitulate to the blackmail, believing that his only alternative was to attack Moscow—thus also dooming New York.

That is the far-fetched and unexamined theory that seems now to be really driving Star Wars. It is the old, discredited "window of vulnerability" argument, dressed up with drapes and valances. Star Wars at best is a scheme to defend land missiles, not people. It may also be an unacknowledged scheme to make America the one that can threaten a surprise attack and reap the benefits of "nuclear blackmail."

Well, what's wrong with that? One thing wrong is the calculation that the Russians could not keep up with America's defense technology. They surely would, at all costs, and would also build a sure-to-overwhelm offense. And that would drive us into an even more panicky weapons buildup.

Some defense can conceivably bolster deterrence, but only after offenses are shrunken and frozen. And that requires coordinating with the Russians at the outset, not after they start building their own Star Wars. Meanwhile, there are vastly cheaper and less provocative ways to allay anxiety about vulnerable land missiles. Their warheads could be dispersed among more launchers, and launchers could be made mobile, impossible to find.

4. OH, REALLY, IT'S JUST A BARGAINING CHIP AFTER ALL

When the practical arguments start sounding overwhelming, the entire Reagan team reunites on a fourth justification for Star Wars: arms control. Americans may be unimpressed but the Russians are mightily impressed. Why else did they come back to the bargaining table? Why else do they insist that Star Wars be included in the talks that resume next month?

If that is really a serious question, there is a deadly serious answer. The Russians are indeed alarmed at being forced into a ruinously expensive new arms competition that they know will leave neither side safer and probably make the world riskier than before. They are scared of Star Wars for the same reasons that Americans should be. And they must be desperate to learn whether it can still be stopped at a tolerable price.

Can it? The President says nope, Star Wars is not negotiable. He's committed, no matter what. But if it's not practical to defend cities, not necessary to defend missiles, too grandiose to be just research and not even a bargaining chip, what is it? Whatever the President may call it, it's still Star Wars, the most far-fetched yet least considered venture of the nuclear age.

POPIELUSZKO'S SACRIFICE

Mr. PROXMIRE. Mr. President, on another subject, according to the Washington Post on November 4 of last year, over a quarter of a million Poles attended a requiem mass for the Rev. Jerzy Popieluszko. Popieluszko has been an outspoken supporter of the Solidarity movement. Members of Poland's secret police killed him in order to ensure that his voice of dissent would be silenced. On the day of the requiem mass, Solidarity leader Lech Walesa proclaimed that the movement lives because Popieluszko had sacrificed himself for it.

We are fortunate to have had men such as Popieluszko—men who were not afraid to stand up for their fellowman in the face of opposition. Popieluszko did not hold back his statements despite the possibility that they might result in great personal harm or even death, as they eventually did.

Like Popieluszko, this Nation has made sacrifices in support of human rights. We have made proclamations to promote rights which have roused opposition. We have also been able to make statements in support of improved rights which have not, unlike Popieluszko's, confronted us with personal danger.

With all of our human rights efforts, there is one statement which we have not yet made. We have not yet made our proclamation of declaring genocide a crime, although the Genocide Convention, which does this, has been before us for many years.

By not ratifying the Genocide Convention, we have left an opening for those who wish to deceive others about our dedication and support for human rights while we have gained nothing.

The perceived dangers in the Genocide Convention have been explored by many and have been found nonexistent by every expert in the field. We have failed to make a statement which would bring us no harm while individuals such as Popieluszko have made the ultimate sacrifice.

Ratification of the Genocide Convention is an important step we can take to promote our ability to struggle for human rights. How can we continue to fear to take this step while others make the ultimate sacrifice? Let the Senate take the important step of ratification of the Genocide Convention.

S. 503—ACID DEPOSITION AND SULFUR LOADINGS ACT

Mr. PROXMIRE. Mr. President, briefly on another subject, I am pleased to introduce with Senator HUMPHREY the Acid Deposition and Sulfur Loadings Act.

This bill contains all of the principles in the 1984 National Governors Association policy position on acid rain and may be the long-awaited compromise which breaks the congressional deadlock which has stymied clean air bills for almost 5 years.

The bill would reduce yearly emissions of sulfur dioxide by 10 million tons over the next 13 years in a 31-State region east of the Mississippi River.

It is divided into two phases of 6 and 4 years respectively with a 3-year period in between for evaluation of the results of an accelerated acid rain research program conducted during phase I. Emissions reductions are allocated State by State according to the contribution each State makes to excess sulfur emissions.

The EPA Administrator must study the results of the research after phase I and decide whether to go ahead with phase II as planned or make adjustments including changes in the number of States and amount and kinds of pollutants regulated in the program.

By dividing the reductions into two phases, utilities and other large polluters can use cheaper controls such as coal washing and fuel switching during phase I while gearing up for more expensive control in phase II. This flexible, cost-effective approach is the heart of our bill.

Aside from the novel two-stage approach, the bill has several other unique features. For example, it is the first bill to deal effectively with control of nitrogen oxides. Recent studies in Germany, which has severe acid rain forest damage, indicate that nitrogen oxides may play a serious role in acid rain formation.

Therefore, acid rain bills without nitrogen oxide controls may waste billions of dollars without solving the problem.

My bill solves the nitrogen problem in two ways. First, it allows sources to substitute 2 pounds of nitrogen reductions for every 1 pound of sulfur emissions. In addition the Administrator must establish a nitrogen oxide reduction plan for phase II or report to Congress on why such a plan is not necessary.

The bill's timetable is long enough for introduction of new, cheaper coal burning technologies currently being demonstrated in Germany and Japan.

Polluters might not use these techniques such as fluidized bed coal combustion, catalytic emission reduction and limestone injection if they were

locked in by the shorter timetables contained in other acid rain bills.

Finally, the bill provides for a study commission to evaluate ways to minimize economic disruptions caused by the bill, give credit for past cleanup and establish a trust fund for financing emission reductions.

In short, while other acid rain bills encourage use of stack gas scrubbers which create significant amounts of solid waste, my bill stimulates development of new, less polluting, less energy intensive and more cost effective technologies.

I am sure the Senate Environment and Public Works Committee will give the bill the thorough hearing it deserves.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 503

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

SHORT TITLE

SEC. 1. This Act may be cited as the "Acid Deposition and Sulfur Loadings Reduction Act".

ACID DEPOSITION AND SULFUR EMISSIONS REDUCTION

SEC. 2. Title I of the Clean Air Act is amended by adding at the end thereof the following new part:

"PART E—ACID DEPOSITION AND SULFUR EMISSIONS REDUCTION

"FINDINGS AND PURPOSES

"SEC. 180. (a) The Congress finds that—

"(1) the long-range transport of pollutants and their transformation products is an interestate and international problem;

"(2) current levels of emissions of air pollutants from existing sources as well as increased emissions from new and existing sources threaten public health and welfare and the environment in States and countries other than the States and countries from which the emissions are made;

"(3) phased and incremental reductions in total regional atmospheric loading of pollutions such as sulfur oxides and nitrogen oxides will enhance protection of public health and welfare and the environment;

"(4) more effective regulation of the interstate transport of air pollutants is needed in order to protect the health and welfare of the citizens of downwind States and the economic growth opportunities of downwind States;

"(5) a phased reduction strategy will provide additional time to demonstrate, on a commerical scale, innovative technologies such as limestone injection and fluidized bed combustion and other precombustion, combustion, and postcombustion technologies, which eventually will provide sources of air pollution with a wider choice of cost-effective alternatives to reduce the atmospheric loading of pollutants;

"(6) a two-phase pollution control program, with an intensive evaluation period of new research efforts prior to implementation of the second phase, will allow the second phase of the program to be revised as necessary to incorporate the results of the research and produce increased protection of sensitive areas and increased mitigation of environmental damage; and

"(7) in particular—

"(A) the deposition of acid compounds from the atmosphere is causing and contributing to widespread long-term ecosystem degradation including damage to aquatic and terrestrial resources;

"(B) the principal source of the acid compounds in the atmosphere, and their precursors, is the combustion of fossil fuels;

"(C) the problem of acid deposition is of national and international significance and cannot be addressed adequately without Federal intervention;

"(D) control strategies and technology for precursors to acid deposition exist now that are economically feasible; and

"(E) current and future generations of Americans will be more adversely affected by delayed action, so that efforts to remedy the problem should commence now.

"(b) The purposes of this part are to—

"(1) protect public health and welfare and the environment from any actual or potential adverse effect caused by ambient concentrations or deposition of air pollutants, including the products of atmospheric transformation of pollutants;

"(2) preserve the rights and responsibilities of States to protect the public health and welfare and the environment of their citizens from air pollution originating in other States;

"(3) provide for State flexibility in the design of a pollution control program in order to more effectively achieve maximum benefits and meet economic and environmental concerns, while still reducing total atmospheric loading of pollutants;

"(4) provide States with the option to use the most cost-effective techniques for reductions of total atmospheric loading of pollutants such as sulfur oxides and nitrogen oxides;

"(5) maintain the effectiveness of the pollution control program by requiring that all new conversions from oil and gas to coal for electric utility units meet an emission standard not in excess of 1.2 pounds of sulfur dioxide per million British thermal units; and

"(6) identify and protect areas which are sensitive to sulfate and nitrate deposition, including but not limited to aquatic and terrestrial resources and manmade structures.

"APPLICABILITY TO NEW SOURCES AND CONVERSIONS

"SEC. 181. (a) Nothing in this part shall be construed to limit emission from any electric utility unit or other source of sulfur dioxide, the construction or modification of which began after 1980.

"(b)(1) Except as provided in paragraph (2), nothing in this part shall be construed to limit emissions from any oil- or gas-fired electric utility unit or other oil- or gas-fired source which converts to the use of coal after 1980.

"(2) Any electric utility unit in the acid deposition impact region which converts from oil or gas to coal after 1980 must meet an emission standard not in excess of 1.2 pounds of sulfur dioxide per million British thermal units.

"ESTABLISHMENT OF REGION

"SEC. 182. There is established a long-range transport region (hereafter in this part referred to as the 'acid deposition impact region'), which shall consist of the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

"ACID PRECURSOR CONTROLS

"SEC. 183. (a). There shall be achieved a reduction in annual emissions of sulfur dioxide in the acid deposition impact region of 10,000,000 tons below the total actual annual level of such emissions in such region between January 1, 1980, and December 31, 1980. For purposes of measuring the amount of emissions in any State for purposes of this part, emissions of sulfur dioxide from any new source or new conversion (described in section 181) shall not be included. Such reduction shall be achieved pursuant to a two-phase reduction program and completed no later than January 1, 1998.

"(b)(1)(A) The first phase of the program established pursuant to subsection (a) shall achieve a reduction in annual emissions of sulfur dioxide in the acid deposition impact region of 5,000,000 tons below the total actual level of such emissions in such region between January 1, 1980, and December 31, 1980. The first phase of such program shall be completed no later than January 1, 1991.

"(B) During the first phase of such program, an accelerated research program to examine the pattern of effects of atmospheric loading of pollutants such as sulfur oxides and nitrogen oxides shall be implemented by the Acid Precipitation Task Force (established under section 703 of the Acid Precipitation Act of 1980), under the direction of the Administrator of the National Oceanic and Atmospheric Administration. Results of such research program shall be made freely available to the States. Such research program shall include but shall not be limited to—

"(i) high terrain modeling;

"(ii) research on the health effects resulting from emissions of sulfur dioxide and nitrogen oxides;

"(iii) regional tracer studies to identify source receptor relationships in the continential United States, Mexico, and Canada;

"(iv) research on the impacts of emissions of sulfur dioxide and nitrogen oxides and their transformation products on visibility and air quality related values in the continental United States;

"(v) the identification of sulfate and nitrate sensitive geographic areas in the continental United States;

"(vi) the identification of aquatic, terrestrial, and materials damage in the continental United States, including localized impacts on manmade structures;

"(vii) the identification of the causes of aquatic, terrestrial, and materials damage in the United States, including an examination of the relative role of emissions of sulfur dioxide, nitrogen oxides, hydrocarbons, and their transformation products, individually and in combination, and the role of natural stresss factors and other potential causes of such damages;

"(viii) research on the efforts of high temperature, humidity, and air stagnation on acid formation and deposition;

"(ix) research on measures to treat aquatic and terrestrial acidification; and

"(x) research, development, and demonstration of coal precombustion, combustion, and postcombustion technologies designed

to achieve reduced emissions of sulfur oxides and nitrogen oxides.

"(C) The accelerated research program required under subparagraph (B) shall expand on the research being conducted pursuant to sections 701 through 706, section 711, and section 712 of the Acid Precipitation Act of 1980 (Public Law 96-294). The authorization for appropriations for the accelerated research program under subparagraph (D) is intended to supplement and not replace funds authorized and appropriated pursuant to the Acid Precipitation Act of 1980 and subsequent legislation.

"(D) To implement the accelerated research program, there are authorized to be appropriated not in excess of $100,000,000 for each fiscal year beginning after September 30, 1985, and ending before October 1, 1991.

"(E) The accelerated research program required under subparagraph (B) shall be completed no later than January 1, 1991.

"(2)(A) An intensive evaluation of the results of the accelerated research program required under paragraph (1)(B), and to the extent practicable, an intensive evaluation of the effects of the reductions in emissions under the first phase of the program under paragraph (1)(A), shall be conducted by the Administrator of the Environmental Protection Agency during a period beginning no later than January 1, 1991, and ending no later than January 1, 1994.

"(B) To carry out the intensive evaluations required under subparagraph (A), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years beginning after September 30, 1990, and ending before October 1, 1993.

"(c)(1) Except as provided in paragraph (2), the second phase of the program established pursuant to subsection (a) shall achieve a further reduction in annual emissions of sulfur dioxide in the acid deposition impact region of 5,000,000 tons (in addition to the reduction of 5,000,000 tons required under the first phase of such program). The second phase of such program shall be completed no later than January 1, 1998.

"(2)(A) Notwithstanding paragraph (1), the Administrator may determine that changes should be made in the second phase of the program based on the intensive evaluations conducted pursuant to subsection (b)(2)(A). If the Administrator does not find that the second phase of the program should be changed, the second phase shall automatically be implemented. If the Administrator determines that any changes in the second phase of the program should be made, the Administrator shall implement such changes by rulemaking. The Administrator shall publish a notice describing proposed changes in the Federal Register no later than January 1, 1993. The Administrator shall consult with the Governors of the States affected by such changes prior to finally implementing such changes. Any person shall have the opportunity to comment on such proposed changes no later than June 1, 1993. The Administrator shall implement the final changes no later than January 1, 1994.

"(B) Pursuant to subparagraph (A), the Administrator is authorized to alter the second phase of the program in any of the following respects:

"(i) Including States in the second phase of the program which did not participate in the first phase of the program.

"(ii) Excluding States which participated in the first phase of the program from the second phase of the program.

"(iii) Increasing or decreasing individual State targets or the aggregate regional reduction target for the second phase of the program.

"(iv) Placing restrictions on the reallotment among agreeing States of the reductions required under section 184(a)(1).

"(v) Establishing individual State requirements for reduction of emissions of nitrogen oxides below the State's annual nitrogen oxides emission level. The Administrator shall select an appropriate base year against which to measure such reductions.

"(C) Prior to altering the second phase of the program pursuant to subparagraph (A), the Administrator shall report to Congress concerning such alterations, and must demonstrate through the rulemaking procedures that a change in the program will result in—

"(i) increased protection of sensitive areas, and

"(ii) increased mitigation of identified damage.

In making the demonstration required by this subparagraph, the Administrator shall consider the results of the research program required under subsection (b)(1)(B) and related research efforts.

"(D) If the Administrator determines pursuant to subparagraph (C) that individual State reduction requirements should not be established for nitrogen oxides pursuant to subparagraph (B)(v), the Administrator shall report to Congress no later than January 1, 1993, the reasons for such determination.

"(E) The Administrator shall not eliminate the aggregate 5,000,000 tons sulfur dioxide emission reduction requirement of the second phase of the program pursuant to subparagraph (A) unless the Administrator reports to Congress, and demonstrates through the rulemaking procedures by clear and convincing evidence that emissions of sulfur oxides or nitrogen oxides are not causing damage and are not reasonably anticipated to cause damage to areas sensitive to sulfate and nitrate deposition (including but not limited to aquatic and terrestrial resources and manmade structures) identified by the research program under subsection (b)(1)(B).

"STATE SULFUR DIOXIDE REDUCTION REQUIREMENTS

"SEC. 184. (a)(1) Each State shall be required to achieve within its borders two equal reductions in annual sulfur dioxide emissions equal to that fraction of 10,000,000 tons which is the ratio of all the actual utility emissions in 1980 in such State in excess of 1.2 pounds of sulfur dioxide per million British thermal units to the total in 1980 in all States in the region of all the actual utility emissions in excess of 1.2 pounds of sulfur dioxide per million British thermal units.

"(2) The Governors of any two or more States within the region may by agreement reallot among agreeing States the reductions required under paragraph (1) if the total reductions equal the total required under paragraph (1).

"(b)(1) Not later than two years after the date of the enactment of this part, each State shall adopt enforceable measures to achieve the first phase and second phase of the reductions in sulfur dioxide emissions required by subsection (a), including emission limitations and schedules for compliance for sources within such State and other means of emission reduction in accordance with section 186. The Governor of such State shall submit such measures to the Administrator for review in accordance with paragraph (4), and to the Governors of all other States in the acid deposition impact region for comment. The measures submitted for review under this subsection shall be sufficient to achieve the State's reduction requirement in each of the first and second phases of the program.

"(2) Revisions to measures to achieve the emission reductions required in the second phase of the program may be submitted to the Administrator by the Governor of each State not later than January 1, 1994.

"(3) If the Administrator proposes alterations to the second phase of the program, the Governor of each State shall submit revised measures to achieve emission reductions to the Administrator no later than January 1, 1994; except that, if the Administrator reduces a State's second phase reduction requirement, the Governor of that State may elect not to submit revisions to measures submitted previously pursuant to subsection (a).

"(4) The Administrator shall approve within six months measures submitted by the Governor of a State under paragraphs (1), (2), and (3) if, taking into consideration the comments of Governors of other States in such region, the Administrator finds that such measures—

"(A) contain enforceable requirements for continuous emission reduction,

"(B) contain requirements for monitoring by the source and enforcement agencies to assure that the emission limitations are being met, and

"(C) are adequate to achieve the reductions in sulfur dioxide emissions for such State required by this section within the time period specified by section 183.

"(c)(1)(A) Not later than eighteen months after the date of the enactment of this part, any major stationary source subject to an emission limitation established under subsection (b) or section 185 for the purpose of achieving first phase reduction requirements shall notify the Governor of the State in which it is located of its intended method of compliance. The Governor shall submit such notifications to the Administrator.

"(B) Any major stationary source which states that it will comply with an emission limitation established under subsection (b) or section 185 through the use of fuel substitution or coal cleaning, must be in compliance with such emission limitation by not later than three years after the date of the enactment of this part.

"(C) Any major stationary source which states that it will comply with an emission limitation established under subsection (b) or section 185 for the purpose of achieving first phase reduction requirements through the installation of a technological system of continuous emission reduction or the replacement of existing facilities with new facilities with substantially lower emissions, must enter into binding contractual commitments by not later than four years after the date of the enactment of this part to acquire, install, or construct such system or facilities.

"(D) Any major stationary source subject to an emission limitation established under subsection (b) or section 185 for the purpose of achieving first phase reduction requirements, must be in compliance with such emission limitation by not later than January 1, 1991.

"(2)(A) Any major stationary source subject to an emission limitation established pursuant to subsection (b) or section 185 for

the purpose of achieving second phase reduction requirements shall notify the Governor of the State in which it is located of its intended method of compliance by not later than January 1, 1995. The Governor shall submit such notifications to the Administrator.

"(B) Any major stationary source which states that it will comply with an emission limitation established under subsection (b) or section 185 for the purpose of achieving second phase reduction requirements through the installation of a technological system of continuous emission reduction or the replacement of existing facilities with new facilities with substantially lower emissions, must enter into binding contractual commitments by not later than January 1, 1996, to acquire, install, or construct such system or facilities.

"(C) Any major stationary source subject to an emission limitation established under subsection (b) or section 185 for the purpose of achieving second phase reduction requirements, must be in compliance with such emission limitation by not later than January 1, 1998.

"(d) Each emission limitation, schedule for compliance, or other measure adopted and approved under this part shall be deemed a requirement of the State implementation plan approved or promulgated for such State under section 110.

"MAJOR STATIONARY SOURCE SULFUR DIOXIDE REDUCTION REQUIREMENTS

"SEC. 185. (a) In any State in the acid deposition impact region which has not, in accordance with section 184(b)(1), adopted measures to achieve the reduction required by section 184(a) within two years after the date of enactment of this part, or which has not had such measures approved by the Administrator under section 184(b)(4) within thirty months after the date of enactment of this part, the owner or operator of each fossil-fuel-burning electric generating facility which—

"(1) is a major stationary source;

"(2) is not subject to section 111(a); and

"(3) emitted at an annual rate equal to or greater than 1.2 pounds of sulfur dioxide per million British thermal units during 1980,

shall comply with an emission limitation or limitations for all such facilities owned or operated by the same entity equivalent to an average among such facilities of 1.2 pounds of sulfur dioxide per million British thermal units on a thirty-day average.

"(b) The owner or operator of each such facility shall submit to the Administrator a plan and schedule of compliance for achieving such emission limitation or equivalent emission reduction in accordance with section 186 not later than three years after the date of enactment of this part. The Administrator shall approve such plan and schedule for compliance if such plan and schedule—

"(1) contain enforceable requirements for continuous emission reduction;

"(2) contain requirements for monitoring by the source and enforcement agencies to assure that the emission limitations are being met; and

"(3) will achieve the emission reduction required by this section at the earliest practicable date, but not later than the deadlines for each phase established under section 184.

"(c) Failure of such owner or operator to submit such approvable plan and schedule within three years after the date of the enactment of this part, failure to comply with the plan and schedule of compliance, and failure to achieve the emission reduction within the required time, shall be violations of emission limitations for the purpose of sections 113, 120, and 304.

"ENFORCEABLE EMISSION REDUCTION PROGRAMS

"SEC. 186. (a) For the purposes of maintaining the limitation on emissions required by section 183, 184, or 185, the following methods or programs for net emission reduction may be used, in addition to enforceable continuous emission reduction measures, by a State or the owner or operator of a source, if emission limitations under such methods or programs are enforceable by the Federal Government, States other than those in which the emissions occur, and citizens under section 304 of this Act:

"(1) Least emissions dispatch to meet electric generating demand at existing generating capacity.

"(2) Retirement of major stationary sources at an earlier date than provided in schedules on file with the Federal Energy Regulatory Commission, the Internal Revenue Service, or State utility regulatory agencies.

"(3) Investments in energy conservation where reductions in emissions can be identified with such investments.

"(4) Trading of emission reduction requirements and actual reductions on a State or regional basis, for which States and the Administrator are authorized to establish emission reduction banks or brokerage institutions to facilitate such trading.

"(5) Precombustion cleaning of fuels

"(b) A State or the owner or operator of a source required to achieve emission reductions under section 183, 184, or 185 may substitute reduction in emissions of oxides of nitrogen for required reductions in emissions of sulfur dioxide, at a rate of two units by weight of oxides of nitrogen for each unit of sulfur dioxide.

"CANADIAN REDUCTION PROGRAMS

"SEC. 187. (a) The Administrator, the Secretary of Energy, the Secretary of Commerce, and the Secretary of State shall take all measures, to the maximum extent practicable, to induce Canada to achieve percentage reductions in annual emissions of sulfur dioxide comparable to reductions established pursuant to section 183(a).

"(b) Nothing in this section shall be interpreted to modify the Administrator's responsibilities under section 115.

"(c) Prior to approval by the Department of Energy of agreements for the importation of electric energy from Canada under the Federal Power Act, the Administrator shall certify to the Secretary of Energy that progress is being made by Canada to achieve comparable percentage reductions in annual emissions of sulfur dioxide, as provided for in this section.

"STUDY COMMISSION

"SEC. 188. (a) A study commission, including State representatives designated by the National Governors' Association, shall be established by the Administrator in order to consider mechanisms to reduce the potential economic disruption that may be caused by implementation of this part, and to determine how to provide credit to individual States for past reductions in atmospheric loadings of sulfur oxides and nitrogen oxides. The study commission shall also examine mechanisms to assist in reducing the economic burden on selected States of the cost of the reduction program including an analysis of the potential for a fee-generated trust fund to be used to assist in financing the reductions in emissions required by this part.

"(b) The Administrator shall report to Congress by January 1, 1986, the results of the studies conducted by the study commission."

● Mr. HUMPHREY. Mr. President, for several years, many in this body, and millions across the Nation, have been frustrated by the continued inaction on the part of the Federal Government with regard to the problem of acid deposition. While real progress on this issue has been thwarted by legislative logjam, valuable resources have continued to be at risk. Acid deposition continues to damage lakes, rivers, and streams, and evidence is growing which indicates that acid rain is contributing to the decline of forests throughout the country. We simply cannot afford a prolonged period of inaction on acid rain controls. That is why I am pleased to be joining the distinguished Senator from Wisconsin [Mr. PROXMIRE] in the introduction of legislation that I believe has a potential to break this devastating acid rain logjam.

The Acid Deposition and Sulfur Loading Reduction Act of 1985 is based on the principles adopted by the National Governors' Association [NGA] in February 1984. That such a diverse body, representing the widest possible range of constituencies, was able to come to agreement on a plan for action, strongly suggests that this plan could become a basis for a consensus on this issue. In offering this plan to the Senate, I am seeking to spark discussion and debate among my colleagues so that we can enact a workable and meaningful acid rain reduction program this year.

The approach incorporated in this legislation is unique among plans which have been offered thus far. The plan calls for total emissions reductions of 10 million tons to be achieved in two phases over a period of 13 years. The two phases of reduction—of 5 million tons each—are separated by a 3-year period. During this period, the Administrator of the Environmental Protection Agency is to study the results of the first reduction phase, as well as findings from an expanded program of research that will be established, and determine if modifications should be made to the second phase. This flexibility is the heart of the plan, and it meets one of the most persistent challenges of environmental policy head on. A few years down the road we may very well discover that the scope of the problem is far different than we understand it to be now. With the experience of the initial implementation, as well as greater scientific and technological knowledge, this legislation suggests a means to make adjustments to the strategy while strictly adhering to our goal of effec-

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tive protection of the Nation's environment.

This legislation is also important in that it directly addresses the threats that we know are being posed by nitrogen oxides. A key provision allows States to substitute nitrogen oxides reductions for sulfur dioxide reductions on a 2 pounds NO_x for 1 pound SO_2 ration. We know that NO_x plays a significant role in acid deposition. This plan acknowledges that role and suggests that effective acid rain policy must incorporate NO_x reductions.

Mr. President, there is no Member of this body who has been more committed to achieving passage of effective acid rain control legislation than this Senator. Indeed, I have offered and actively fought for the strongest acid rain control measures which have been offered in this body. This commitment remains unchanged. Clearly, however, the protection of the environment is not advanced by perpetuating the logjam on this issue. Through the persistent efforts of the Governors of the States, including the distinguished Governor of New Hampshire—John Sununu—the NGA was able to come up with a plan. It is a new approach, it is innovative in important ways, and it is worthy of the consideration of every Member of this body. I urge such consideration. Far too much is at risk through further delay on acid rain. We cannot afford to go another year without breaking the devastating acid rain logjam.●

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

Mr. PROXMIRE. Mr. President, I yield whatever time remains to the Senator from Nebraska.

Mr. EXON. Mr. President, I thank my good friend from Wisconsin. I also request of the minority leader some of the time that he has remaining on his order be delegated to me, if I can have the cooperation of the distinguished majority leader for some clarification of questions which I have.

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

Mr. EXON. I am glad to yield.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes and fifty-three seconds.

Mr. BYRD. I thank the Chair.

I yield as much of that time as the distinguished Senator from Nebraska would want.

Mr. EXON. I thank the minority leader.

Mr. BYRD. If he does not use it all, I would like to reserve the remainder.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

FARM CREDIT

Mr. EXON. Mr. President, I am very pleased that I have been yielded time by my colleague from Wisconsin, and my colleague from West Virginia.

I appreciate very much the fact that the majority leader has come back on the floor. I think it is rather important that maybe we straighten out some misconceptions that might be about as we begin to debate today on the African relief bill, and most of the debate I suspect will center on additional pieces of agricultural legislation that many of us feel is critically necessary to follow on top of the arrangements, negotiations, the consultations, and finally the agreements that were entered into last week in good faith by all.

I simply say that under the agreement each side has two first-degree amendments that can be offered to this bill. I do not know what is going to happen but I will predict that something of some additional benefit to the harshly depressed agriculture sector is going to be passed this week by the U.S. Senate. I am not particularly concerned about whose names are on the amendments or which side gets credit. The main thing is if we can get some credit, additional credit, during this short-term planting season crisis. I do not think it is particularly important as to which side gets the political credit.

I appreciate very much the distinguished majority leader coming back on the floor. I would like to pose a question or two to him if I might.

Mr. DOLE. Yes.

Mr. EXON. As we begin this debate, I think maybe it is best that we clear the air. There was some confusion I think from certain newspaper stories over the weekend that maybe the agreement that we entered into last week was not firm. I know—I am confident—that is not the case from the majority leader. He is a man of his word. But I think maybe since some clouds have been raised, it might be well to clarify this.

The basic premise of the newspaper stories that I read was that the President said last Thursday night at his news conference that he intended to offer no additional credit to farmers above and beyond the $650 million that had previously been advanced, and that amount has been pursued and has been offered by the administration for some time.

The story then went on to say that other negotiations had been carried out. At least some have gotten the impression that the $650 million cap on the guaranteed loan program—which basically is where the Farmers Home Administration can guarantee loans through commercial lending institutions—still exists as evidenced by the President's pronouncements as I understand it to that effect in his Thursday news conference of Thursday last.

I am sure that the majority leader will agree—and indeed it is the first part of item No. 1 under provisions of the sense-of-the-Senate resolution which I quote:

> 1. Adequate loan guarantees will be made available under the September Debt Adjustment Program to meet demand by lending institutions to refinance farmers this spring.

My question of the majority leader is, Is it not true that, pursuant to our agreement which the President has signed onto, that there is no $650 million cap on the program I have just outlined?

Mr. DOLE. The Senator is generally correct. I point out that last September a $650 million program was announced, but it was not a very effective program because you had to write down the principal rather than the interest. Only about $25 million was used. In negotiations which started several weeks ago—in fact, the Senator from Nebraska was present, along with the Senator from Kansas, Secretary Block, and David Stockman—I asked David Stockman, How much money are we talking about? $625 million will not be enough. He indicated then it would be adequate. I think we have been able to clarify it a little more in the past few days. So there is no cap, but this may have been the subject of some inaccurate accounts in the media. There has been a lot of confusion, but in point of fact, there is no cap.

I was quoted correctly in this morning's New York Times saying there is no cap. If $1 billion is needed, there will be $1 billion available. If $2 billion is needed, there will probably be $2 billion available.

I might add that the same is true for direct operating loans from Farmers Home. The question raised is whether there will be enough money.

Mr. EXON. That was my next question. In other words, there is no cap on either the direct loans of the Farmers Home Administration or the guaranteed loans of the Farmers Home Administration?

Mr. DOLE. That is correct. I do not want to start the debate now, but that is why I think we have a pretty good program in place. I do not know what else we could do that would be any more responsible. As I indicated earlier this morning, over the past few days, clarification has also been provided about how fast it takes to process the loans. It does not do any good to have the money if you cannot get the applications processed. We have tightened that up and flushed that out in the resolution.

So again, I would say to my distinguished colleague from Nebraska, and I do not believe I will be contradicted by anybody in the administration, that in both cases we are talking about adequate resources, and there is no cap.

Mr. EXON. I thank the majority leader. I would hope, then, that we

could also agree that since the meeting that the majority leader referred to that was held some time ago with Mr. Stockman, he and I and four Presidents of farm bureaus, as I remember, and other Senators, there was no cap at that time and, at least according to the Director of the Office of Management and Budget, and since during the deliberations last week, prior to the President's press conference of last Thursday, there had been agreements and understandings made, supposedly that the President was knowledgeable about, that there would not be a cap. I guess I can only say, therefore, that the President, if he indeed said he was not going to go above $650 million, he must have been in error at that time, if he said that.

Mr. DOLE. Right. I have not read a transcript of the press conference, and I did not see it. As the Senator from Nebraska knows, during the President's press conference, we were negotiating down the hall. I think we may have all missed the press conference. But the result of those negotiations was to reinforce what everyone felt was the view—that there is no cap. That was one of the good results, I think, from our discussions in the last 4 days.

Mr. EXON. I thank the majority leader. I agree I did not hear that portion of the President's statement, but he was quoted in the press as having said that. In fact, I think the quote was something to the effect that in his Saturday's press conference the President took an even more hard-line approach than he did Thursday night when he said that he would not go any over the $650 million cap on the loan program. If the President said that, then I would say that, putting it in the best possible light, it was a misstatement, because there is no cap.

Mr. DOLE. Right. I would even say that it might have resulted from a mistake in the media.

Mr. EXON. Is the majority leader suggesting that the media made a mistake in the figures?

Mr. DOLE. I don't know that is the case, but it is not unheard of for there to be a misquote in a newspaper, on radio, or television.

Mr. EXON. I thank the majority leader. I think we have cleared this up and that allows us to go into this debate with an understanding that there is total agreement on both sides of the aisle, with the administration, with the Secretary of Agriculture, with the Director of the Office of Management and Budget and, indeed, with the President himself on the issue we have just discussed.

Mr. DOLE. I thank my colleague from Nebraska, and I thank him for his positive input over the past few days.

Mr. EXON. I thank the majority leader.

RECOGNITION OF SENATOR BOREN

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized for not to exceed 15 minutes.

Mr. BOREN. I thank the Chair.

FARM CREDIT

Mr. BOREN. Mr. President, listening just a few moments ago, I was able to hear only part of the conversation between the distinguished Senator from Nebraska and the distinguished majority leader about the difference between, the apparent contradiction between the statements made in the President's radio address this weekend with regard to the cap of $650 million and pledges made by Secretary Block to this Senator and others as also embodied in the sense of the Senate resolution which was passed by the Senate last Saturday in terms of our agreement ending the filibuster on the Meese nomination.

Before hearing this conversation, about 45 minutes ago, I dispatched a member of my staff to hand-deliver to the President a letter, which I now want to read into the RECORD, on this subject.

The PRESIDENT,
The White House,
Washington DC.

MR. PRESIDENT: According to an article which appeared in yesterday's "Washington Post", you stated that you did not intend to provide more than $650 million for the FmHA Debt Adjustment Program, (DAP). It was my understanding that you had earlier in the week authorized Secretary Block to use as much money as necessary for this program, that, in essence, there would be no cap on the funding.

Secretary Block assured us that you supported the Senate Resolution clarifying that there would be no cap on this program.

—I might say as well on the direct loan program also.

His repeated assurances were one of the primary reasons I decided to end the filibuster against Mr. Meese's nomination.

I would appreciate an immediate clarification of your position on this matter as the Ethiopian Food Aid Bill is to come before the Senate this afternoon and your position may necessitate a modification of an amendment several farm state senators intend to propose.

Your prompt reply will be appreciated.

Sincerely,

DAVID L. BOREN,
U.S. Senator.

It could be, Mr. President—and I understand the majority leader has already spoken to this; I apologize that I had to start to the floor before hearing his full reply on the intercom system—that this may be simply a misunderstanding. I do think it is important that the White House clarify this matter as soon as possible.

Mr. DOLE. Maybe the Washington Post ought to clarify it.

Mr. BOREN. Mr. President, I would be happy to yield to the majority leader for any comment he might wish to make.

Mr. DOLE. I just say to the distinguished Senator that maybe the Washington Post or the President might clarify it. We are trying to find a copy of the radio address to see if any figure was used.

Mr. BOREN. I thank my colleague, and I think his point is well taken that maybe it was not an error of the White House as to what was said. I had not made a statement on it since I had dispatched my letter to the President some 45 minutes ago. As the distinguished majority leader knows, from my own experience in the past as Governor and his experience as majority leader, I try to make sure that a letter reaches the intended party before I make a statement on the floor or to the press. I assume the White House now has the letter, and I am sure the majority leader and others are checking the press report to determine its accuracy.

I hope the matter can be resolved as soon as possible. I am sure it will be. I note that we were all acting in good will and mutual trust last week. I have no reason to think otherwise. I am sure that what we have here is either a case of misinterpretation in a press report or an honest misunderstanding, one or the other, that will soon be cleared up.

THE AGRICULTURAL CRISIS

Mr. BOREN. Mr. President, I rise today to continue my daily vigil on the state of American agriculture. We are facing a crisis not only in economic terms, but also in terms of a complete restructuring of our culture. The trend over the past 50 years has resulted in fewer farmers and smaller rural communities. The benefits of the increased productivity of American agriculture have been many, but there have also been negative aspects which we must consider. Now, more than ever before, we need to think about what is happening in American agriculture and what this ultimately will mean to this country while we still have an opportunity to redirect the trend.

In 1977, Wendell Berry published a book entitled: "The Unsettling of America Culture and Agriculture." In one chapter of this book, he discusses his home county in Kentucky and the effects mechanization has had on it. I want to share with my colleagues some excerpts from this enlightening book:

In the decades since World War II the farms of Henry County have become increasingly mechanized. Though they are still comparatively diversified, they are less diversified than they used to be. The holdings are larger, the owners are fewer. The

land is falling more and more into the hands of speculators and professional people from the cities, who—in spite of all the scientific agricultural miracles—still have much more money than farmers. Because of big technology and big economics, there is more abandoned land in the county than ever before. Many of the better farms are visibly deteriorating, for want of manpower and time and money to maintain them properly. The number of part-time farmers and ex-farmers increases every year. Our harvests depend more and more on the labor of old people and young children. The farm people live less and less from their own produce, more and more from what they buy. The best of them are more worried about money and more overworked than ever before. Among the people as a whole, the focus of interest has largely shifted from the household to the automobile; the ideals of workmanship and thrift have been replaced by the goals of leisure, comfort, and entertainment. For Henry County plays its full part in what Maurice Telleen calls "the world's first broad-based hedonism." The young people expect to leave as soon as they finish high school, and so they are without permanent interest; they are generally not interested in anything that cannot be reached by automobile on a good road. Few of the farmers' children will be able to afford to stay on the farm—perhaps even fewer will wish to do so, for it will cost too much, require too much work and worry, and it is hardly a fashionable ambition.

And nowhere now is there a market for minor produce: a bucket of cream, a hen, a few dozen eggs. One cannot sell milk from a few cows anymore; the law-required equipment is too expensive. Those markets were done away with in the name of sanitation—but, of course, to the enrichment of the large producers. We have always had to have "a good reason" for doing away with small operators, and in modern times the good reason has often been sanitation, for which there is apparently no small or cheap technology. Future historians will no doubt remark upon the inevitable association, with us, between sanitation and filthy lucre. And it is one of the miracles of science and hygiene that the germs that used to be in our food have been replaced by poisons.

In all this, few people whose testimony would have mattered have seen the connection between the "modernization" of agricultural techniques and the disintegration of the culture and the communities of farming—and the consequent disintegration of the structures of urban life. What we have called agricultural progress has, in fact, involved the forcible displacement of millions of people.

I remember, during the fifties, the outrage with which our political leaders spoke of the forced removal of the populations of villages in communist countries. I also remember that at the same time, in Washington, the word on farming was "Get big or get out"—a policy which is still in effect and which has taken an enormous toll. The only difference is that of method: the force used by the communists was military; with us, it has been economic—a "free market" in which the freest were the richest. The attitudes are equally cruel, and I believe that the results will prove equally damaging, not just to the concerns and values of the human spirit, but to the practicalities of survival.

And so those who could not get big have got out—not just in my community, but in farm communities all over the country. But as a social or economic goal, bigness is totalitarian; it establishes an inevitable tendency toward the one that will be the biggest of all. Many who got big to stay in are now being driven out by those who got bigger. The aim of bigness implies not one aim that is not socially and culturally destructive.

And this community-killing agriculture, with its monomania of bigness, is not primarily the work of farmers, though it has burgeoned on their weaknesses. It is the work of the institutions of agriculture: the university experts, the bureaucrats, and the "agribusinessmen," who have promoted so-called efficiency at the expense of community (and of real efficiency), and quantity at the expense of quality.

In 1973, 1,000 Kentucky dairies went out of business. They were the victims of policies by which we imported dairy products to compete with our own and exported so much grain as to cause a drastic rise in the price of feed. And, typically, an agriculture expert at the University of Kentucky, Dr. John Nicolai, was optimistic about this failure of 1,000 dairymen, whose cause he is supposedly being paid—partly with their tax money—to serve. They were inefficient producers, he said, and they needed to be eliminated.

He did not say—indeed, there was no indication that he had ever considered—what might be the limits of his criterion or his logic. Did he propose to applaud this process year after year until "biggest" and "most efficient" become synonymous with "only"? Did these dairymen have any value not subsumed under the heading of "efficiency"? And who benefited by their failure? Assuming that the benefit reached beyond the more "efficient" (that is, the bigger) producers to lower the cost of milk to consumers, do we then have a formula by which to determine how many consumer dollars are equal to the livelihood of one dairyman? Or is any degree of "efficiency" worth any cost? I do not think that this expert knows the answers. I do not think that he is under any pressure—scholarly, professional, moral, or otherwise—to ask the questions. This sort of regardlessness is invariably justified by pointing to the enormous productivity of American agriculture. But any abundance, in any amount, is illusory if it does not safeguard its producers, and in American agriculture it is now virtually the accepted rule that abundance will destroy its producers.

And along with the rest of society, the established agriculture has shifted its emphasis, and its interest, from quality to quantity, having failed to see that in the long run the two ideas are inseparable. To pursue quantity alone is to destroy those disciplines in the producer that are the only assurance of quantity. What is the effect on quantity of persuading a producer to produce an inferior product? What, in other words, is the relation of pride or craftsmanship to abundance? That is another question the "agribusinessmen" and their academic collaborators do not ask. They do not ask it because they are afraid of the answer: The preserver of abundance is excellence.

My point is that food is a cultural product; it cannot be produced by technology alone. Those agriculturists who think of the problems of food production solely in terms of technological innovation are oversimplifying both the practicalities of production and the network of meanings and values necessary to define, nurture, and preserve the practical motivations. That the discipline of agriculture should have been so divorced from other disciplines has its immediate cause in the compartmental structure of the universities, in which complementary, mutually sustaining and enriching disciplines are divided, according to "professions," into fragmented, one-eyed specialties. It is suggested, both by the organization of the universities and by the kind of thinking they foster, that farming shall be the responsibility only of the college of agriculture, that law shall be in the sole charge of the professors of law, that morality shall be taken care of by the philosophy department, reading by the English department, and so on. The same, of course, is true of government, which has become another way of institutionalizing the same fragmentation.

However, if we conceive of a culture as one body, which it is, we see that all of its disciplines are everybody's business, and that the proper university product is therefore not the whittled-down, isolated mentality of expertise, but a mind competent in all its concerns. To such a mind it would be clear that there are agricultural disciplines that have nothing to do with crop production, just as there are agricultural obligations that belong to people who are not farmers.

A culture is not a collection of relics or ornaments, but a practical necessity, and its corruption invokes calamity. A healthy culture is a communal order of memory, insight, value, work, conviviality, reverence, aspiration. It reveals the human necessities and the human limits. It clarifies our inescapable bonds to the earth and to each other. It assures that the necessary restraints are observed, that the necessary work is done, and that it is done well. A healthy farm culture can be based only upon familiarity and can grow only among a people soundly established upon the land; it nourishes and safeguards a human intelligence of the earth that no amount of technology can satisfactorily replace. The growth of such a culture was once a strong possibility in the farm communities of this country. We now have only the sad remnants of those communities. If we allow another generation to pass without doing what is necessary to enhance and embolden the possibility now perishing with then, we will lose it altogether. And then we will not only invoke calamity—we will deserve it.

The concentration of the farmland into larger and larger holdings and fewer and fewer hands—with the consequent increase of overhead, debt and dependence on machines—is thus a matter of complex significance, and its agricultural significance cannot be disentangled from its cultural significance. It *forces* a profound revolution in the farmer's mind: once his investment in land and machines is large enough, he must forsake the values of husbandry and assume those of finance and technology. Thenceforth his thinking is not determined by agricultural responsiblity, but by financial accountability and the capacities of his machines. Where his money comes from becomes less important to him than where it is going. He is caught up in the drift of energy and interest away from the land. Production begins to override maintenance. The economy of money has infiltrated and subverted the economies of nature, energy, and the human spirit. The man himself has become a consumptive machine.

It remains only to say what has often been said before—that the best human cultures also have this unity. Their concerns

and enterprises are not fragmented, scattered out, at variance or in contention with one another. The people and their work and their country are members of each other and the culture. If a culture is to hope for any considerable longevity, then the relationships within it must, in recognition of their interdependence, be predominantly cooperative rather than competitive. A people cannot live long at each other's expense or at the expense of their cultural birthright—just as an agriculture cannot live long at the expense of its soil or its work force, and just as in a natural system the competitions among species must be limited if all are to survive.

In any of these systems, cultural or agricultural or natural, when a species or group exceeds the principle of usufruct (literally, the "use of the fruit"), it puts itself in danger. Then, to use an economic metaphor, it is living off the principal rather than the interest. It has broken out of the system of nurture and has become exploitive; it is destroying what gave it life and what it depends upon to live. In all of these systems a fundamental principle must be the protection of the source: the seed, the food species, the soil, the breeding stock, the old and the wise, the keepers of memories, the records.

And just as competition must be strictly curbed within these systems, it must be strictly curbed among them. An agriculture cannot survive long at the expense of the natural systems that support it and that provide it with models. A culture cannot survive long at the expense of either its agricultural or its natural sources. To live at the expense of the source of life is obviously suicidal. Though we have no choice but to live at the expense of other life, it is necessary to recognize the limits and dangers involved: past a certain point in a unified system, "other life" is our own.

In the same book, Wendell Berry also outlines very clearly Jefferson's ideas of agriculture. He states:

THE CONVICTION OF THOMAS JEFFERSON

In the mind of Thomas Jefferson, farming, education, and democratic liberty were indissolubly linked. The great conviction of his life, which he staked his life upon and celebrated in a final letter two weeks before his death, was "that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God." But if liberty was in that sense a right, it was nevertheless also a privilege to be earned, deserved, and strenuously kept; to keep themselves free, he thought, a people must be stable, economically independent, and virtuous. He believed—on the basis, it should be remembered, of extensive experience both in this country and abroad—that these qualities were most dependably found in the farming people: "Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests by the most lasting bonds." These bonds were not merely those of economics and property, but those, at once more feeling and more practical, that come from the investment in a place and a community of work, devotion, knowledge, memory, and association.

And all these statements must be read in the light of Jefferson's apprehension of the disarray of agriculture and of agricultural communities in his time: ". . . the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business, under levies for the support of manufacturers, etc., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the Western States by silently breaking up those on the Atlantic . . ."

Mr. President, I share this with my colleagues so that each will gain a clearer understanding of the importance of agriculture to our country. We are not merely talking about economics—we are talking about the survivability of a workable democracy. We are talking about the preservation of the principles upon which this Nation is based. We are talking about the same question our Founding Fathers were concerned with when the federalist papers were written—is it possible for people to truly rule themselves in a stable regime.

In yesterday's Washington Post, James R. Dickenson wrote an excellent article about the way of life which American agriculture has represented since the beginning of our Nation. I ask unanimous consent that a copy of the article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it so ordered.

(See exhibit 1.)

Mr. BOREN. Mr. President, during the next few months, we shall be writing the new farm bill. It is my hope that as we work on this measure, we all bear in mind the importance of agriculture to our Nation's economy and to our Nation's basic structure.

EXHIBIT 1

[From the Washington Post, Feb. 24, 1985]

MY GRANDMOTHER, THE FARM WIFE

(James R. Dickenson)

For nearly 92 years, my maternal grandmother, who now rests under the Kansas prairie she loved so deeply, assumed that the sun and the rest of the universe revolved around western Kansas.

Oh, if you'd asked her this in so many words, she'd probably have laughingly denied it, but her First Principle was that bread is as basic as it gets and whose wheat farmers who produced it were truly doing God's work. She was by no means alone in this belief.

In the weeks after the attack on Pearl Harbor, incredible as this seems in hindsight, the tiny hamlets of western Kansas and eastern Colorado were blacked out at night. I can still remember Art Larson, who ran the lumber yard and was a block warden, tapping on our windows to tell us light was showing through. The rationale was simplicity itself—the only way the Axis could hope to win was to destroy our food supply.

There are still millions of Americans who share that feeling. Many of them have been or are going to be forced off the land and a cherished way of life in the nation's worst agriculture crisis since the 1930s. With some it's their own fault, but for many it's the historic fact that farmers have often been beset by forces over which they have no control.

One, of course, is a cruel and capricious Nature. Farmers also become pawns in politics, as during the Russian grain embargo. Now they are caught in a tangled web of federal government policies that helped raise interest rates, a strong dollar, worldwide recession and price supports that were supposed to help them but, paradoxically, are helping price them out of competition in the export markets that were a mainstay of their relative prosperity of the '70s. Many were prodded by bankers and government officials into the expansion that is their ruination now.

There is no reason we can't have a farm policy that can help preserve the family farm, which is still the mainstay of agriculture production. For starters, there is no reason to make federal price support payments to large producers, those whose sales are $500,000 or more annually.

And family farmers are worth saving. Most are not the greedy, reckless money grubbers that David Stockman seems to envision. It's not uncommon for a farmer capitalized at a million dollars to receive a 1 percent return on his investment. And if he wants to stay in business, we ought to help him. The farm culture has a value far beyond its impressive production figures and bottom-line considerations.

Grandmother had a true sense of the land. If you didn't own land, you had nothing, she believed, and she held on to the half-section—320 acres—that she and Grandpa owned until she died. When we sold it, my uncle, who had farmed it for her after Grandpa died, told me that she could have sold it at any time, put the proceeds in a 5¼ percent passbook savings account, and made more money.

My first reaction was shock. Was that why I'd spent all those blistering 12- and 14-hour summer days during my teens, eating enough topsoil, it seemed, to start a spread of my own?

But I knew he was right. Between 1945, when I first worked as a full-time harvest hand at age 13, and 1951 I worked every summer for my farmer uncles on both sides of my family. Each year a few more marginal farmers would have to sell out and take jobs in Denver as welders or auto parts salesmen or whatever.

Many had managed to scrape through the twin disasters of the Great Depression and the Dust Bowl with a half-section of land and an old Model D John Deere tractor that had only about five moving parts and burned kerosene. They prospered during the World War II years, when the rains came and prices were high

But what drought and depression couldn't do, the revolution in farm technology that exploded after the World War II did. Farms in the wheat country had to keep expanding to justify the purchase of the bigger and more efficient technology. The predictable result was an exodus of people.

It was nothing short of revolutionary. In the South, poor blacks were displaced by machinery and moved to the northern cities, with profound social consequences that we are struggling with still.

In the summer of 1945, the sidewalk on the main street of McDonald, Kan., was so jammed on Saturday night when the movies let out and the grocery stores were closing that impatient kids ran out onto the street to get down to the pool hall, which was packed. Now you could shoot a cannon down the main street any time after 6 on a Saturday night and not endanger a living soul. It's been that way for years.

That's one of the most troubling things about the crisis of the family farm. A way of life that is the only one many want, a culture that shaped the nation's history and values, is destroyed along with it.

It's a heartbreak business. If the Argentine wheat farmers, OPEC and world economic recession don't get you, the drought and hail and rust (fungus) will. The only time I ever saw my grandmother cry, outside of the funerals of loved ones, was the summer we got hailed out, 1948 or 1949 it was, I can't remember which.

You want to know despair? Despair is 45-bushel-to-the-acre wheat coming off a winter of good moisture and just ready for the combine when that lethal, monster cloud fills up the western sky, roiling and glinting an evil green and brushed with silver, which tells you that the moisture in it will put bumps on your head, dent your car, tear off your shingles and break your heart.

That one came in the night, a racket that made you forget forever any sleeping nightmares you may have had. The next morning, it was my sad duty to drive grandmother out to inspect the damage. The hail hadn't just shattered the kernels out of their hulls. It had pulverized the straw and beat it into the ground with such ferocity that it looked like it had been turned over with a moldboard plow. Grandmother wept—and the financial loss was the least of her regrets.

I thank the Chair.

I yield the floor.

ORDER FOR RECESS FROM 1 P.M. UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that at 1 p.m. today the Senate stand in recess until 2:30 p.m. today.

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

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m., with statements therein limited to 5 minutes each.

NGA POSITION ON THE FEDERAL BUDGET

Mr. DOMENICI. Mr. President, yesterday Majority Leader DOLE and I appeared before the National Governor's Association winter meeting being held this week here in Washington. I discussed with the Governor's Executive Committee the Federal deficit and the pressing need to make a significant reduction in our growing public debt.

I am pleased that the NGA Executive Committee has endorsed a plan that has a long-run goal of attaining a balanced Federal budget, with interim goals of reducing the projected Federal deficit to approximately 3 percent of GNP by 1988.

More importantly I congratulate the Executive Committee on its endorsement of a freeze on Federal spending for fiscal year 1986 that shares the burden of reduced spending between both defense and domestic spending programs.

I must note that after some debate, that the Executive Committee included in its freeze proposal, a 1-year freeze on cost-of-living adjustments including Social Security, while at the same time excluding low-income means-tested COLA's. I believe, this shows political courage on the part of the Executive Committee and I congratulate them for this.

All the Governors will vote tomorrow on their Executive Committee's proposal on the Federal budget. It is important that the Governors adopt this proposal. It is only approporiate that our States chief executives participate in this critical public policy issue. Together we all share in the responsibility to redress the large and growing Federal deficits, for together we will all share in a growing and stable national economy.

Mr. President, I ask unanimous consent that the NGA Executive Committee's position on the Federal budget appear in the RECORD at this point.

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

EXECUTIVE COMMITTEE; NGA POSITION ON THE FEDERAL BUDGET

The nation's Governors are deeply concerned about the large federal deficits that are projected over the next five years. These deficits are projected to increase from $215 billion in fiscal year 1984 to $296 billion in 1990 if current policies are continued. We believe it is critical that a major federal deficit reduction program be enacted in 1985 while the economy continues to be strong. Failure to address the problem this year will require stronger measures in the future. Such measures may be extremely difficult to enact if the economy slows.

Our concerns focus on the following areas:

The economy—Deficits of the magnitude projected (5.3 percent of GNP by 1990) will significantly retard economic growth and productivity over the next decade. First, high interest rates will maintain an overvalued dollar which will continue to restrain United States exports snd stimulate imports, thereby reducing growth and contributing to the current international trade deficit of over $120 billion. Second, high interest rates will limit investment in plant and equipment, which will restrict productivity and America's ability to compete internationally over the long-run. Finally, both high interest rates and the high value of the dollar are causing distortions of national priorities and major disruptions in certain sectors of the economy, particularly agriculture and heavy industry. During the next decade, unemployment and other economic disruptions may take place if significant deficit reductions are not attained.

State fiscal condition—The fiscal condition of states in 1984 was somewhat improved over the very difficult 1982-1983 period, when 44 states raised taxes and 43 reduced spending to balance their budgets. Due to the budget reductions over this period, state spending in 1984 was still below the real level attained in 1981. The 1985 surplus projected for states is $5.3 billion, which represents only 2.9 percent of spending. The financial markets prefer a 5 percent margin to maintain the highest ratings for state bonds. In addition, 50 percent of the balance is expected to be in only five states, with most other states either reporting very small balances or projecting deficits. Furthermore, states that rely heavily on natural resource production or agriculture are witnessing substantial erosion of their tax revenues. Funds available to the states in future years must be used to meet pressing obligations deferred by states because of the recession—infrastructure, education, environmental protection, income security, prison overcrowding and other critical needs. If the federal deficit restrains economic growth, then state revenues will be reduced, and states must reduce services or raise taxes to compensate for lower revenues. States are not in a position to absorb significant new fiscal responsibilities from the federal government.

Accordingly, the Governors urge Congress and the Administration to initiate a four point plan to restore the fiscal position of the United States as follows:

1. Adopt a freeze on federal spending for fiscal year 1986 that shares the burden among national defense and domestic spending and that does not burden already hard pressed lower income Americans. Given that the federal budget problem is now approaching a crisis situation, a freeze on spending is required.

2. Reform major nonmeans tested entitlements and other mandatory spending programs to increase the long-run control of federal spending.

3. After the budget freeze and reforms have been enacted, it may be necessary to increase revenues to reduce the structural deficit.

4. Enact procedural reforms including a balanced budget constitutional amendment.

The combination of the budget freeze and program reforms and the potential revenue increase should be consistent with the long-run goal of attaining a balanced federal budget. Interim goals of reducing the projected deficit to approximately 3 percent of GNP by 1988 and 1 percent by 1990 should be adopted.

BUDGET FREEZE

1. *Non-defense discretionary spending:* Hold the 1986 appropriation level to the same level as in 1985. For the 1987-1990 period, this component should be increased at one-half the rate of inflation. This category includes programs administered through state and local governments, assistance to business and commerce, veterans programs, health care, environmental regulation, research and development, economic and military assistance to foreign governments, and most of the cost to operate the various branches of the federal government. Funding should be made available for the federal share of superfund, which should be reauthorized this year. Reductions in other programs in this category should be made to accommodate this funding.

2. *National defense:* Limit national defense appropriations in 1986 to the 1985 level plus inflation. For the 1986-1990 period national defense spending would be allowed to increase 1-3 percent in real terms. Defense spending has increased 100 percent between 1981 and 1985, and some slowing of this rate is appropriate to maintain cost-effectiveness in weapons systems and other procurement.

3. *Selected means-tested entitlement programs:* Provide full funding for the following programs: AFDC, Food Stamps, Title XX, Medicaid, SSI, child nutrition, and child welfare services. These programs have already been reduced substantially over the last four years and have already contributed their share of budget reductions.

4. *Other entitlement and mandatory spending programs:* Restrain the growth in these entitlement programs which are projected to increase 33 percent between 1985 and 1990. Included in this category are the medical insurance, Social Security, disability, farm price support and retirement programs funded by the federal government. A one-year freeze on all cost-of-living adjustments should also be enacted.

LONG-RUN REFORMS

After the budget freeze has been enacted, the Congress and the administration should turn their attention to reforms which will increase the cost-effectiveness of entitlement and other madatory spending programs. Over the long-run goal should be to increase the controls over the Federal budget. Reforms should include Medicare, Federal pensions and farm programs. A new commission should be convened to look at potential long-run reforms in social security. It is important that reforms in these programs protect low income beneficiaries.

REVENUE MEASURES

Even after the 1986 budget freeze and long-run reforms are enacted, it may be necessary to raise some additional revenues to attain the interim deficit targets. The revenue increase must be one that does not raise average or marginal tax rates, shares the burden fairly, and can be enacted quickly. State and local tax deductibility should not be singled out for reduction or elimination in any revenue increase.

Another important measure that the federal government could take to help reduce the deficit is to tighten enforcement of the federal tax code. Such action, which has recently been employed in many states with excellent results, would serve not only to ensure payment to the Treasury of needed revenues but would increase public confidence in the fairness of the federal system of taxation. The National Governors' Association urges that the Administration and Congress strengthen the Internal Revenue Service tax enforcement procedures—and increase resources, if necessary to pay for them—as integral to and in conjunction with efforts designed to eliminate the structural deficit.

PROCEDURAL REFORMS

Procedural changes which have worked in the vast majority of States must be made so that the administration and Congress can eliminate the deficit by the end of fiscal year 1990. A constitutional amendment requiring a balanced Federal budget and providing the President with line item veto authority are needed to insure Federal fiscal responsibility.

BUDGET TARGETS

In order to assure a commitment to deficit reductions, the Governors urge Congress and the Administration to agree on specific bipartisan deficit targets for each of the next five fiscal years. These deficit targets should represent a downward glide path from approximately 3 percent in 1988 to 1 percent of GNP by 1990. Congress and the President should work together to approve FY 1986 appropriations, tax and reconciliation legislation consistent with the established targets. The ultimate goal which the NGA recommends is the complete elimination of the deficit. Congress and the Administration should adopt a coherent long-term strategy that achieves this ultimate goal and meets the 1990 objective.

TIM RUSSERT—A MAN THIS GOOD IS HARD TO FIND

Mr. KENNEDY. Mr. President, all of us who knew and admired Tim Russert in his Moynihan and Cuomo incarnations will be delighted to read Richard Stengel's lengthy article about Tim and his transition to the private sector in the February 14 issue of Rolling Stone.

I once heard Tim Russert described as a 12 on a scale of 10. His genius for politics in the best and highest sense of the word was unbounded, and those of us who knew him often hoped he would run for office himself. In a sense, the Democratic Party's loss is NBC's gain; the network is extremely fortunate to have a new executive of Tim Russert's ability and commitment, and I am sure that for Tim, the best is yet to come.

Mr. President, I ask unanimous consent that the Rolling Stone article, "A Man This Good Is Hard to Find," be printed in the RECORD.

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

[From the Rolling Stone, Feb. 14, 1985]

A MAN THIS GOOD IS HARD TO FIND

(By Richard Stengel)

(He was Moynihan's number-one aide. Then he made Cuomo a household word. Now he's NBC News' youngest vice-president. Nobody, it seems, doesn't need Timothy Russert.)

The vanilla ice cream next to the poached pear had mostly melted when Tom Brokaw gently clinked his glass. Smiling, he rose, and the three tables of six in the intimate, darkly wallpapered dining room of the Brokaw's Park Avenue duplex turned to listen to the familiar voice. The dinner was in honor of Brokaw's friend and colleague, Timothy J. Russert, the newest and youngest vice-president of NBC News. At thirty-four Russert—who resembles the puckish, chubby altar boy that he in fact was—had spent the past two years as counselor to Governor Mario Cuomo of New York and several years before that as chief of staff for Senator Daniel Patrick Moynihan, all the while building a nearly legendary reputation as a street-smart, media-wise political operative. Apart from the guest of honor and his wife, Maureen Orth, who had recently signed as an NBC correspondent, the guests included NBC News president Lawrence Grossman; Al Hunt, the Washington bureau chief of The Wall Street Journal, and his wife, the television correspondent Judy Woodruff; Jim Hoge, the publisher of the Daily News; Ken Auletta, the New Yorker writer; and the sprightly Mrs. Daniel Patrick Moynihan, whose husband was due to arrive shortly.

The occasion was low-key and unpretentious, but that did not make it any less a ceremony, a kind of laying-on of hands. In a tone both jocular and welcoming, Brokaw said that they were gathered there to celebrate the removal of Tim Russert, a veteran of the Moynihan-Cuomo workfare program, from the public trough. All raised their wineglasses, except Russert, who did not, partly out of modesty, partly because he was drinking beer. The subsequent toasts also had a warmly chafing spirit, but the one that resonated the most in Russert's mind was Ken Auletta's. Auletta, who has written extensively about Governor Cuomo, said that for a public official there was a very fine line between protecting one's political interests and dealing fairly and openly with the media. No one, Auletta said, navigated that line more skillfully than Tim Russert.

But, now, Tim Russert had crossed that line. The hearty, canny, consummate insider from Buffalo who masterminded Moynihan's smashing reelection victory in 1982, the political Sancho Panza with the golden Rolodex who helped catapult Mario Cuomo from a local arena onto the national stage, had gone over to the other side. At NBC, the image maker so adept at manipulating the media from the outside would now be shaping it from the inside. These days, such a cross-over is not exactly heretical. The fraternity of political émigrés in televisionland is select, but growing. Bill Moyers worked for President Johnson; Pierre Salinger was press secretary for President Kennedy; Diane Sawyer was a flack for President Nixon; and the man who may well be Russert's prototype, ABC News vice-president David Burke, was the chief of staff for New York's Hugh Carey. The fine line between politics and the media is not so much a real boundary as a sleepy border station lacking guards to check anyone's papers or credentials.

Tim Russert has always been in the business of communication. His wife calls him an infomaniac. The son of a *Buffalo Evening News* truck driver, Russert is never without a bundle of newspapers under his arm. He lugs them on and off trains, taxis, buses. If he is flying from New York to Phoenix and the plane stops in Columbus, he will dash off to buy *The Columbus Dispatch.* He pores over local papers as a doctor takes a patient's pulse: to check the health of the body politic. He was, for both Moynihan and Cuomo, their principal press spokesman, the architect and custodian of their images. For dozens of reporters and columnists, he became an essential stop on the road to a story. Knowing Russert was a prerequisite for anyone in the know; if he had been any more plugged in, he would have been electrocuted. Inevitably described as shrewd, he was the opposite of slick. Among journalists and media people, there is a veritable Russert fan club, composed of members of every political stripe. Liberal columnist Mary McGrory: "He's the best I've ever seen." Conservative columnist George Will: "He is a superb professional, who understands the Democratic party beyond the Washington Beltway, where most of it—thank God for small favors—lives." Democratic political consultant David Garth: "He's the best guy at working the press I've ever encountered." Republican political consultant Roger Stone: "He's the best strategist in the Democratic party."

Russert was that anomalous thing in politics, the loyal aide who understood the know-how and the know-why, the behind-the-scenes fixer who could work the phones and tell a Madison Avenue sharpie how to craft a thirty-second spot. Part fan, part handholder, part psychologist, part lawyer, part legislator, part speech-writer, part lob-

byist, he simply made himself indispensable. And visible. Russert attached himself to bigger men, and then grew under their patronage. "I believe in people who believe in things," he says spiritedly. Not only was Russert instrumental in landing the keynote-speaker assignment at the Democratic convention for Cuomo, he also helped focus the governor's stirring speech. Cuomo is his own best phrasemaker, but Russert got Cuomo to emphasize that graphic image of the Two Cities. He made liberal good intentions marketable again. When Gary Hart cried, in the midst of the primaries, "Get me a Russert," he became a part of speech: russert (rus'ert) *n.* a skilled political operative adept at framing and communicating a politician's message while enhancing and expanding his reputation and popularity.

NBC can use a russert. If NBC News were a candidate, it would be the perennial alsoran, the tired campaigner the public has all but forgotten. As the news organization that seems to have a lock on third place in the ratings, the only network that is unable to come up with a successful magazine show, the one news organization that has not been "hot" any time during the past decade, NBC could do with some gussying up. For the past eight years, Russert has spent part of every day thinking how to make television work for him; now he will be working for it. In part, Russert has left his first love for money. At NBC, he is making about double the $75,000 he earned with Cuomo. Recently married, he teasingly affirms that he and Orth want "to enlarge the family of New York" (she is now pregnant). The switch, though, was serendipitous—when Larry Grossman offered him the job, it was a move he hadn't really contemplated. Afraid of becoming a political vagabond, Russert was also lured by television's uncanny power of molding the images and ideas that millions regard as reality. "I didn't understand television as well as I wanted. And I wanted to master it," he says with conviction. At NBC, Russert is now helping shape the images that shape the nation.

In Buffalo, says Russert, "you were born a democrat and baptized a Catholic." In that order. His apprenticeship in the rough-and-tumble world of ward politics began in 1960 when, at the age of ten, he lost a scuffle with the kid down the block who had ripped down the Kennedy sign from in front of the Russert residence. It was his first political lesson: stay out of a fight you can't win. Crafty Timmy then persuaded a paperboy chum to let him deliver part of the boys' Evening News route, and Russert slipped Kennedy brochures into the fold before flinging the paper onto neighborhood doorsteps.

In school, he was a little dynamo, and the nuns doted on him. He was a do-gooder who didn't really seem to be a goody-goody. From the first, he says, "I don't know what motivated me more, fear of failure or the need for success." Named, in 1968, the Outstanding Youth of the Year of the Diocese of Buffalo, he chose a small and undistinguished Jesuit school in Cleveland, John Carroll University. Not only did he become president of the student body, he was the campus impresario, booking and organizing rock concerts. "I learned an awful lot about dealing with temperamental talent and egos," he says with a laugh and a roll of the eye. "Politics is the same thing."

The college graduate went to work for the city comptroller of Buffalo, George D. O'Connell, and learned ward politics at the feet of Frank Szuniewicz Jr. ("Frankie Son-of-a-Bitch," he called himself), the leader of the fifteenth ward of Buffalo. Szuniewicz took him to the Roosevelt restaurant every day for lunch, where Russert wolfed down beef-on-kümmelweck sandwiches and the savory anecdotes of political old-timers. "Timmy learned street politics," remembers Szuniewicz, "which is just finding out what people think down the street, not what's written in the newspaper." Russert knew that he could make it in Buffalo, but that Buffalo would not make it for him. Law was the answer, and he enrolled at the Cleveland-Marshall College of Law, a middling law school back in Ohio. Law school did not give him a profession so much as a technique for problem solving.

After graduating, Russert was working in Buaffalo as the western regional representative for Senator Daniel Patrick Moynihan when the great blizzard of 1977 descended. As the snow fell, he rose to the occasion—organizing relief, then unwinding at what he describes as "the best parties in the history of the city." Three days later Moynihan arrived to tour the area. There he found Russert, in an oversize parka and Timberland boots, the young wizard of the blizzard. "You're coming back with me," Moynihan said, "And," recalls Russert, "I got on the plane, no suitcase, nothing."

Together they drafted a letter to President Carter asking for disaster aid. Once in Washington Moynihan urged him to stay. It didn't take much persuading. Moynihan had a crack staff—Ivy League degrees and a certain intellectual arrogance. Russert, the truck driver's son from the sticks, was a bit cowed. "I didn't recognize, for example, some of the referrences to Trotskyties and Mensheviks, or understand the nuances of the growth of liberslism in the CCNY cafeteria." But he soon realized that he did know a thing or two that they didn't know. "I understood what a Demorcatic senator from New York needed to stand for," says Russert. "And I enjoyed saying sometimes, 'That's an interesting idea, sir, but it won't play in Buffalo.'"

Moynihan, the child of Hell's Kitchen who had made it in the Establishment, saw in Russert a younger self. At twenty-nine, after two and a half years as a legislative assistant, the energetic and high-spirited lawyer who operated the telephone like an extra appendage became the youngest chief of staff in the U.S. Senate. He remained Moynihan's principal spokeman and a favorite of the press. He drank with journalists, gossiped with them, knew what they needed for a story and how to get it. When a reporter was desperate to reach a source, Russert would pluck the magic number from his spinning wheel of names. "Look, here it is." he would say. "If he asks you where you got it, say it was in the files. So put it in your files, take it out, and call him." The Jesuits would be proud.

With Moynihan facing a potentially difficult reelection fight in 1982, Russert took a leave of absence as chief of staff to become campaign manager. "If you were writing a military history," explains Moynihan, "Tim would be among those commanders who are brilliant at forcing their antagonists into untenable positions by exerting pressures that they don't entirely recognize at the time." Commander Russert's most memorable maneuver was the Caputo Gambit. Russert anticipated that Congressman Bruce Caputo would be Moynihan's strongest Republican challenger. He prepared for battle by reading every Caputo clip he could find, assiduously marking down each vote, fact and assertion on yellow legal pads. "Inconsistencies began to emerge," says Russert. What materialized was Caputo's contradictory claims about a military career. Russert mentioned this discrepancy to two journalists who were to have lunch with Caputo. The first thing out of Caputo's mouth after he opened his napkin was that he had served in Vietnam. The reporters checked it out. It was false. Caputo was kaput. Moynihan went on to win with the largest majority in a midterm election in the history of the Senate.

That same November a plucky lawyer from Queens named Mario Cuomo was elected governor of New York. With Moynihan's blessing, and Mrs. Moynihan's observation that "everybody has to grow up and leave home," Russert went to work for the new governor. He was drawn to him by the question that Cuomo himself seemed to personify: Can government be effective and efficient and still be progressive and compassionate? Officially, Russert was Counselor to the Governor, a title concocted by Cuomo that barely suggested the myriad ways that Russert served him. Russert participated in the formulation of policy and legislation, ran the press office and was Cuomo's principal spokesman. Russert was all things to Cuomo, but not to every reporter. Some local journalists, muttering that Russert only schmoozed with national types and TV reporters, grumbled that Russert was better at swapping stories than pushing papers.

In the jargon of television, Cuomo might be described as a "high concept" politician. Russert honed that concept. "Tim is excellent at synthesizing things and then articulating them," says Cuomo. That is precisely what he helped the governor do at the Democratic convention in San Francisco. "He was able to help me make my case in a way that I could not have done by myself," says Cuomo. Russert was credited with giving him so-called national exposure. Much of that consisted of orchestrating television coverage and organizing Meet Mario breakfasts for VIPs the governor might not have met otherwise. "Tim has great credibility," says Cuomo generously, "and I borrowed some of that credibility."

But NBC wanted to borrow it also. Not long after Larry Grossman was named NBC News president, his friend, the Washington lawyer and former Nixon White House counsel, Leonard Garment, suggested Grossman look up Russert. Give him a call, Garment told his chum, he's an Irish *mensch.* The rabbinical-looking Grossman and the boyish, bearish Irishman hit it off. "They have one big thing in common," says Garment, "they both have fun while succeeding." Grossman called Cuomo to make him an offer for his valued counselor. Cuomo, realizing he could not stand in the way of such an opportunity, reluctantly said okay.

The fifth-floor executive offices at NBC News are a study in muted power: beige carpeting, beige walls, beige desks, beige executives. Russert's expansive office is situated next to Grossman's—prime real estate in the geography of office politics. Grossman is the fifth president of NBC News in eleven years. The thoughtful, bearded savior of PBS, Grossman is an advertising man by profession. Like Russert, Grossman was never a newsman. But Grossman knows that television is not a vocation of long apprenticeships; a tyro like Russert can adapt quickly.

Even among NBC veterans, there were few raised eyebrows when a news neophyte

like Russert came aboard. The general view was that his lack of journalistic credentials was balanced by his experience in the political arena. No one seemed overly concerned about possible political bias. Grossman acknowledges that after hiring Russert the first question he was asked by the NBC board of directors was whether the new vice-president would be partisan, but he finds the whole issue tedious. "Look, we're all grown-ups here," Grossman says wearily. Russert's counterpart at ABC, David Burke, suggests there is a built-in safeguard against bias. "News people are the most cynical in the world," says Burke, "and they will double-think anyone's motives. Their very skepticism is one guarantee that people who have crossed the line will be held to a tough standard."

Crossing the line, though, may well be the wrong metaphor. Actually, the connection between politics and the media is incestuous, so intertwined that it is hard to separate one from the other. Such coziness seems to bother almost no one. And why should it? asks George Will. "What I think is supposed to be at jeopardy here," says Will, "is the moral purity of the media. But you have to believe in that first. I can believe many things—six impossible things before breakfast, Lewis Carroll wrote. That I can't believe."

Like more than two months after joining NBC, Russert is worried less about purity than about numbers. He is charged up by the fact that NBC News has been in second place, behind CBS, for three straight weeks. The network's new theme, NBC NEWS ON THE MOVE, is his anthem as well. Along with Grossman, he is determined to return NBC to the glory days of Huntley and Brinkley, when theirs was the news to watch.

Russert's commitment to that task begins before sunup.

6:30 a.m. His alarm goes off, and he groggily watches the tail end of NBC's early-morning news program, NBC News at Sunrise. Leaving his brownstone apartment on Manhattan's Upper West Side, he buys the three New York papers. During the twenty-minute cab ride to the Cardio-Fitness Center at Rockefeller Center, he reads as much as he can. A believer in recycling information, he asks the driver, "You want these papers?" The cabby looks at him as if he were trashing the backseat. Russert takes them.

8:30 a.m. The Cardio-Fitness Center: Clad in the required uniform—a pale-blue T-shirt and navy-blue shorts—Russert is doggedly pedaling an Air-Dyne stationary bicycle while watching Jane Pauley wind up the Today show on a television screen above him. After the workout, he walks across the street to NBC and stops by the Today set to chat with the show's producer, Steve Friedman. Friedman laughs when Russert tells him that the guys at Cardio-Fitness pedaled faster during the show's rock & roll segment on Little Richard.

9:15 a.m. Grapefruit juice, no coffee. He scans The Washington Post, The Wall Street Journal and USA Today. His office is orderly now, but by 5 p.m. it will resemble a battlefield strewn with crumpled newspapers, the casualties of the day's events. He stops by Grossman's office to discuss strategy for an upcoming affiliates' meeting.

9:45 a.m. The first meeting of the day in a day full of meetings. In the medium of television, meetings are the method. With styrofoam cups of coffee steaming before them, eight NBC News vice-presidents, the executive producers of Nightly News, Today and Sunrise, sit in Breuer chairs around a long, rectangular table in room 508. At the head sits Grossman, wearing what appears to be a varsity-letterman's sweater with the NBC insignia emblazoned on it, making him look like chief cheerleader. Joe Bartelme, the general manager for U.S. news, and Jerry Lamprecht, the general manager for foreign news, run down the day's stories. Grossman rubs his beard. "Anything else?" he asks. The meeting is brief, fifteen minutes, and terse. On the way back to their offices, Russert and Grossman discuss a correspondent who has been doing an impressive job. "He's a strong writer, very poetic, and an avuncular presence on the screen," Russert says. Grossman nods.

10:45 a.m. Russert meets with an advertising executive about promotional ads. He finds them self-serving and tells the fellow to have the copy rewritten. At the moment, Russert's principal chore is to be the point man in NBC's aggressive effort to integrate and promote the news organization. "The idea is that news should get a fair share of what in effect is internal promotion," says Russert, "with each individual show, Nightly News, Today, Sunrise, feeding the others." Russert evaluates every on-air promotion and is the prime mover in the NBC News on the Move campaign. One part of the plan calls for NBC entertainment stars, like the Great Communicator Bill Cosby, to tout NBC News in brief spots. "Isn't it just as important to see someone talking about NBC News as a ten-second promo for Punky Brewster?" says Russert. "It's just like politics. You institutionalize an image and people come to believe in it."

12 noon. The editorial board meeting. Clustered about a round table at the north end of Grossman's office are executive vice-president Tom Pettit, senior vice-president John Lane, Brokaw, John Chancellor, NBC's éminence grise, Grossman and Russert. Instituted by Grossman, the board is a kind of collective corporate conscience cum big-boy bull session. They examine the merits of current issues and stories and look ahead to future ones. Brokaw, anchorman of the Nightly News, values Russert's presence for a number of reasons. "I feel like he's someone I went to high school with," says Brokaw. "But, more than that, Tim is someone who can come in my office, look me in the eye and tell me something I may not want to hear."

3:30 p.m. The Nightly News scheduling meeting on the fifth floor. The news producers discuss that evening's lineup of stories. Russert attends this meeting in order to keep abreast of what's happening. He mostly listens, injecting the occasional wisecrack. "It's important for news executives to respect the integrity of the producers and their show," he says. "You just can't say, I think you should lead with such-and-such a segment. They would throw you out the door. As they should." Afterward Russert meets with a corporate honcho to discuss the contracts of various on-air talent and review some of NBC's efforts to stay out of the ratings cellar. "Ratings are what this business is all about—being there first," he says, clenching his fist. For Russert, the uncompetitive life is not worth living.

5:45 p.m. The vice-presidents gather once again. "We rehash the day, find out what's on people's minds and talk about upcoming stories," Russert says. When the meeting breaks up, Russert vainly attempts to answer a stack of messages. At 6:15 p.m., as he is on his way out the door, the phone rings. His secretary has gone, so he picks it up himself. "Mis-ter Chan-cel-lor," he says, spreading out the syllables in comradely salutation. He listens, shifting his weight from one foot to the other. "I agree. Let's talk after the show."

6:30 p.m. Russert, Lane and Pettit wander by Grossman's office to watch the first network feed. If they are dissatisfied with the show, it can be revised for the 7 p.m. broadcast. Several months ago, after the unexplained crash of an American plane in Central America, a report came over the wire that Barry Goldwater, the chairman of the Senate intelligence committee, was making an announcement at 6:30 p.m. The clarification would be too late for the first feed. "I knew that if the chairman was briefed," recalls Russert, "the vice-chairman was also briefed. The vice-chairman happened to be Daniel Patrick Moynihan." Russert rang Moynihan and garnered enough declassified details to enable NBC to lead with the story. After the show, Russert's evening may be devoted to a dinner party, or perhaps a different passion: movies. On a rainy Sunday, he might see three films. And, on the off chance that a rerun of Cool Hand Luke is on television, he will watch that, as he has already, eleven times before.

11:30. At home. Russert's nightly dilemma: What to watch? What to watch? Carson? Nightline? Or his beloved Honeymooners? Switching channels just wasn't the answer. Technology rescued him from his nightly existential quandary. Last December he had three television monitors installed in the living room. He ends the day as he begins it, bathed in the glowing light of a television screen.

Television news has replaced politics at the center of Russert's life and imagination. He already seems to regard his new field with the same veneration he had for his old one. Russert confutes the stereotype of the detached network executive insulated in the steel-and-glass cocoons of Sixth Avenue. He is a populist in the world's most popular medium. For him, popularity is not synonymous with inferiority: "The public is not beguiled." He mulls this over. When he concentrates, he leans forward in his chair, hunched over, legs spread, like a high-school coach diagraming a play in the dirt. "They know what they want, and what they want is usually right. I really believe, for example, that the better candidate wins." Russert is a democrat with a small d. Perhaps that is why he takes so much ribbing from his former boss about joining the glossy world of network television. According to Governor Cuomo, a stand-up comedian manqué whose deadpan delivery is flawless. "There are just two things Tim has to do: get his weight under control, and never, never, lacquer his nails."

He doesn't have the time or the inclination to anyway. Nor does he have the temperament to worry about those who may suspect him of having a hidden political agenda. Russert signed a standard, three-year NBC executive contract. It expires in October of 1987, just in time, suggest some old political hands, for Russert to hitch his star to the Cuomo for President bandwagon. "I've always lived with rumors and speculation," he says. "I made a conscious decision to leave politics for the media. I have embarked on a new career. The decision surprised a lot of people. To suggest that this is all part of some Machiavellian scheme is absurd."

Ah, but the question is, What would Metternich, not Machiavelli, say about it? Russert is fond of recounting an anecdote about

the cunning Austrian statesman. The story is instructive. "Metternich was woken up in the middle of the night," Russert says, with a hint of impish glee, "and told that the Russian ambassador had just dropped dead. Metterich rubbed his eyes and said, 'What could be his motive?'" Russert chuckles. If he has ulterior motives, he is keeping them to himself.

Right now, his allegiance is to NBC and the news. Russert considers his desertion: "In politics, you now what the press is going to ask, you know what they're going to pounce on and how they're going to take what you said and interpret it. Having anticipated that for eight years," he says with a knowing smile, "it's now pretty much the way I thought it was."

The one thing that he feared might happen, didn't. Russert dreaded post-politics decompression. "Politics is the kind of profession that you're making ten decisions per minute: yes, no, yes," he says. "Suddenly, people leave politics, and the phones don't ring." He has discovered that the metabolism rate is just as frenetic in television. "This is the closest thing there is to the day-in, day-out concern in politics about what's going on in the world," he avers, turning up the volume on the center monitor for a report by an NBC correspondent on Capitol Hill. "You don't have a week to think about it," he announces with enthusiasm. "You have to decide what things mean in a few minutes. It really is blood and guts." He grins. "It's wild."

LET'S TALK WITH CASTRO

Mr. PELL. Mr. President, "Let's Talk With Castro" is the title of an excellent and prescient Op-Ed piece written by Representative BILL ALEXANDER in a recent issue of the New York Times and also is a sentiment which I have expressed myself over the past years, especially since my trip to Cuba in 1974 with Senator Javits. As a result of two recent trips to Cuba, the last one in January when he and Representative JIM LEACH spent a total of over 38 hours with the Cuban President, Congressman ALEXANDER believes that the administration should respond positively to Cuba's conciliatory overtures to the United States.

My colleagues know that I have been a strong advocate of normalizing relations with Cuba, because I believe that could improve the prospects of reducing Cuba's intervention in the area. One immediate result of normalization would likely be the reduction in Cuba's spewing of harsh invective and hatred in the region against the United States. It is no wonder that Cuba feels so bitter toward the United States since this Nation has attempted to assassinate its leaders, has launched one large invasion of that nation and who knows how many minor ones, and has done its best to isolate Cuba from its neighbors in the Western Hemisphere.

The agreement on immigration, concluded in December and now being implemented, is a stark demonstration that the United States and Cuba can deal with each other on matters of mutual concern and interest. Let us build on the momentum begun by the agreement and see if Fidel Castro is serious about his expressed willingness to talk about other issues of mutual concern, which could hold out the prospect for a peace settlement in Central America and a reduction of tensions in southern Africa. This theme also is stressed in the Alexander article which I highly recommend to my colleagues. Mr. President, I ask unanimous consent that this excellent article by Representative BILL ALEXANDER from the February 14 edition of the New York Times be printed in full at this point in the RECORD.

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

LET'S TALK WITH CASTRO

(By William V. Alexander, Jr.)

WASHINGTON.—President Reagan would make a serious mistake if he rejected the conciliatory offer tendered this month by Fidel Castro.

The Cuban leader's message is clear: he wants to lessen tensions between Cuba and the United States. This, he hopes, will give Cuba access to United States markets and improve the prospect that entrepreneurs will take advantage of Cuba's new law permitting foreign investment. In exchange, President Castro seems willing to cooperate in bringing about a political solution to problems in Central America and Africa.

My recent trips to Cuba, in August and January, convince me that Mr. Castro means business. For all his Communist ideology, he is a shrewd observer of international economic trends and he looks with some envy on the developing relationship between the United States and the People's Republic of China.

Economically, things are not going well for Cuba. At present, the Soviet Union is subsidizing the Cuban economy at the rate of some $4 billion to $4.5 billion annually. Yet Moscow is apparently reluctant to increase its aid, and Mr. Castro fears that the help may eventually stop altogether. Even with that help, which need not be repaid, Cuba's foreign debt is said to range between $10 billion and $12 billion—more than its estimated gross national product.

President Castro's proposed solution is a 20 percent increase in exports to Western nations that pay in hard currency. Cuban leaders are also particularly interested in joint ventures that would yield manufactured products for export.

For 25 years, Fidel Castro has pushed the Cuban economy toward industralization, with limited success. Agricultural exports dominate, as they did before the revolution. Food and consumer goods are rationed. Low productivity remains a problem despite measures to encourage decentralized management.

The country's economic problems are also compounded by politics. The new generation—more than half the population—was born after Mr. Castro came to power and is particularly impatient for signs of economic progress. The new law allowing Cubans to own their own homes, and the appearance of supermarkets stocked with scarce consumer goods, were undoubtedly designed to satisfy this generation while spurring increased productivity among all workers. The resumption of economic relations with the United States would be the next logical step in this direction.

We might begin to move toward a thaw by opening talks on several immediate points of tension. In particular, Mr. Castro is willing to discuss aircraft hijacking, radio interference caused by overlapping broadcast frequencies, mutual assistance for distressed ships and disputes over common fishing grounds. The United States has an interest in making progress on all four issues, whether or not negotiations led to something bigger.

If, however, the talks did go well, we should be encouraged to take up Mr. Castro's offer to work together to find a peaceful resolution to tensions in Central America and Africa.

For openers, Mr. Castro says he would agree in advance to the concept of third party "verificaiton" of compliance with any Central American treaty negotiated by the Contadora Group—Colombia, Mexico, Panama and Venezuela. This would indeed be a significant step toward peace, for the absence of a verificaiton provision was the stated reason that the United States rejected the first Contadora treaty proposal.

Surely it is in the United States' interest to pursue this offer. Both Cuba and the Soviet Union consider that they have a major stake in the future of Central America and the rest of the Western Hemisphere. Until now, Washington has seen this as something necessary threatening. It need not be. Would it not after all be in our interest to lessen tensions with the only country in the hemisphere with a military facility at the disposal of the Soviet Union? What's more, if we can negotiate with the Russians, surely we can talk with the Cubans. What do we have to lose?

Lessening tensions between our two countries through cultural exchanges and, eventually, trade, could also strengthen the bonds created by our common cultural heritage. In the long run, such exchanges might even be an opportunity to export American political ideals to Cuba. Our nation has 200 years of experience in making the American Revolution work—and we should be willing to share the wisdom of this experience. Let us be big enough, as a nation, to invite Mr. Castro and the Cuban people to the conference table.

SENATOR QUAYLE'S CONTRIBUTION TO SENATE REFORM

Mr. DOLE. Mr. President, now that we have finally resolved the assignments to the so-called A committees of the Senate, I would like to take a moment to commend the junior Senator from Indiana, Senator QUAYLE, for his diligent efforts to bring about reform of the Senate committee system.

As chairman of the temporary Select Committee To Study the Senate Committee System, Senator QUAYLE faced a formidable task. Although most Senators perceived the need for reform to make the Senate more efficient, there was and continues to be strong resistance to many of the specific changes needed to bring about such reform. Despite this institutional inertia, Senator QUAYLE succeeded in fashioning a bold and challenging set of recommen-

dations that were reported out of his committee by a 12-to-0 vote. Putting together a set of reform recommendations that were unanimously supported by the diverse membership of his select committee is a notable accomplishment in itself.

Yet, Senator QUAYLE has not stopped there. Indeed, the A committee resolutions that we passed last week distinctly bear his stamp. Up until this point we have drifted into greater and greater expansion of the number of A committee slots. Rather than facing up to difficult assignment problems we have tended to merely expand the size of the A committees. If we would continue on this course, we probably would have increased the number of A committee slots from the 231 of the 98th Congress to about 245 slots.

As Senator QUAYLE correctly noted, this trend tends to further dilute most Senators' effectiveness as they are spread even more thinly. Senators find it increasingly more difficult to attend all of the committee meetings that are scheduled and as a result chairmen are frustrated by their inability to muster a quorum.

As a result of Senator QUAYLE's diligent leadership and with the help of Senator MATTINGLY, the chairman of the Committee on Committees, we reversed the trend and reduced the number of A committee slots from 231 to 214. Even though this final result was somewhat larger than the ideal set forth by the select committee proposal, this nevertheless represents an outstanding achievement by Senator QUAYLE.

RECESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent the Senate now stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:54 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATTINGLY].

RECESS UNTIL 3 P.M.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 3 p.m.

There being no objection, the Senate, at 2:30 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MCCONNELL].

BUDGET ACT WAIVER

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I move to call up Senate Resolution 73, the budget waiver to accompany S. 457.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 73) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 457.

The Senate proceeded to consider the resolution.

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

The resolution (S. Res. 73) was agreed to as follows:

S. RES. 73

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 457, a bill to authorize appropriations to provide assistance for famine relief, rehabilitation, recovery, and refugee assistance in Africa. Such waiver is necessary to allow the authorization of an appropriation of $175,000,000 to meet the needs of those in Africa suffering from food supply problems due to drought and other calamities.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1984, deadline because the extent of the food supply emergency was not known at that time.

The effect of not considering this authorization would be to deny life sustaining and lifesaving supplies to large numbers of starving Africans.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985

The PRESIDING OFFICER. The clerk will report S. 457.

The legislative clerk read as follows:

A bill (S. 457) to authorize the President to furnish assistance to alleviate the human suffering in sub-Saharan Africa, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "African Famine Relief and Recovery Act of 1985".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 2. Chapter 9 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2292-2292p) is amended by adding at the end thereof the following new section:

"SEC. 495K. AFRICAN FAMINE ASSISTANCE.—(a) The President is authorized to provide assistance for famine relief, rehabilitation, and recovery in Africa. Assistance under this section shall be provided for humanitarian purposes and shall be provided on a grant basis. Such assistance shall include—

"(1) relief, rehabilitation, and recovery projects to benefit the poorest people, which may include the furnishing of seeds for planting, fertilizer, pesticides, farm implements, farm animals and vaccine and veterinary services to protect livestock upon which people depend, blankets, clothing, and shelter, disease prevention and health care projects, water projects (including water purification and well-drilling), small-scale agricultural projects, and food protection and preservation projects; and

"(2) projects to meet emergency health needs, including vaccinations.

"(b)(1) To the maximum extent practicable, the funds appropriated pursuant to this section shall be used for grants to private and voluntary organizations and international organizations.

"(2) Up to 18 percent of the amount appropriated pursuant to this section may be used for emergency health projects pursuant to subsection (a)(2).

"(3) Of the amount appropriated pursuant to this section, up to $2,500,000 may be transferred to the 'Operating Expenses of the Agency for International Development' account and used for management support activities associated with the planning, monitoring, and supervision of emergency assistance provided under this section or under any other provision of law providing supplemental food aid to countries described in section 5 of the African Famine Relief and Recovery Act of 1985.

"(c) In addition to the amounts otherwise available for such purpose, there are authorized to be appropriated $137,500,000 for the fiscal year 1985 for use in providing assistance under this section.

"(d) Assistance under this section shall be furnished in accordance with the policies and general authorities contained in section 491.".

MIGRATION AND REFUGEE ASSISTANCE

SEC. 3. (a) In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the Department of State for "Migration and Refugee Assistance" for the fiscal year 1985, $37,500,000 for assisting refugees and displaced persons in Africa.

(b)(1) Up to 54 percent of the amount appropriated pursuant to this section may be made available to the United Nations Development Program Trust Fund for projects such as those proposed at the second International Conference on Assistance to Refugees in Africa (ICARA II) to address the immediate needs created by refugees and displaced persons in Africa.

(2) Funds which are appropriated pursuant to this section and which are not made available under paragraph (1) shall be used by the Bureau for Refugee Programs of the Department of State for emergency relief and recovery efforts in Africa.

DEPARTMENT OF DEFENSE ASSISTANCE

SEC. 4. (a) The Secretary of Defense shall furnish such assistance for the United States relief effort made in connection with the African drought as may be requested by the Secretary of State or the Administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961. Such assistance shall include sea and air transport for relief supplies, the furnishing of services of military personnel, particularly the furnishing of medical and health services, and the furnishing of military equipment and supplies that are appropriate for relief purposes.

(b) The Department of Defense shall be reimbursed for the costs incurred in carrying out the assistance described in subsec-

tion (a) out of applicable appropriations for the Department of State or applicable appropriations made pursuant to the Foreign Assistance Act of 1961, as the case may be, except that—

(1) only incremental costs may be recovered for sea or air transport of relief supplies; and

(2) the Department of Defense shall not be reimbursed for—

(A) the expenditure of funds appropriated before the date of enactment of this section for—

(i) the regular pay and allowances of military personnel involved in the relief effort; or

(ii) the costs of supplies and equipment furnished;

(B) depreciation or amortization of, or usage charges for, aircraft or vessels involved in the relief effort; or

(C) any equipment, material, or supplies furnished which were in the inventory of the Department of Defense before a request for assistance was made under subsection (a).

GENERAL PROVISIONS

SEC. 5. (a) Amounts appropriated pursuant to this Act shall be available only for assistance in those countries in Africa which have suffered during calendar years 1984 and 1985 from exceptional food supply problems due to drought and other calamities.

(b) Assistance may be provided with funds authorized to be appropriated by this act without regard to section 620(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(e)(1)).

(c) In addition to such reports that the President may submit to the Congress from time to time on the effectiveness of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a final report on this Act no later than September 30, 1985. Such final report shall include—

(1) a description of the uses to which funds provided under this Act are allocated by the Department of State and the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961;

(2) the identity of any private and voluntary organization or international organization receiving funds under this act, and the amount of funds received;

(3) the amount of any funds appropriated pursuant to this Act not obligated by the close of the fiscal year 1985;

(4) the amount of funds provided on a country-by-country basis;

(5) a list of projects supported under this Act which are not expected to be completed by January 1, 1986.

(6) an assessment of the need for additional assistance to meet the short-term emergency resulting from the food supply problem; and

(7) a description of the equipment, supplies, or other cargo transported, or other resources provided, pursuant to section 4.

Mr. LUGAR. Mr. President, I ask unanimous consent that Al Lehn, a member of Senator DOLE's staff, be permitted on the floor during consideration of S. 457, the African Famine Relief Act.

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

Mr. LUGAR. Mr. President, I bring before this body today S. 457, the African Famine Relief and Recovery Act of 1985, as amended by the Foreign Relations Committee.

In committee markup of this legislation, I offered an amendment in the nature of a substitute in my own behalf and in behalf of Senators SARBANES and BOSCHWITZ. Although present in that markup, Senator TRIBLE could not actively participate since new members had not yet been confirmed by the full Senate. Since he is now an official member of the committee, Senator TRIBLE would like to join us in cosponsoring the substitute amendment adopted by the committee, as would Senator PRESSLER.

This bill authorizes $175 million in supplemental fiscal year 1985 funding for nonfood assistance to the disaster stricken areas of Africa. Separate appropriations legislation which includes funding for both food and nonfood assistance has already been reported by the House Appropriations Committee and is likely to be enacted this week or next. Additional food assistance, however, does not require new authorization at this time, since there is already sufficient authorization in law.

S. 457, as amended, authorizes additional fiscal year 1985 funding of $137.5 million for African disaster assistance and $37.5 million for migration and refugee, assistance for a total emergency authorization of $175 million for this fiscal year. The bill creates new authority for relief, rehabilitation, and recovery efforts in Africa and directs to the maximum extent practicable such aid shall be provided through international and private and voluntary organizations. The bill also allows that a percentage of the additional migration and refugee assistance funding may be provided to the United Nations Development Program Trust Fund for projects recommended by the second International Conference on Assistance to Refugees in Africa. Such projects are designed to help host countries cope with ever-increasing numbers of refugees. The bill also requires that the President report to the Congress on the implementation of this act.

Mr. President, I commend my distinguished colleagues in this body for taking up this legislation at a time when many other pressing concerns require our urgent attention. It is my hope that we can address this matter expeditiously in order to initiate the emergency assistance so desperately needed in Africa and also to allow this body to turn its full attention to our own pressing domestic concerns.

Mr. President, anything I can say about the crisis in African has already been said by the poignant pictures we have all seen on the nightly television newscasts over the past few months. Members of this body have already visited personally the famine region and have shared with us their own firsthand perceptions.

In purely human terms, the famine and drought in Africa is possibly the most massive disaster which has faced our generation. The statistics are staggering and underline a worsening situation. Estimates are that as many as 150 million people in Africa are affected by the famine, with over 10 million people threatened by actual starvation. Nearly 4 million people are now refugees.

As difficult as it is to comprehend the dimensions of disaster on such an enormous scale, Mr. President, it is equally difficult to comprehend the enormous complexity facing the international community in trying to meet this disaster.

The worldwide humanitarian response to Africa has been enormous. I know that each of us would commend the citizens of this country for their generous assistance in responding to appeals from relief organizations.

The United States has, in fact, been a major catalyst in launching a massive worldwide relief effort, providing hundreds of thousands of tons of food and other emergency assistance.

On January 11 of this year President Reagan announced proposals to increase U.S. assistance to meet the growing crisis. The President pledged the United States to meet half of the food needs of the famine stricken countries as a challenge to mobilize additional response from the international community. To meet that need, the President has used his emergency authority to reprogram funds from other accounts. His authorities are limited by the availability of other funds. The bill before us, S. 457, will provide him with sufficient funds to meet the expanding crisis.

Mr. President, the public discussion of the famine in Africa has focused most of the attention on the need to get food to starving victims. Obviously, food is critical. But food alone is not enough. Famine victims must also have access to potable water, emergency medical supplies, blankets, clothing, and minimal shelter. Looking ahead to the hope of breaking the cycle of drought and famine, they also need some minimal emergency means of meeting the next planting season—seed, basic implements, fertilizers, pesticides, and even some farm animals.

Estimates of the need for such nonfood assistance have steadily increased as the crisis has worsened. Estimates of the cost of meeting these needs have varied enormously—mostly due to the worsening of the crisis.

In its request for emergency supplemental funding for Africa, the administration has proposed an additional $25 million for emergency disaster assistance and $25 million for the Emergency Refugee and Migration Assistance Fund.

In marking up S. 457—the administration proposal—the Foreign Relations Committee believed that, although administration estimates might have been valid at the time the supplemental request was put together, they have since been overtaken by rapidly worsening events. The higher funding levels proposed by the bill before the Senate represent our best judgment at this time as to the funding essential to provide the U.S. share of immediate nonfood needs in the famine area for the remainder of the fiscal year. I should also like to state that the House Foreign Affairs Committee, after considerable discussion, passed unanimously a bill containing the same authority.

S. 457 addresses only the current emergency.

As important as are today's emergency needs, however, we must also examine Africa's longer term problem. Billions of dollars of international assistance have been poured into Africa with little apparent effect. Unless the downward spiral of most of the continent's economies is broke, we face the prospect of increasing requests for emergency assistance in the coming years.

In bringing this authorization for supplemental humanitarian assistance to the floor, the committee also wants to state clearly its commitment to addressing the long-term development needs of Africa when we review and mark up the regular fiscal year 1986 authorization.

Mr. President, this completes my opening statement. I will now yield the floor to my colleague, Senator PELL.

Mr. PELL. I thank my colleague, the chairman of the committee.

Mr. President, I rise to join my colleague, the distinguished chairman of the Committee on Foreign Relations, Mr. LUGAR, in urging the Senate to approve S. 457, the African Famine Relief and Recovery Act of 1985. I wholeheartedly endorse this legislative effort and I congratulate its principle authors Senators LUGAR, SARBANES, and BOSCHWITZ. It represents a bipartisan compromise that received a 13-to-9 vote on the Committee on Foreign Relations at its markup on February 21. A similar bill was unanimously approved by the House Foreign Affairs Committee last week as well.

The human drama that we are witnessing in Africa today is unparalleled, at least in modern history. As many as 150 million Africans south of the Sahara desert face severe food shortages and upward of 14 million of those face actual starvation. No one knows for certain how many have perished, but some estimates run into the hundreds of thousands. Many observers believe that 300,000 have died in Ethiopia alone. It is a continental cataclysm born of environmental, demographics, economic, and climatic causes. In some places, because of bad weather, deforestation, overgrazing by livestock, and prolonged drought, the desert is said to be moving south by as much as 50 kilometers per year.

The legislation that is before the Senate would provide supplemental disaster assistance for the affected regions of sub-Sahara Africa which now include 26 countries. It does not provide for any additional food aid because that need is addressed in the supplemental appropriations bill that is winding its way through the House of Representatives this week. S. 457 provides a total of $175 million in additional assistance, $37.5 million of which is for refugee programs and relief efforts in Africa. The remaining $137.5 million is to provide relief and rehabilitation assistance in the form of transportation of commodities and foodstuffs, tents, blankets, agricultural tools and seeds, emergency medical supplies—especially vaccines—and the like. These are the items that are necessary to augment the food that is distributed to meet the emergency while also permitting the beginning of a recovery once the situation has stabilized.

This authorization is an increase above the amount requested by the President. This is so because no one, except for administration officials, believed the President's supplemental request of $25 million to be even remotely adequate to meet the need. Relief and rehabilitation projects already submitted to the Agency for International Development, by private voluntary organizations [PVO's], for example, exceed the total amount of assistance provided in this bill. Health programs to meet current needs by UNICEF and other distinguished international organizations exceed $20 million. Those are projects that could be implemented today if funding were made available. In most of the affected areas, despite some good rains in the southern part of the continent, the situation continues to worsen and the need to grow. We cannot afford to put on our green eyeshades while lives literally hang in the balance. We must move to provide adequate emergency and recovery assistance to meet the current, and anticipated needs of the famine victims.

Americans have always responded generously when others were in need. The U.S. Government made its first official foreign aid appropriation in 1812 to help provide $50,000 worth of flour and other supplies to earthquake victims in Venezuela. In the intervening 173 years we have provided aid and comfort to war victims in Cuba in 1899, volcano victims in Martinique in 1902, hunger victims in Soviet Russia in the 1920's, and millions of victims of floods, cyclones, tidal waves, crop failtures, earthquakes, and other natural and manmade disasters. It is our tradition. It reflects our values, our culture, our very identity as a people living in a society imbued with ethic: to help those in need, wherever and whoever they are.

Today we are asking the Senate to reaffirm that noble tradition and approve this authorization bill. We cannot say for certain that even this will be enough, but we can say that it will meet the current and projected need—and it might help stimulate others to act with equal generosity. To date, the Japanese are the most responsive, next to our own Government, providing $60 million in emergency nonfood aid. The American people have also given of themselves in this crisis providing PVO's an estimated $100 million in private contributions. Their concern for the need in Africa is also reflected in the legislation now before the Senate, as is their confidence in the PVO's which represent some of the best examples of people-to-people programming anywhere in the world. Their tireless efforts on behalf of the famine victims in Africa have earned them the respect and admiration of the entire international community.

Mr. President, in closing I would like to associate myself with the sentiments expressed by the distinguished chairman of the Committee on Foreign Relations. Beyond the need to respond to today's emergency, we must also anticipate Africa's future needs and prospects. Africa is a continent that has witnessed per capita food production declines in the past two decades. Its economic growth is also negative and is not likely to improve in this decade. In terms of health and life expectancy, it ranks lowest in the world, and in terms of infant mortality, illiteracy, and population growth rate it ranks the highest. After three decades of experience in African development, it is apparent that things have gone awry. Something is not working, and all of us have a stake in finding out why, and how to fix it. Without some long-range development strategy that can be effectively implemented, I fear, sadly, that we will be here many more times in the future asking our colleagues for further sums of emergency aid. If we are to avoid that scenario, then we had best commit ourselves to Africa's long-term needs. President Reagan made such a commitment, to his credit, when he announced his Africa Hunger Relief Initiative earlier this year. I, as one Senator, intend to help him follow up on his commitment at the earliest possible opportunity.

Mr. DOLE. Mr. President, I rise in support of S. 457, a bill providing $175 million in supplemental appropriations, $137.5 million for AID's Office of Foreign Disaster Assistance

[OFDA] and $37.5 million for refugee relief activities in Africa.

It is hardly necessary to review in detail the tragic situation caused by Africa's long drought. Twenty sub-Saharan countries have been severely affected. Millions of people are short of food, and thousands have already died of starvation or disease growing out of their malnutrition.

THE U.S. RESPONSE

The United States has responded generously to this tragedy. This year alone, we have already earmarked more than $425 million for African food and related assistance, over 60 percent of all the aid sent to Africa to combat this terrible tragedy.

In trying to cope with this unprecendented emergency, moreover, the administration has done a commendable job of using existing resources and authorities to supplement the regular fiscal year 1985 appropriations. It has reprogrammed large sums of money within AID's existing budget. As I urged last year, the administration has tapped the wheat security reserve and made use of other surplus agricultural commodities. And it has invoked section 403(b) of the Public Law 480 act of 1983, the so-called Kasten amendment, which permits AID to purchase CCC commodities at lower than market price.

NEED FOR SUPPLEMENTAL

We are nearing the point, though, where the lemon has been squeezed dry. If we are to continue to meet our responsibility to help the afflicted in Africa—and I am determined that we will—then we need supplemental appropriations.

A great part of the need, of course, is for food itself, and I hope that we will have before us next week a supplemental for the purchase and transport of food, after the Appropriations Committee has a chance to act.

There is an equally urgent need for nonfood emergency assistance—medicine, medical supplies, seed, and the like—and for funds to handle the thousands of refugees generated by the food crisis. It is those components of the whole package of needs with which we are dealing today.

We have important problems of our own here at home, not the least of which is the urgent need to keep down Federal spending and reduce our deficits. At the same time, we also have a responsibility to respond to those in need, especially when the need is as acute as it is in Africa. Lives are at stake. We have no choice but to do what we can to help.

THE NEED FOR QUICK ACTION

One of the greatest requirements now is to act quickly. People are dying in Africa. AID and the other involved U.S. agencies are running out of resources. We have to provide them the wherewithal to carry forward the programs they have already established, and we have to do so soon. We are talking about a great deal of money here, and perhaps we are erring on the high side. But one of the positive features of this bill is that it appropriates the same sum of money as was reported out of the House Appropriations Committee. It offers us the prospect of quick agreement with the House, so that a bill can be passed by the Congress and sent to the President in the shortest time possible.

As we all know, we have a unanimous-consent agreement that permits a limited number of amendments unrelated to our efforts to deal with the African famine situation. These amendments deserve our full attention.

At the same time, I hope that we can deal with them expeditiously and that they will not unduly delay or complicate passage of this important piece of legislation.

Mr. SARBANES. Mr. President, I rise in very strong support of S. 457, which has been reported to the floor of the Senate by the Committee on Foreign Relations.

I first wish to commend the chairman for the expeditious manner in which action was taken on this measure in the committee. It was marked up last week, which was actually the first working week after the recess. It could not have been done sooner, and I think that represents an understanding by the members of the committee—and I believe by the Members of this body—of the urgency of the situation we confront in Africa.

I also wish to underscore the fact that the approach to this legislation has been completely bipartisan. There is a clear recognition that this is an issue that transcends politics, that we are dealing here with one of those human crises which we confront on occasion in this body. I think that the desire to respond, and to respond in a constructive and affirmative way, is overwhelming on the part of Members of the Senate, as it is on the part of Members of the House.

The measure has been reported to the Senate by a vote of 13 to 0 in the committee. This legislation provides an authorization for additional disaster and refugee assistance. It is obviously designed to address one of the most pressing and human emergencies we have confronted in recent times.

It is estimated that 150 million people in sub-Sahara Africa, living in 24 separate countries, are facing extremely severe food shortages. I wish to underscore the number of countries involved. There has been a tendency in the public discussion of this hunger issue to think of it in terms of being in only one or a few countries. This, in fact, is a problem which afflicts a wide number of countries in sub-Sahara Africa—as indicated, some 24 countries, an estimated 150 million people with hundreds of thousands having already died. There is no completely accurate account of those impacted, but clearly it is a problem that has brought forth from all around the world a very strong response.

The drought and famine we see in Africa today come roughly a decade after the Sahel drought of 1972-74, which affected a more restricted number of countries, but with very serious consequences.

It is quite true, as has been pointed out by my colleagues, that we face a broader, long-term problem in Africa with respect to food production. It is the one continent in the world where there has been a decline in food production year-to-year over the last decade, at the same time that there has been a population increase. Of course, with food production going down and population going up, the trendlines foreshadow a severe problem.

But the underlying developmental problem, which needs to be addressed, which the President has spoken to and which the chairman and the ranking minority member of the committee have alluded to today, has been severely compounded by the immediate problem with respect to weather—the lack of rain—and the impact that has had.

The severity of this crisis, I think, is therefore without recent parallel, and I think it confronts us with a pressing moral responsibility.

I am indeed gratified by the response which has taken place not only on the part of the elected representatives of the American people but more importantly on the part of the American people themselves to this moral crisis. Americans have responded generously to the tragedy from their own resources, and private contributions are estimated to be about $100 million.

About 3 months ago Flora Lewis, writing in the New York Times about this situation, said:

> The first essential point for the U.S. and its friends is that starving people have to be fed when there is abundance elsewhere. That simple duty must override all considerations of blame for calamity, interest, or anticipated advantage.
>
> The reason lies in the purpose Western societies set for themselves, to make a decent life possible for anybody. Regardless of what other countries do or fail to do, it would betray the essence for what we consider Western civilization not to respond to such overwhelming need.

This authorizing legislation is an effort to respond to that overwhelming need. As has been indicated, it does not contain any authorization for the food itself, because that authorization is contained in standing authority for emergency food assistance. That can be found in Public Law 480, title II. It is a standing authorization for $1 bil-

lion, which can be drawn upon as circumstances require, but it will require an appropriation which the House of Representatives will soon be acting upon and which we understand from members of the Senate Appropriations Committee will receive their prompt and favorable consideration.

What this legislation does is provide a $137.5 million authorization for disaster assistance, which includes such items as emergency medical help—in other words, simple things like a vaccination program to prevent or control epidemics among people already severely weakened from the food shortage and, therefore, with lowered resistance to infection; tents, blankets, other basic shelter equipment; seeds, fertilizer, and insecticides for planting needs this year. Obviously one way to address the food problem is hopefully to improve the harvest. The weather has improved in some limited regions and the rains in these areas offer some modest hope with respect to the current year's planting cycles.

The legislation also includes emergency transportation requirements and water projects, to address the water needs both for farming and for health and sanitation purposes.

Further, there is a $37.5 million authorization for refugee assistance. Literally thousands and thousands of people have left their homes, seeking assistance. There is provision for emergency health projects in that regard. The nations of the world have joined together through the United Nations to fund projects which address the refugee problem.

There is, for example, a severe refugee problem in the Sudan which has been receiving literally thousands from neighboring countries—an estimated 400,000 to 600,000—and has accepted them, brought them in and provided camps, but clearly needs very significant assistance if it is to address the problem. The Sudan, which is confronting its own problems, now sees these seriously compounded by the influx of people from other countries and has to address that problem as well.

This legislation, while it does not earmark where the funds would go, does have a very strong commitment to the use of private voluntary organizations, the PVO's. We did not specifically earmark funds, recognizing the need for flexibility in order to address the current crisis. But there is language in the legislation directing that the PVO's should be used to the maximum extent practicable. The committee has indicated as much in its report and in fact administration witnesses have agreed. They, in effect, say the job could not be done without the PVO's, and the report has indicated that they should receive the bulk of the funds and commodities provided in this legislation.

The bill includes language focusing on utilization of the program list compiled by the Second International Conference on Assistance to Refugees in Africa. The UNDP, headed by our very able and distinguished former colleague in the Congress, Bradford Morse, has undertaken a major role in this effort and has already assembled a number of important projects to which other donor nations are being drawn in to participate.

One of the beneficial consequences of the strong American response by Congress, the President's strong statement at the beginning of this year, and the actions by AID and our administrators is to serve as a catalyst to draw to a solution of this problem other countries which are now coming forth with their own significant contributions.

Again I want to say that it is gratifying that the committee has moved as expeditiously as it has.

I had an opportunity during the recess period before the beginning of this Congress to visit Africa and to spend some time in Mozambique and Kenya, two of the countries affected by drastic food shortages which have not drawn as much attention as some of the others, but still face in some instances equally as pressing problems.

I have seen firsthand the human tragedy that this legislation is designed to deal with, and I cannot think of more urgent legislation.

In the course of considering this legislation, we will also be addressing amendments relating to the farm crisis in this country. It should be underscored that as we are considering assistance to be sent to starving people in another continent we are also considering amendments directed to the economic and financial health of the very producers who make it possible to send food assistance, namely the American farmer, the most productive farmers in the entire world. It is perhaps fitting that we are trying to address their problem at the same time that we are providing assistance abroad that is made possible by the very productivity and efficiency of the American farmer.

I do not think that the importance of this legislation can be overemphasized. It responds to a tragic situation and I think the response reflects the best humanitarian instincts of the American people.

Again, I agree with Flora Lewis' observations, in the quote I have just read as to the challenge we face. This legislation is an appropriate response to that challenge and I am gratified that we are indeed responding to this overwhelming need, recognizing that what is at stake here is the very purpose Western societies set for themselves to make a decent life possible for anyone.

Again, I thank the chairman of the committee and my colleague Senator BOSCHWITZ, with whom I join in proposing the substitute amendment, and the other members of the committee for the very prompt action in this matter. I think it reflects the best in this body and the best in the American people.

Mr. LUGAR. Mr. President, I ask unanimous consent that the distinguished ranking member of the Foreign Relations Committee, Senator PELL, be added as an original cosponsor of this legislation.

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

Mr. LUGAR. Mr. President, I thank the distinguished ranking member, Senator PELL, and Senator SARBANES for their eloquent statements. They have certainly spoken the truth in pointing out that the committee moved rapidly and moved in a strong bipartisan manner, given the importance of this legislation.

As a transition to the debate which I know will follow, let me point out that the chairman of the committee was asked by the majority leader and the minority leader for cooperation in the agreement that was reached by Senators last Saturday; namely, to provide for two first-degree amendments, with regard to farm credit legislation, each of which can be amended once more.

Clearly, as Senator PELL, Senator SARBANES, and I have tried to point out, we are dealing with an emergency involving millions of people. I think this urgency is assumed by the Senate, and I would anticipate something approaching unanimous accord for the mission that we have undertaken with this legislation.

At the same time, this is a bill which is pertinent to food and agriculture. Another emergency is being considered. We recognize that. And in the spirit of comity, which was certainly present Saturday on the floor, we have at least acceded to the thought that consideration of this bill might also provide a forum for our own agriculture emergency. My own hope is that the consideration of the farm credit legislation will be expeditious, and I have every assurance on the part of all involved that it will be. My understanding is that the farm credit amendments will be managed by the distinguished chairman and distinguished ranking member of the Committee on Agriculture. Our Foreign Relations Committee participation will resume only when we see the farm credit amendments finished so that we can move to final passage and then resolve any differences in the legislation being considered by our House counterparts as rapidly as possible.

I would make one further comment which I think is important on this first piece of legislation to face this

new Congress. The members on both sides of the aisle in the House Foreign Affairs Committee have certainly acted in an expeditious manner. They have freely communicated the contents of their legislation and their reasoning to us. The excellent staff work done in a bipartisan fashion on our committee came from a spirit of comity shared also with our House colleagues. We all recognize the urgent need for movement of this legislation, both the authorization and appropriations bills, and all persons involved certainly have done their part.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, under the arrangements that we have, I yield the management of this bill at this time to the Senator from Nebraska and the chairman of the committee and I will reemerge at the end of the discussion that will follow.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. ZORINSKY. I thank the Senator from Rhode Island, and I thank the Chair.

Mr. President, as was previously pointed out, I plan to offer an amendment that I believe will provide much needed assistance for many farmers who are fighting for their economic survival. My proposal is fiscally sound. We all have a common denominator in that we all eat food and we all use it for our sustenance and our continued survival. Certainly, it is one of this Nation's assets to be able to continue to produce food at an affordable price and feed the American people.

I would like to say at this opportunity that, in the 8 years I have served on the Agriculture Committee, we have had a strong bipartisan approach; in fact, at many times a nonpartisan approach. The need for food is, of course, a nonpartisan subject.

I do not think it makes any difference which party is in power in the White House or ensconced in a position of leadership or authority. I think we have an obligation—as elected Representatives—to do what we can to assure the production of food and fiber in this country.

Sometimes we get so bogged down in this Chamber, in committee hearings, and in committee meetings, and through conversation with the media, in trying to explain our respective positions that partisanship creeps into the final result. That is unfortunate. But that is democracy. That is the way we have done business for approximately 200 years in this country. It has worked thus far. It will, I hope, continue to work. But I do not think we have to self-destruct ourselves in an institution such as this to take credit for anything. I think right now the American people are willing to distribute blame rather than credit for anything that goes on in Congress.

So I think it is time that we unite. And for that reason, I have one of my good friends and colleagues on the other side of the aisle—I should not even be referring to the other side of the aisle because the last time I looked at his paycheck it was the same as mine. It was a green paycheck and it said "United States of America" on the top of his, as my paycheck said "United States of America" on mine.

Sometimes we act like we are representing different nations back here in this institution, and that is unfortunate. But I would hope that the effort would be considered as a nonpartisan venture.

I know that the cost of any amendment is going to raise questions from our good majority leader, who I respect and certainly support on many issues. And I know that, being a Senator from Kansas, in addition to being the majority leader of this institution, he has that obligation and responsibility to be concerned about the fiscal integrity of the budget.

I do not believe that my voting ratings will indicate that I am a big spender, although I have been known to pay for popcorn at a theater or movie show. I certainly want to restrict the spending of Congress as much as anyone else. I am a sponsor of the constitutional amendment to balance the budget. I am for giving the President of our country, regardless of which party he or she may be, the line-item veto authority.

In a spirit of cooperation, I am going to support the majority leader on a lot of votes, as I did on Saturday concerning our new Attorney General.

However, be that as it may, I plan to introduce a proposal that will cost the sum over a period of years of about $200 million. And I am not going to be able to play the shell game with that number. I am not going to be able to hide it. That is why I want to announce it at the outset.

But I see that the bill I will be amending is going to cost $175 million in a total authorization for the African food, of which $137.5 million is for disaster assistance for relief rehabilitation and recovery in Africa, and $37.5 million is for migration and refugee assistance for refugees and other displaced persons in the afflicted African countries.

I see our majority leader continue to ask the bottom line question: How much is it going to cost? Yesterday, I heard a message come through over the radio loud and clear that the majority leader made the comment "Legislators are coming here from the Farm Belt States. Please come with suggestions that do not cost money."

Certainly, I can sympathize with that attitude. We are currently spending money we do not have. When you do that in the private sector, something happens to you called going bankrupt or going broke. Certainly, the bank begins to tell you about checks that are bouncing if you owe more money than you have in the bank.

So from a business point of view, I support our majority leader. And I think he asks us excellent questions. When I first came back here 8 years ago, $250 million was a tremendous amount of money in my mind. I used to see that we would give $1 million away on a television show when I was younger of age. To me, that was a tremendous amount of money then. But having served in the Senate for 8 years, I find that $250 million sometimes has been added on—without a whisper—to a bill in this institution.

And, 5 years later you find out it did not save anybody, did not do anything, but it created a nice memorial for one of us or our colleagues somewhere in the country with which to be remembered, not by spending our own money, but by spending the taxpayers' money.

What my proposal will do is not save agriculture. It is not the Utopia for the preservation of the farmers of America as we know them today. It is another short-term tool with which to give needed help to some of our farmers.

This is not intended to prolong the day of the inevitable. This is intended to save those good business managers who through no fault of their own need a small amount of cash flow infusion into their business so they can afford to purchase some items for planting this season. As you know, farming is not like a manufacturing industry that you can open and close the door on any time you want. There is something about a Supreme Being having some input as to when seasons start, when things will grow, when commodities will grow, when they will not grow—as a matter of fact, even after they grow as to how much hail will come to destroy some of the commodities.

So certainly farming is a high-risk business. It is a business that has been handed down from generation to generation. Certainly, it is a very indefinite business with respect to being able to project profits in order to sell shares in a business or project future profits to attract investment in one's business.

So I come today to speak to you about offering an amendment costing $200 million. This is not an annual cost. This is a total of $200 million over a period of years. Part of this cost is the assumption that approximately 5 percent of the people which will have loans guaranteed under this amendment will not pay those loans back. And that would be a total loss to the Federal Government.

So including those losses, those historic losses, and up-front dollars, this proposal would cost the Federal Government about $200 million.

Again, I have seen items ordered frivolously that exceeded that amount of money. I have seen items in Central America costing far more than that on an annual basis. In fact, just last session of Congress we created a new bank for a lending window in the Caribbean when we already had two banks doing the same thing. Now we will have a third bank loaning out money for Caribbean nations and their needs for the manufacturing of items down there. I guess what I am saying is—Republican, Democrat, regardless who is in the White House—I think agriculture is worth this $200 million. We will be saying to farmers, "Now, look, this is not going to save all of you. This may save some of you. But at least we are willing to do for you what we are willing to do for Mexico, what we are willing to do for Argentina, what we did for the Continental Illinois Bank, and what we did for many other interest groups."

I think farmers are entitled to that much.

Mr. President, I understand that my colleague who is in the Chamber at the present time, and an original cosponsor of the amendment I plan to offer, will have a statement. He would like to make some comments at this time. I yield the floor to my distinguished colleague from North Dakota, Senator ANDREWS.

Mr. ANDREWS addressed the Chair.

The PRESIDING OFFICER [Mr. LUGAR]. The Senator from North Dakota.

Mr. ANDREWS. Mr. President, I would like to urge bipartisan support for the amendment that Senator ZORINSKY and I cosponsored. Let me discuss why I think it deserves bipartisan support. Actually, the reason why goes to the thrust of the amendment and what it actually does.

The first point, Mr. President, in this amendment is that it provides for additional personnel for the Farmers Home Administration for the processing of both direct and guaranteed farm loans.

It is obvious to all of us that given the time problem we have in agriculture where you have to draw down these loans prior to spring planting, if there is a long line up at the Farmers Home Administration Office and these loans cannot be processed on time, that particular farm family who cannot get that loan is indeed and in fact in grave difficulty.

Let me also point out, Mr. President, it is not in the best interest of good loan procedural practices to have these people who are doing the loan research, the loan disbursing, be so hurried that they cannot do a good job of processing that loan according to sensible financial practice.

The Secretary of Agriculture has indeed—and in fact—recognized that and has asked for additional people to be transferred from the ASCS county offices to the Farmers Home offices.

They have been guarding their kingdom, Mr. President, to the point where they do not let these people be transferred even though on March 1, which is 3 days hence, the signup for commodity programs will be over.

The need is obvious for people out there to process these loans. I would think that that provisions of the Zorinsky-Andrews amendment would be evident to everyone. It should command virtually unanimous support.

The next point I would like to address, Mr. President, is the one that my colleague from Nebraska mentioned earlier. That is the $100 million funding for the joint Federal-lender interest rate buydown on Farmers Home Administration guaranteed loans, whereby Federal interest payments would be available for such loans, whereby Federal interest payments would be available for such loans through commercial or cooperative lenders who offer to reduce the interest rate by an additional amount equal to the Federal interest payment.

From this side of the aisle, Mr. President, this is in the best context of what this administration has sought to do in the last 4 years, to provide a partnership, where the banks would say, "Fine, we are going to do this interest drawdown. Let us not do it strictly from a Federal move, where if the bank feels they should drawdown the interest rate to protect this farm family we are not going to just whistle to the Federal Government. We are going to absorb part of this ourselves."

Let me mention again why it is important to have this partnership. If you do not have the partnership and you have a small rural bank and it has 20 percent of these loans in jeopardy and is asked to draw down the interest on the 20 percent, where does it get the drawdown? It gets it from the other customers, neighboring farmers who are very close to the 20 percent who are now in the tough category; from the local implement dealer who has problems, too; from the local hardware store, who has problems.

If you have to increase the interest rate to those people in order to decrease it to the others, you have an impact, Mr. President, that I submit is not in the best interest of this country's need at this present time.

The next point, Mr. President, in what we are proposing is the increase in the funding authority for Farmers Home Administration guaranteed farm operating loans to at least $1.85 billion.

I might point out to my friends on the Republican side that this is exactly and precisely what the administration has agreed to do. The provision is now in force out in the field by the agreement between Secretary Block and the President, and we are grateful for that because it means that suddenly the well will not go dry. The whole concept of loan guarantee that was put together as a pilot program by this Congress, supported by virtually all of my colleagues on either side of the aisle at a $650 million level, will not be exhausted by the loan demand out in the field. But this, I think, is an accomplished fact because the administration has agreed to it and is indeed implementing it in the field.

The next point is to provide for a reduction from 110 to 100 percent in the minimum cash flow requirement on the Farmers Home Administration direct loan portion of the debt adjustment program announced by the President.

Mr. President, for years we have had 100 percent cash flow. It was just changed last fall. Should we say you have to have payback capability plus 10 percent? I am a farmer myself. I would love to be getting 10 percent profit on my gross income right now. Unfortunately, I am not able to do it.

This particular change in the rules was ill-founded last fall and it would be my hope, and the hope of others, that it can be amended. That is the reason we are including it in this blanket credit concept.

Another point, Mr. President, is to encourage Federal and State financial regulatory agencies to refrain from adversely classifying any farm loan which is restructured by a commercial or cooperative lender accompanied by a Farmers Home loan guarantee.

This simply speaks to the fact that given today's problem in agriculture, given the fact that farm machinery that those of us on the farm have has abruptly depreciated in value, far beyond any implement tables that the farm implement dealers were able to set or that our bankers were able to anticipate when they made out our financial statement, and given the fact of items over which farmers have no control, the land, itself, has depreciated in value in a way no one anticipated. If we trigger yet more farm families into a problem of financial insolvency we will trigger yet more depreciation in the value of this land.

Mr. President, what this part of the Zorinsky-Andrews concept does is merely say to the bank examiner who comes in, "Look, if this farm family is doing a good job of meeting interest payments, doing a good job of meeting principal payments, and the local banker is satisfied with the integrity, the ability, the hard working, the thrift and all of the rest of this farm family, then a bank examiner should not capriciously come in and say,

'Look, because of matters over which they have no control, their financial statement is not as good as it once was, therefore we must reclassify that loan.' "

If they do that, they tip the loan into the category that PCA has to service and there is frankly not enough time or money available at the PCA window nor is there enough time as I mentioned to handle that kind of a loan at the Farmers Home window.

This merely puts into effect a sensible ongoing provision that should be there.

Mr. President, the next point encourages the SBA expeditiously to consider establishing a debt setaside program for qualifying SBA farm loans, comparable to the direct loan portion of Farmers Home Administration debt adjustment announced by the President on September 18, 1984.

Might I point out in this phase, Mr. President, that for the last decade or more it has bothered me that one window of the Government lending agency, the Small Business Administration, can take a look at a flood disaster or whatever—let us say a flood disaster—and if there is on this rural highway a truck loaded with beer going down the road and it hits a soft spot and tips over and goes into the ditch destroying that beer, because it is a flood, a natural emergency, there is an SBA low-interest loan available to the beer wholesaler.

But if on that same road comes a farmer truck loaded with barley, the grain from which beer is made, and it goes into the ditch, Mr. President, there has not been this similar low-interest disaster loan for that farm truck, even though it met the same disaster on the same road because of the same weather emergency.

These are things that we would hope, Mr. President, could be corrected.

Another point is to provide that the regulations implementing the provisions of this amendment pertaining to Farmers Home shall be promulgated within 15 days of final enactment.

As I have said so many times during the last week of discussions around here, the Lord's calendar is the farmer's calendar. The farmer has to seed that crop when the soil is ready, when the temperatures are such that it will nurture that seed going into that top 2, 3 or 4 inches of soil. He cannot wait for the politician's calendar. If you delay the implementation of credit at seeding time, you, in effect, shoot the whole year's crop. That is why timeliness is extremely important in this amendment that we are talking about.

Mr. President, this package amendment is designed to provide what we feel is effective assistance on a timely basis to cope with the serious financing problem of farms. It is also prudent and cost-conscious from a Federal budget perspective.

We feel it merits support, support not just because it protects farm families, Mr. President, but support because it protects that underlying foundation of the entire Nation's economy, that foundation that rests with the farm economy.

One thing that we keep forgetting, Mr. President, when we talk about the farm problem is that we for some two or three decades have been addressing this as a farm problem. We really ought to talk about farm production as the American opportunity.

When you look at the 90 or 95 underdeveloped nations in this troubled world, they are not all that impressed that we can land a man on the Moon or that we can blow the world up 10 times over with our atomic weaponry. They are impressed by the fact that we can feed ourselves and have a good deal left over for other people who are not so fortunate. That is really the strength of America that has been overlooked by those of us who have been taking it for granted all these years. It could do us far more good in this competition for the support of other individuals now in a troubled world than any other plus that we have.

So, Mr. President, let us address the farm credit crisis in a sensible way. What my colleague from Nebraska and I have offered now is just that, a very sensible way to be responsible to an emergency credit crisis and to do it in a way that will meet the needs of farm families and, even more important, the needs of our economy with perhaps even an extra dividend; if we can keep farm families strong and our productivity on line it will eventually allow us even more to be the moral leaders of a troubled world.

I appreciate the work of my colleague, and I am proud to be associated with him, Mr. President. I yield back the floor.

Mr. ZORINSKY addressed the Chair.

The PRESIDING OFFICER [Mr. PRESSLER]. The Senator from Nebraska is recognized.

Mr. ZORINSKY. I thank my colleague from North Dakota [Mr. ANDREWS] for being an original cosponsor of the amendment and recognizing that no one needs to get their hopes up real high that this is any answer to all of the problems confronting agriculture. Quite obviously, in my own personal estimate, the answer in resolving the long-term problem in agriculture will be presented in the very near future in the Agriculture Committee, where it should be presented in the form of a new farm bill.

The administration has a proposal and I will have my own proposal. My proposal will involve mandatory production controls, subject to a producer referendum. We have had voluntary programs over a period of years which have not worked. I know there are going to be a lot of questions raised and a lot of concern expended. However, the bill I am developing will allow the marketplace to take over the process of pricing the commodities based on the factors of supply, demand, need, creativity, and all of those other forces that operate in the free marketplace and the domestic arena.

So from this point of view I would assume to some degree I am agreeing with the administration that the forces of the free market should take over that obligation and responsibility in agriculture.

Does that mean food will become unaffordable? Of course not, because most consumers in America do not realize that out of a dollar loaf of bread, only 3 pennies, for the wheat in that loaf of bread, go to the farmer. The rest of the costs obviously are incurred in the production of bread, baking bread, selling bread, packaging bread, advertising bread, delivering bread, and all those other costs incurred in getting the bread from the producer to the consumer.

So that would mean the horrible confrontation of having a dollar loaf of bread go to $1.03, if you doubled what a farmer receives for raising that bushel of wheat.

Now, the horrible thing that would happen in this country is that we would have to raise what we spend of our disposable income for food from 15 percent to maybe 15.5 percent or 16 percent while, if we could transplant the American consuming public into every other nation in this world that produces food, they would find it is not unusual at all to spend 60 to 80 percent of their disposable income for food.

So my farm bill proposal will still mean a tremendous bargain for consumers in this country. Beyond that, it will assure constant supplies at affordable prices for many, many years to come.

The down side is that in many instances a consumer is a taxpayer also, and as we break the farmers of this country, as they go out of business, they do not repay their loans to the banks. That means the banks many times go under. There have been six or eight banks within the last few months in the State of Nebraska alone that have gone under.

The FDIC, which is federally insured by guess whose money—the Federal taxpayers of the United States of America—has to come in and pay off the depositors of that bank because those banks are all federally insured up to $100,000. And that is a cost to the American taxpayer of many hundreds of millions more than spending $200 million to attempt to save some

of the farmers, so they can pay their bills so that the banks will not go under, so that the Federal taxpayer does not have to indemnify the FDIC, which in turn pays off the bank depositors when they see there is a padlock on the door of the bank. So there is an offset; for every action there is a reaction. For every piece of agricultural legislation we pass, there is an offsetting either positive or negative effect that takes place, unfortunately, whether we have thought of it or not. I have seen what I thought was a lot of good legislation but I found out afterward—having not thought it through enough or not having the experience to understand or realize or sometimes seeing it implemented 180 degrees opposite the intent of Congress—that in retrospect it was not good legislation. Nor did it benefit the people of this Nation.

My farm bill will preserve safety nets for the farmers and gradually create a free marketplace for our farmers' commodities in the world marketplace. I do not mean to precipitate any foreign relations problems with other nations, but I put them on warning now. I should also say, as a member of the Foreign Relations Committee, if my bill were to pass, the days of a free ride are over for all of our so-called friends. We need them as allies and we need them as friends, but currently we have given them the economic sword with which to stab our agricultural industry in the international marketplace. What I am talking about is the foreign export market for commodities produced in this country. Our own money and our own kindness are being used by our friends to reduce our share of the international marketplace.

There is no free market-oriented marketplace in the international world marketplace.

As a businessman for 28 years, I can say that if you could put your competitor out of business, that was great news for your account. You would make more money ultimately. As a businessman, I often met competition by selling cheaper or offering discounts. I guess in the international marketplace you call those subsidies—although I was at a recent meeting of the European Economic Community and nobody could even agree on the definition of the word "subsidy," let alone agree not to give subsidies. We are a long way from playing on a level playing field in the international marketplace.

I think it is in this Nation's interest to do what needs to be done to give us a fair share of the marketplace.

I am not talking about our domestic marketplace for internal consumption in this country. I am talking about the international marketplace. When that happens, I can tell you, as a businessman, that your competitor wakes one morning and thinks, "I wonder how long this is going to go on. Maybe the pockets of the United States are deeper than mine. Maybe I ought to quit, and it will benefit both our countries, and we will both save money, and not put our taxpayers' dollars in the agricultural subsidies."

When that happens, there is truly a free marketplace in which we can turn our farmers loose to recapture their rightful share of that market. Only when that does happen will we ever have an opportunity to reclaim our rightful portion of the agriculture world marketplace.

If it were not for the export of agriculture, this Nation would have a deficit of trade balance with the rest of the world far greater than the $123 billion it suffered last year.

We must keep in mind that every $1 billion we are short in our response of exports to imports in this country represents approximately 30,000 jobs. Jobs mean paychecks. Paychecks mean taxpayers, and the more taxpayers we have, the better opportunity we have to reduce the deficit of the budget in this country; and the greater we reduce the deficit of the budget in this country, the less our interest rates are going to be. The less our interest rates are going to be, the more opportunity a farmer has to show a profit.

So what I am saying is that it is time to break that chain, that cycle that has us arguing among ourselves as to what we are going to do for farmers.

I agree with the President to the extent that we have to return agriculture to a market-oriented industry. That is where it belongs. That is where it should be. But you cannot dump people out there after you once made promises to them and told them certain things would happen, and then change the rules of the ball game in the last quarter. That is why I plan to offer a farm credit proposal. It is fiscally sound. It does not create any new bureaucracies, and the responsibilities associated with making this assistance available would be shared with the lenders. The Federal Government, the farmers, and the lenders, all would share in this responsibility.

Furthermore, I have received letters that endorse the key proposals included in this amendment from the National Farmers Organization, the National Grange, and the Independent Bankers Association of America.

No one is going to get rich from this. Not all farmers are going to be saved by this. Nor should any bad business management be saved by an act of Congress. But I believe that if we can spend $175 million to send food to Ethiopia, what is the matter with spending $200 million to save some of those producers who are producing the food to send to Ethiopia.

The threat of foreclosure is the most serious and demoralizing aspect of the current depressed agricultural economy. Although some would say that the media has sensationalized the financial problems of the farmers, I believe there is an abundance of evidence proving that our family farm system of agriculture is threatened with extinction by the present credit crisis.

If anyone thinks I have spoken in a partisan manner, I apologize. A President of my party, not too long ago, declared an embargo against the Soviet Union, so that farmers who had been promised constant shipments throughout the world were denied their ability to market their commodities. What I say now is mild mannered compared to what I said to the President of my own party at that time.

I feel that this goes beyond partisanship. It goes beyond administrations. It goes to the very heart of survival of the American people.

As the Governor of my State said this morning at an informal hearing I held in the Agriculture Committee, "If I asked people in here"—and there were about about 300 people at the committee hearing—"to all raise their hands and tell me what kind of food they would like to have for lunch today, and give me 1 hour and the people to do it with, I could collect that assortment of food from our supermarkets and have it back in this room by lunchtime."

This is the only nation in which anybody could say anything like that and do it, because we have the capability, because of our farm production, because of the tremendous advancements in agriculture. We have such a host of manufactured food items that, no matter what your favorite is, you can find it on the shelf somewhere.

During the last 3 years, over 24,000 farmers, with Farmers Home Administration loans, have been forced to liquidate their operations due to financial reasons. Again, are we trying to save them all? No. You cannot save them all.

It should be noted that this unprecedented number of liquidations has occurred at a time when Federal courts greatly limited the number of foreclosure actions that the Farmers Home Administration could initiate. Farmers Home Administration borrowers are not the only farmers experiencing difficulty.

The Department of Agriculture estimates that about 18 percent, or 430,000 farmers, have debt-to-asset ratios that are dangerously high, in excess of 40 percent.

(Later, Mr. ZORINSKY continued with his remarks, as follows:)

Mr. ZORINSKY. Mr. President, in its 1985 agriculture and credit outlook report, the Farm Credit Administration states that Production Credit Association loan losses totaled about $500 million in the last 2 years. And

that amount exceeds the combined losses during all the other years in the 50-year history of PCA's.

The long-term solution to farm credit problems is stronger commodity prices and improved farm income. Those issues will be addressed, as I related to you before, in the 1985 farm bill. However, unless immediate action is to be taken to provide emergency credit relief, thousands of farmers will be forced out of business before the 1985 crop is even planted. And, of course, many farmers, with or without passage of this amendment, will not be around to participate in the next 4-year farm bill, the 1985 farm bill, regardless of any positive or negative aspects.

(Conclusion of later remarks.)

Mr. ZORINSKY. Mr. President, I ask unanimous consent that I may yield at this point to my colleague from Ohio, that his statement not be shown as an interruption of my statement, and that my statement by counted as only one speech today.

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

Mr. METZENBAUM. Mr. President, I am very grateful to my colleague from Nebraska. I come to the floor almost feeling embarrassed about the fact that I wish to address myself not to the amendment but to the basic legislative proposal that is before us, and I am here because I think that the proposal that we have before us is very critically important legislation, and I wish to express my strong support for this bill to provide for emergency assistance to the African nations in which mankind's ancient enemies—drought, famine, disease and war—today threaten the lives of literally millions of human beings.

It is one thing for us to discuss many of the problems that we have in this country and throughout the world; it is another thing for us to be meeting here knowing that there are literally tens of thousands of people who are starving in Africa.

So I think it is important that we pass this legislation, and that is not to indicate in any way at all that I deprecate the efforts of my colleagues to zero in on the farm program and the problem and the plight of the American farmers, because although they are not starving, it is fair to point out that economic distress that they are suffering is indeed a major one in my State as well as the other 49 States of the Union.

But the basic bill is intended to do that which has to be done in the here and now, to feed starving people, to provide medical care for starving people, to provide assistance to starving people, or those who will soon be starving in order that they may cope with the problems that face them in the drought-stricken areas of the sub-Sahara in Africa.

So I come to offer my voice in support of the legislative proposal, but in doing so I want to put on the record my strong convictions that it does not go far enough.

I believe, Mr. President, that the drought-stricken countries of Africa need access to far more than our surplus food stocks, far more than that which is provided for in this bill, but certainly they need every possible effort on the part of this wealthy Nation in which we reside so that little children, aged people, and every other person in that part of Africa will be able to cope today as well as in the future with the challenges facing them.

These countries have a desperate need for assistance in developing the basic infrastructure that will, in the long run, permit them to feed their own people.

Think, for example, of a country like the Sudan.

The Sudan, Mr. President, has a large amount of undeveloped land that could become the basis of a prosperous farm economy.

I understand that in the past, Saudi Arabia and other oil-rich countries have given serious consideration to investing in Sudanese agriculture in hopes of making that country a breadbasket for the Middle East.

Unfortunately, Mr. President, the investments have not been made, by the Saudis and instead of a massive flow of petrodollars, the Sudan in recent years has experienced a flow of a different kind—a flow of starving, desperate refugees, something like 1,200,000 in number, from Ethiopia and Sudan's other neighbors.

To the great credit of President Numeiri and his government, this country—one of the poorest in the world—has become a place of refuge for upward of a million people, among them hundreds of thousands of non-Moslems.

President Numeiri, also to his great credit, has stated publicly that his government will not impede the migration of refugees who have the opportunity to resettle in Third World countries.

He is to be applauded for taking that position so that those refugees who can find another home to which they may go wherever that home may be will have the opportunity to do so, and President Numeiri has said that he would support that position.

But to say that the Sudan has shown great compassion by allowing the refugees to cross its borders is not to say that conditions for the refugees are good. Far from it.

Refugee camps in the Sudan and elsewhere often lack safe water supplies.

Shelter in the camps is rudimentary—at best.

Food, which must be transported over inadequate road systems, is often in desperately short supply.

The same is true of medicine.

And, it is very likely that even if the drought comes to an end, a great many refugees will never return to the places from which they came. A very poor country will, in the end, have acquired a very large new population, and without the resources to care for them.

For Sudan, Mr. President, and for the other suffering African countries, there is only one long-term answer to these devastating problems—and that is agricultural development.

In some cases, agricultural development means water—the ability to move water for irrigation and the knowledge of effective modern techniques of farming in arid regions.

Many African countries urgently need reforestation programs that can halt and eventually begin to roll back the inexorable expansion of the desert.

African countries need roads. They need medicine. They need basic educational materials.

But, Mr. President, there is another great power in the world—the Soviet Union, and the Soviet Union has a different approach to Africa.

The Soviets have not learned to feed their own people. But one thing they do know is how to manufacture weapons. And these, they provide to Africa in great quantities.

In this area, I do not believe that we should or ever will try to compete with the U.S.S.R.

We should, instead, invite them to join us in providing what Africa truly needs—food today and the means to produce food tomorrow.

I hope, Mr. President, that later in the session, we will have the opportunity to take up legislation that addresses long-term solutions to Africa's problems. And I hope that we—and Africans themselves—will have the wisdom to do what must be done in order to prevent any future recurrence of the human tragedy that is taking place today.

Mr. President, I wish to express publicly my gratitude and appreciation to the manager of the bill on the minority side, the distinguished ranking minority member of the Agriculture Committee, Senator ZORINSKY, who was good enough to yield the time in order that I might make this short address to my colleagues.

I thank the Senator from Nebraska very much.

Mr. ZORINSKY. I thank the Senator from Ohio.

Mr. President, I ask unanimous consent that I may yield the floor to Senator MELCHER for his statement and that the remainder of my statement be placed at the appropriate place in

the RECORD, that upon my retaining the floor, the remainder of my remarks not be counted as a second speech.

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

The Senator from Montana is recognized.

Mr. MELCHER. I thank my distinguished friend from Nebraska.

Mr. President, what we are embarking upon today is the course to bring into the terms of reality some of the farm debt that without changes would mean that the banks and the production credit associations would have to write off the borrower as a bad loan and refuse to grant further credit.

For the great number of farm borrowers that we are seeking to help, their debts are held by either banks or production credit associations. And those farmers with the classified loan, that is a loan that bank examiners cannot find will be repaid under the terms of the debt, must be deleted from the portfolio of the lending institutions and therefore set the stage for liquidation or foreclosure. That is a great number of farm borrowers in the existing situation today.

It has been described as those farm operators that have somewhere around 50 percent or more in debt-to-asset ratio. In those conditions of the debt are, first of all, the interest rate, with the notes that require the farmer to pay on the loan, and also the time of repayment. Almost all operating loans currently are held on a 1-year basis so that if the debt is rather large and the interest rate is rather high, which seems to run between 14 and 16 percent, the opportunity to or the chance to make good on that loan in 1 year through cash flow cannot be realistically met. It is that serious situation that causes us to want to provide the mechanism where perhaps 20 percent of the farm borrowers can be given conditions that will allow them an opportunity to make good on that debt.

Now, obviously, two things can be done immediately and that is what this amendment seeks to do. One, to provide the opportunity for lower interest rates. The amendment will permit the lender to mark down the interest up to 2 percent, reduce the interest obligation that much, and receive a matching amount of 2 percent that will be written down by the Federal Government. That cost is believed to be around $100 million, up to $100 million, for the obligation of the Federal Government. Now that is one part of it.

The other part is allowing a stretchout of time when the debt is due; whether that is 2 or 3 years, would be left up to the lending institution and the borrower.

Those are the two points of instant debt restructuring that can change a classified loan or, using a more easily understood term, perhaps change a bad loan to a good loan, where the cash flow will show, under ordinary circumstances, that the borrower, the farmer, that is, is likely to be able to pay off the debt.

But there is also another question—and this is extremely important. It is a question of the soundness of the bank itself or the lending institution itself. And so the loan guarantee will permit the lending institution to demonstrate that their capital structure is sufficient to carry these farmers in their loan portfolios.

So the real question, then, for the Congress to concern itself with is whether or not it is in the public interest to add a risk to the loan guarantee operation to the Federal obligation. Ordinarily, the Office of Management and Budget would say that loan guarantees might expose the Government to a little over 5 percent of the actual total of the guarantees; that is, 5 percent perhaps will not be recaptured when the loans are paid off and, therefore, the Government would be obliged to come up with that differential. We are advised that, since we are getting into some loans that are shaky to begin with, perhaps that figure should be recognized or deemed as high as 8 percent.

I believe it is in the public interest to take that risk because we are talking about a great number of farm borrowers. And in terms of advancing loan guarantees for a segment of our society in America, it is my conclusion—and I hope that conclusion of the Senate as well as the House and also the willingness of the White House—to say that, yes, indeed, it is in the public interest to safeguard this vast number of farm borrowers so they have the opportunity to make good on their obligations, giving them the opportunity for lower interest rates and a stretchout of the time when their debt must be paid off.

Now, it is not just 240,000 to perhaps 300,000 farm borrowers that will be helped by this means. It is also a vast number of millions of Americans who are living in rural America, which include those that are in business of supplies for farm and ranch operations; those that are in the retail businesses in the small rural communities of America; the soundness of their community itself, their schools, their churches, their hospitals; and the life of the community itself, whether it can survive.

Yes, I believe it is in the public interest to help this vast number of Americans stretched across our land. This is only one part of what we will attempt to do this week in helping the debt situation in rural America. But I believe it is a very significant part.

It is for that reason that I join with my distinguished friend from Nebraska and the distinguished Senator from North Dakota, Senator ANDREWS, in being a cosponsor of this amendment. I think it is highly in order. It is not quite too late. If we act expeditiously this week, I feel we will be in time to save the integrity of the farm operators that are caught in this bind. While perhaps not all of them can be saved, we are going to give the opportunity to the vast number of farmers who are facing the very serious credit crunch. And in so doing, we will give the opportunity for the communities, which they derive services from, in which their churches, their schools and hospitals are located, their civic organizations—the lifeblood of their communities.

So what we are doing is for rural America. Surely that is in the public interest and needs our full attention and full support.

I thank my friend for yielding to me.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that I be allowed to yield to the Senator from Alabama without losing my right to the floor and that when control of the floor is returned to me that my statement appear as a continuation of my first statement and that his statement be placed in the appropriate place in the RECORD.

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

Mr. HEFLIN. I want to thank the distinguished Senator from Nebraska who has worked so diligently on this farm credit crisis problem. As the ranking minority member of the Senate Committee on Agriculture, he has been in the forefront of this effort.

I think we all admit that we are in a farm credit crisis. In the past, legislation has been passed which would allow the President and the Secretary of Agriculture to make available certain programs, if they desire to do so. On October 19, 1984, during the campaign, a promise was made to the farmers that the credit crisis problem would be addressed and would be, in effect, basically solved.

Out of that announcement came basically two programs: One, a program by which commercial lenders like banks and cooperatives, such as the Production Credit Association, would be given an opportunity to have a Government guarantee of loans to farmers under certain conditions. Those conditions were: The lender had to reduce principal or interest by 10 percent to a farmer who could show a cash-flow of 110 percent. The Government would then guarantee up to 90 percent of the loan.

At the same time, there was a proposal for the Farmers Home direct loans. This proposal would allow a farmer, currently financed by the Farmers Home Administration, to set

aside 25 percent of the indebtedness of the principal for a period up to 5 years. It was basically a transfer from the front end of the loan to the rear end of the loan. On its face, it had great potential. This would mean that, for 5 years, the farmer might not pay any interest on 25 percent of the principal of the loan.

Since that time the Farmers Home Administration has sent out questionnaires, and has notified the farmers of the two proposals, the one pertaining to commercial lenders and cooperatives on a 10-percent writedown, and the other on direct loans. There are differences in sections of the country pertaining to farm credit. In most of the Midwest and the West, most of the credit is extended by commercial lender banks or by cooperatives like production credit associations. Probably no more than 10 to 15 percent are in direct loans from Farmers Home Administration. These figures are ball park figures, but I am told these figures are accurate. However, in the Southeast there has been a far greater participation in the Farmers Home Administration direct loans. In my State, I am told that 55 percent of the farmers who get credit are getting it from Farmers Home Administration. In Mississippi it is even larger; and in Georgia it is larger than that. Perhaps in those States as much as 65 percent of the farm loans are from direct loans from Farmers Home Administration.

Now, Mr. President, there are two types of farm credit problems that must be looked at. One is those who have commercial lenders, the banks and the cooperatives; the second being the direct loans from the Farmers Home Administration.

In my particular State, it is my understanding that as of this date, that FmHA has processed 794 requests for the set-aside. I would clarify that the set-aside is the 25-percent deferral of principal and no interest for 5 years. Thus far, only 73 out of this number has been accepted. The remaining, 721, have been rejected. Thus, it would indicate that less than 9 percent of those that have been processed to date have in effect been eligible to qualify under this set-aside program.

Something, therefore, is wrong with the conditions of eligibility or in the processing, or else this program was an unrealistic program when it was originated.

Now, in regards to those who have attempted to get loan guarantees. As of February 19, 1985, only 12 requests had been processed, with only one approval. We hear nationwide figures of over $650 million being available under this guarantee program and that to date only $43 million of loan guarantees have been made. Therefore, it indicates there is very poor participation and that these programs are not meeting the requirements necessary to give relief relative to the farm credit crisis that we are in now.

It appears to me that the filibuster last week did accomplish a lot for the farmer. Under the guarantee program, the requirement of 110 percent cash-flow was reduced to 100 percent. This is a condition of eligibility.

In cash-flow, what do we mean by cash-flow in order that it might be understood?

Cash-flow is a formula that the Farmers Home Administration has worked up which will allow a farmer to borrow money to produce his crop. It would allow him a reasonable living expense. It will allow him the ability to pay taxes in that cash-flow.

In other words, in order to be eligible, he must show that he has a 10-percent profit over and above his living expenses, his cost of production, his payment of his debt, and tax liability.

Well, a farmer who has 10-percent profit is not in a desperate financial condition as are many of the other farmers. The agreement achieved as a result of the filibuster to eliminate that additional 10-percent cash-flow and show that he can make his payments, that he can produce a crop, that he can pay his taxes and that he can live in the meantime, is a substantial advancement relative to a condition of eligibility. In my judgment, that will mean that more farmers will now be able to come under that program.

However, under that program pertaining to loan guarantees, we have the problem that arises as to whether or not the banks are willing to have a 10-percent writeoff of the principal. If the debt, we will say, is $100,000, will the bank say, "I am willing to forget about $10,000 of the principal if you will give me a guarantee."

Well, the guarantee, instead of really being a maximum of 90 percent, is really a maximum of 81 percent. Whereas there was a principal outstanding of $100,000, under this program, if the bank would be willing to forgive $10,000, he then gets a 90-percent guarantee of $90,000. This net guarantee equals 81 percent or $81,000.

Thus far, none of the banks are willing to do this.

I think some advantage has been gained because of the cash-flow requirements adjustments. Farmers will now be more eligible as a result of eliminating that 10-percent profit element. Nevertheless, there has to be more of an incentive than has been offered to get the banks involved. So we must consider some type of incentive that would be beneficial to the farmer and the banker to enhance participation.

Under the direct loan aspect program of the Farmer Home Administration, where they have agreed to set aside 25 percent of the principal for 5 years at no interest, that, in my judgment, is a good offer. But the problem is there are not enough farmers who are eligible. Again, that cash-flow of 110 percent is there. That profit of 10 percent is required. To a farmer who has already gone to Farmers Home Administration as the lender of last resort, a 10-percent profit is unrealistic to him.

It seems we must have a provision that allows the same thing that applies to the commercial lender and the cooperatives, that that profit element of 10 percent be eliminated and that the cash-flow of 110 percent be reduced to 100 percent in order to let them qualify for the set-aside program.

There have been arguments made that the annual payments will be higher under a direct loan at 100 percent than they would be under 110 percent.

That may be true. Therefore, it ought to be optional with the farmer as to whether he wants to go under a cash-flow of 100 or 110 percent. The problem is that the annual payments will be zero if you continue to stay at 110 percent-flow. Because they are not going to be eligible, they cannot take advantage of that set-aside program. It does not make any difference whether 100 or 110 percent of his payments on an annual basis are higher or not. If he is not eligible, he cannot qualify for the program.

I think these are matters that have to be considered. These matters are necessary to give relief to the farmer at this particular time.

There are those who feel like the advancement of the loan rate will give the farmers cash to reduce their payment for the next year or two. This will be an incentive. I think this proposal has some merit.

I am trying to outline some of the general principles that are involved in this overall program.

There is another overall problem. The lowering of interest rates on farm loans, whether they be under a commercial lender and cooperative guarantee program or whether under a direct loan from the Farmers Home Administration.

In most instances, the interest rate is causing the substantial problem to the farmer.

(Later Mr. HEFLIN continued with his remarks as follows:)

Mr. HEFLIN. Mr. President, in order to meet the farm crisis, it is necessary, in my judgment, that there be lower interest rates. To do this, there should be a cooperative interest buydown program included in the bill which would allow the Government and the lender to cooperate in the reduction of interest rates on these loans from commercial lenders.

It can be done without any real significant cost and in a manner which the lender would reduce the interest rates and the Government in effect would pick up half the tab. You have to have limits. You have to be reasonable. There would have to be a ceiling established as a maximum amount.

Mr. President, as we deal with the farm credit crisis, we must realize the planting season is not too far off. It takes time to process any loan application for guarantee by commercial lenders and cooperatives or other processing of the set-aside program. Therefore, it is essential that the Secretary of Agriculture make available to the Farmers Home Administration personnel in adequate numbers and allow them to work overtime, including weekends and nights, to process the loan applications where necessary to meet the schedule set by Congress or the Farmers Home Administration.

It may well be that the Secretary shall have to hire additional temporary personnel in addition to those that were authorized to be hired on February 19, 1985, to meet the processing schedules and to assign such temporary employees to the States. There are a number of States where there has been no extra personnel going in to help, but they have to move. In effect, we are looking at a planting season that varies as to each State and its geographic location. But generally, we look upon the planting season, with some exceptions, as starting around the 1st of April and ending around May 15. In order to process these loans, you have to look at the time between now and the 1st of April. Time is really short. So it is going to take substantial personnel working overtime in order to process the paperwork.

This also means that if legislation is passed, as I hope it will be, the Secretary of Agriculture will have to promulgate regulations within a timeframe, and this again is a matter where a short timeframe would have to be allowed to promulgate any necessary regulations under any proposed legislation.

Mr. President, I hope we can have a bill that in effect does not cost a great deal of money. The history on guarantees is that there have been defaults of only 5.5 percent. If you had $100,000 which might appear in a loan guarantee, your default rate really means $5,500. The 5.5 percent in the past has been particularly low, and I think it will be lower if we can allow the farmer an opportunity to come out of the farm crisis.

Now, there ought to be some type of requirement. We ought not give guarantees to everyone who comes down the road. There are procedures they will have to follow, and they have to have their ultimate repayment value. I think you are going to have to establish certain criteria, which would give a chance to the farmer who has a proven record of good management and who can produce a 100-percent cash-flow.

When you look at the overall situation of guarantees and the total sum considered, we must understand that this is not a cost to the Government in that amount, but only a very small percentage.

I have attempted to outline some principles.

Also, I think the regulatory agencies ought to exercise caution and restraint in making adverse classifications with respect to agricultural loans. The examiners ought to give due consideration not only to the current cash-flow of agricultural borrowers under financial stress but also factors such as loan collateral and ultimate repayment ability. This would apply to such regulatory agencies as the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairman of the Board of Governors of the Federal Reserve Board.

There are other matters that I will mention at a later time relative to principles that I think should be involved here. I yield back to the distinguished Senator from Nebraska.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the Senator from New Mexico be allowed to present a statement for the record and when I do regain the right to the floor that it not be considered a second speech.

Mr. HEFLIN. And I would like to have the floor privilege returned to me.

Mr. ZORINSKY. Yes, Mr. President. That when Senator HEFLIN resumes his statement, it not be considered a second statement.

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

(The remarks of Senator DOMENICI appear elsewhere in the RECORD.)

Mr. DIXON. Mr. President, if I could have the attention of my colleague, the distinguished senior Senator from South Dakota, earlier I had a conversation with him. I will be making remarks about the amendment I will be offering later in the day or early in the morning concerning the 50-percent advance and the $50,000 limit for farmers who in the fall would obtain their funds after harvest from the ASCS and the CCC fund.

I wanted to announce that my colleague from South Dakota is the principal cosponsor, along with my friend, the distinguished senior Senator from Iowa [Mr. GRASSLEY] and that he will be making remarks in due time. But I take it the Senator does not care to make remarks at this time.

Mr. ZORINSKY. Mr. President, I yield to the Senator from California [Mr. CRANSTON] to comment at this time.

I ask unanimous consent that his remarks appear in the proper place in the RECORD.

Mr. CRANSTON. Mr. President, I want to ask the Senator from Nebraska for a clarification of this amendment.

As the Senator is aware, the Bank of America has its own proposal to assist those farmers who can show an ability to survive in the long run if they are provided financial assistance to work through their current financial problems. The bank's proposal, like the Senator's amendment, is targeted to those farmers with potential positive cash-flow on current operations. Under the Bank of America proposal, commercial banks would provide 100 percent of the loan, fully collateralized by the farmer's assets and anticipated income. The banks would assume the risk for the first 80 percent of the loan. The Federal Government would guarantee the top 20 percent of the farmer's loan—with a maximum guarantee of $450,000. Under this proposal, many banks would be encouraged to make loans they otherwise would not make. And the Federal Government should have full opportunity to recover if there is a default, since the farmer would have 100 percent support for his loan. This approach has a distinct advantage, in that with this lower 20 percent guarantee, the Federal Government would be able to provide support for more than four times as many farmers as could be served by a 90-percent guarantee with the same amount of funds. It is my understanding that the administration has the authority to implement the Bank of America's proposal without further legislation. It is also my understanding that administrative implementation of this proposal is not precluded by the Zorinsky amendment.

I know that there are differences of opinion over whether or not this approach should be undertaken, and of course I would expect that it would not be undertaken until there was considerable agreement from those who would be affected that it should be undertaken. So I am not asking if this would be done at once. I do not expect that it would be. But I am asking this: Could it be if it were agreed upon as a wise course of action under pending laws and under the Zorinsky amendment? I would appreciate it if the Senator from Nebraska would confirm this for me.

Mr. ZORINSKY. The Senator from California is correct. The administration has the authority, and this authority is unchanged by the pending amendment.

Mr. CRANSTON. I appreciate that very much. That is most helpful.

Mr. ZORINSKY. I thank the Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the text of the Bank of America temporary farm assistance proposal be printed in the RECORD.

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

TEMPORARY FARM ASSISTANCE PROGRAM PROPOSED BY BANK OF AMERICA

BACKGROUND

The United States agricultural industry is currently experiencing its worst financial recession in over fifty years. Background information on the causes and possible long-term solutions for this crisis are contained in Bank of America's presentation "An Overview of California Agriculture and Bank of America Recommended Policy Guidelines." As outlined in that presentation, market-oriented farm policies and aggressive export promotion will help improve the long-term viability of United States agriculture. However, in the short term, many farmers with efficient operations will not survive due primarily to heavy debt loads, depressed margins and declining asset values. Government can help in reducing the human cost of the agricultural recession by providing the time and support these farmers need to restructure their operations. We proposed the following Temporary Farm Assistance Program for this difficult period.

WHO WOULD BE ELIGIBLE?

This Temporary Farm Assistance Program will provide the time and support needed by farmers who demonstrate the ability to survive in the long run if they can be provided financial assistance to allow them to work through current severe financial problems. It applies only to those farmers with the potential for a positive cash flow on current operations and the resources to become competitive, cost-efficient producers. Farmers who cannot demonstrate a potential for survival will not be eligible; separate programs should be considered for those farmers. Further, the program will not be available to those farmers whose debt can be restructured without the benefit of the program.

HOW WOULD IT WORK?

A farmer and his lender would present to the Farmers Home Administration (FmHA) a proposal demonstrating that the farmer meets the eligibility requirements and that the lender is willing to provide crop and livestock financing to the farmer for 1985 under the terms of the program. The lender must be willing to defer to maturity the payment of at least two percentage points of the interest due from the borrower on each restructured loan over the period of the program. In addition, any interest above 15 percent would be deferred. On approval of the application, the FmHA would issue a guarantee for twenty percent of the debt owing from the farmer to the lender, including the 1985 crop financing.

PROGRAM SPECIFICS

Guarantee: FmHA would provide a 20 percent guarantee of the farmer's loans restructured including current year operating credit needs with a maximum guarantee of $450,000 for any one farmer. The guarantee would remain in effect until the restructured loans are fully recovered by the lender.

Interest Rate: The lender would agree to defer up to two percentage points of interest to the maturity of each restructured loan.

Interest Cap: The lender would agree to defer to maturity any interest in excess of 15 percent.

Program Oversight: FmHA would provide oversight of the restructured program. The overall program would be monitored by the administration's proposed "Farm Credit Coordinating Group."

Program Duration: The program would cover term loans restructured during the 1985 crop year with amortization schedules of up to twenty years and maturities of up to four years. The program would also cover crop and livestock production loans made for the 1985 production year and for subsequent years while the restructured term loans are outstanding. Loans would not be transferable.

Collateral: At the time of restructuring, loans would be fully secured by the farmer's land and other available assets. On liquidation, collateral would be applied to any non-guaranteed loans before any guaranteed loans.

Interest Reserve: An interest reserve may be established providing for payment of interest from loan proceeds if the farmer's cash flow is not adequate to cover interest expense.

Federal Crop Insurance: Participating farmers would be required to obtain crop insurance, if available, to protect against production risks.

Disclosure: Loans restructured under the program would be disclosed to regulatory agencies. However, restructured loans would not be considered as "Non Performing Loans" nor require special reserves.

Tax Impact: Tax codes would be amended to reduce capital gains tax burden to farmers who agree to an orderly liquidation of assets during this restructure program.

PROGRAM BENEFITS

With this lower 20 percent guarantee, the government can provide support to more than four times as many farmers as could be served by a 90 percent guarantee program with the same amount of guarantee funds appropriated. (Recommended government appropriation: (Three Billion Dollars.)

No cash outlays will be necessary at the time the guarantee is issued. The funds will be provided by the private sector. If the farmer defaults and the guarantee is called, FmHA may recover some or all of the amounts advanced from any excess value in the farmer's collateral after the debt is paid.

There is no bailout of farmers who cannot demonstrate an ability to survive. Participating farmers will remain ultimately liable for their obligations. They will have no unfair advantage over those farmers who are able to continue farming without the program.

The program would spread the ongoing risk of financing between the present private sector sources and the FmHA.

Orderly restructure will limit the disruption to related agribusiness support industries.

Providing these farmers the opportunity to survive assures our nation's continued independence in production of food and fiber.

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

● Mr. GOLDWATER. Mr. President, although I cannot be present today when we vote on the farm amendments being offered, I wish to be recorded as being against them for one, rather simple reason. We worry ourselves to death about people starving in all parts of the world. We find ourselves in a constant quandry about unemployment around the world. We make speech after speech about the poor everywhere and yet, we say nothing and do nothing on behalf of the American Indian.

The American Indian is one of us; he lives within our boundaries. Our land was once his land so, why, I ask my colleagues, can't we spread some of this benevolence to the American Indian.●

● Mr. DANFORTH. Mr. President, I rise today in support of S. 457, a bill authorizing the President to furnish assistance to the drought-stricken countries of sub-Saharan Africa. We are all painfully aware of the enormity of the crisis facing Africa today. Twenty countries are afflicted by drought and famine. Millions of lives are at immediate risk.

So far the United States has responded more than generously to Africa's plight. Since the beginning of this fiscal year, our Government has made available more than $425 million in emergency food aid to the continent—the largest amount given for this purpose since the inception of our food aid program. Yet much more remains to be done if mass starvation is to be averted.

The bill before us today would authorize the appropriation of additional funds for disaster and refugee assistance. The replenishment of the disaster and refugee accounts is essential to the African relief effort. Food aid alone will not rescue Africans from starvation. Thousands of Africans already weakened by hunger will die unless they receive emergency medical supplies, shelter materials, and blankets. It is this sort of assistance that the disaster relief funds provide. The funds appropriated for disaster assistance will also help pay for the internal distribution of food relief, which is made prohibitively expensive by Africa's rough terrain, woefully inadequate infrastructure, and widespread civil strife.

The need for increased refugee assistance is equally critical. Even before the current crisis, Africa already played host to the world's largest refugee population. The onslaught of drought and famine has added hundreds of thousands of people to the numbers of the displaced. Sudan alone is now burdened with 750,000 Ethiopian refugees. By summer their number could increase by as much as 500,000. Sudan simply does not have the resources to cope with this flood of famine victims. We must do more to help them.

The third component of the bill is a provision aimed at facilitating the use of Defense Department personnel and equipment for humanitarian relief in Africa. This provision does not expand existing authority, rather it encourages the use of existing authority to expedite the delivery of relief supplies and services to countries in need.

Mr. President, there is an urgent need for the relief measures provided for in this bill. I, therefore, urge my colleagues to support the passage of this legislation.●

Mr. ZORINSKY. Mr. President, I have been assured by the majority leader that we can expect to vote on this amendment after tomorrow's caucus. With that assurance, I should like to call up my amendment.

Since I feel quite certain that I have not as yet convinced the majority leader as to the merits of my effort; I am anticipating a motion to table. I will make a brief comment about tabling motions.

Many of us who have experience with tabling motions in this Chamber are aware of the true function of a tabling motion. Unfortunately, most Americans might assume that a tabling motion means it is time for dinner or lunch or whatever, and of course would not be expected to be involved in matters of parliamentary procedure. So I will briefly repeat a caveat that I have heard from my good friend and respected colleague, the Senator from North Carolina [Mr. HELMS], who has admonished me and many other Senators concerning tabling motions.

I will preface my comments by saying these remarks are not meant to be partisan in nature. I have supported Senator HELMS on numerous occasions when tabling motions were made on my side. Both sides use this unique parliamentary procedure to move to table an amendment in order to afford the opportunity to vote for the tabling motion so that a Senator can go back home and say, "I did not vote against the amendment. I voted against the amendment being brought up to be voted on."

I think the amendment I am offering and maybe one or two others will be looked at as a true barometer and a true test of support for agriculture. Again, to quote my friend from North Carolina, whom I have supported on numerous amendments; regardless of whether I or somebody else supports a tabling motion, let the public look deeper.

A motion to table is really a neat and cute method of avoiding one's duty as a U.S. Senator. Instead it is an attempt by some to have it both ways. I want to point this out to my colleagues on both sides of the aisle.

Again, the history of this institution will indicate that a motion to table is a nonpartisan use of parliamentary procedure. But do not expect to vote to table this amendment so you can go back home and tell the public, "I did not vote against the amendment that attempted to save farmers who were entitled to stay in business. The vote never came up. It was tabled."

The public should note that those people who participate in tabling amendments quite obviously would not have voted for the amendment itself had it been brought up.

I want my colleagues to understand something about this amendment. As my good friend and respected colleague from North Carolina has said on numerous occasions, this will be a barometer and yardstick on your support for the farmers of America.

I can assure my colleagues that I have no pride of authorship in this amendment. I am not up for election next year. I think the time has come that we make this a nonpartisan issue and for once even if the vote is on a tabling motion, admit what side of an issue we are on.

AMENDMENT NO. 10

(Purpose: To provide emergency farm credit assistance to the Nation's farmers and ranchers)

Mr. ZORINSKY. With that, 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 Nebraska [Mr. ZORINSKY] for himself and Mr. ANDREWS, Mr. PRYOR, Mr. EXON, and Mr. FORD proposes an amendment numbered 10.

Mr. ZORINSKY. 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 8, after line 16, insert a new title as follows:

TITLE II—EMERGENCY FARM CREDIT ASSISTANCE

SHORT TITLE

SEC. 201. This title may be cited as the "Emergency Farm Credit Assistance Act of 1985".

FINDINGS AND DECLARATION OF POLICY

SEC. 202. (a) Congress finds that—

(1) agriculture is the Nation's most basic industry, and its associated production, processing, and marketing sectors, together, provide more jobs than other single industry;

(2) United States agriculture is the world's most productive and the world's largest exporter;

(3) United States agricultural producers are the basic element in the food and fiber system and their ability to make a profit and meet their financial obligations is critical to their remaining in business;

(4) technological developments have greatly increased the capital requirements of agricultural production;

(5) agricultural-related debt has risen from approximately $50,000,000,000 in 1970 to approximately $215,000,000,000 in 1984;

(6) a general decline in the financial condition of producers, as evidenced by increases in the average debt-to-asset ratio and debt-to-equity ratio, threatens the ability of many producers to obtain the credit needed to continue their operations;

(7) it is essential that producers be able to obtain adequate credit at interest rates conducive to debt servicing and profit making; and

(8) the foundation of the Nation's agricultural system will be adversely affected if producers are unable to obtain a return on their investment that enables them to service their debt and continue their operations.

(b) It is hereby declared to be the policy of Congress to take such steps as may be necessary to enable United States agricultural producers to obtain adequate credit at interest rates conducive to debt servicing and profit making so as to ensure the Nation of an adequate and dependable supply of food and fiber at reasonable prices.

IMPROVEMENTS IN THE PROCESSING OF APPLICATIONS FOR FARMERS HOME ADMINISTRATION LOANS

SEC. 203. (a) Congress finds that—

(1) persistently low farm income (due in part to weak export demand), high interest rates, and declining farmland values have created financial stress for many farmers;

(2) many financially-stressed farmers have turned to the Farmers Home Administration for assistance (including insured loans, loan guarantees, deferral of loan payments, and restructuring of debt) in coping with their credit-related problems; and

(3) it is essential for the national welfare that farmers' requests to the Farmers Home Administration for assistance be processed as expeditiously as possible, especially in light of the need of many farmers to resolve their credit problems in a timely manner to be able to plant and cultivate the 1985 crops.

(b) The Secretary of Agriculture shall immediately take steps—using authorities of law provided by the Secretary, including the Agricultural Credit Insurance Fund and the employment procedures used in connection with the emergency disaster loan program—to make personnel and other resources of the Department of Agriculture available to the Farmers Home Administration sufficient to enable the Farmers Home Administration to process applications from farmers for assistance expeditiously and in a timely manner with respect to farm operations relating to the planting and cultivation of the 1985 crops. In this connection, the Farmers Home Administration shall assign personnel to work overtime, including weekends and nights, to process loans and loan applications where necessary to meet the processing time schedules set by Congress or the Farmers Home Administration. The Secretary shall hire additional temporary employees (in addition to those authorized to be hired on February 19, 1985) to meet processing schedules, and shall assign such temporary employees to States (other than those receiving temporary employees under the February 19, 1985, authorization) in proportion to the total number of unprocessed applications on the date of enactment of this title.

COOPERATIVE INTEREST BUY-DOWN PROGRAM

SEC. 204. Effective for the period beginning on the date of enactment of this act

and ending September 30, 1985, the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new section 350 as follows:

"COOPERATIVE INTEREST BUY-DOWN PROGRAM

"SEC. 350. (a) To assist farmers and ranchers whose debts are restructured by commercial or cooperative lenders, the Secretary shall establish a program to reduce, for one or more years, the commercial or cooperative interest rate that a borrower would otherwise be required to pay.

"(b) Lenders agreeing to reduce the interest rate they would otherwise charge borrowers would be eligible to receive interest reduction payments from the Secretary, subject to such terms and conditions as may be specified by the Secretary.

"(c) To receive interest reduction payments from the Secretary under this section, lenders must agree to reduce the borrower's interest rate by an amount that is equal to, and in addition to, such interest reduction payments.

"(d) Notwithstanding any other provision of this Act, the Agricultural Credit Insurance Fund established under section 309 of this Act may be used by the Secretary in implementing this section.

"(e) The total amount of funds used by the Secretary in making payments under this section shall not exceed $100,000,000.".

ADDITIONAL LOAN GUARANTEE AUTHORITY

SEC. 205. Section 346 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new subsection (f) as follows:

"(f) In addition to any amounts heretofore authorized by law for loan guarantees under this Act in fiscal year 1985, there shall be made available to be guaranteed under the Agricultural Credit Insurance Fund $1,850,000,000 for loans under the debt adjustment program for guaranteed operating loans established under section 339 of this title on October 19, 1984, as revised and including the changes set out in the Emergency Farm Credit Assistance Act of 1985, in 1985.".

FMHA DEBT ADJUSTMENT PROGRAM: SPECIAL SET-ASIDES OF FMHA INDEBTEDNESS

SEC. 206. The Consolidated Farm and rural Development Act is amended by adding at the end thereof, a new section 349 as follows:

"SEC. 349. Notwithstanding any other provision of law—

"(a) In implementing the debt adjustment program for guaranteed operating and farm ownership loans established under section 339 of this title on October 19, 1984, as revised, the Secretary—

"(1) shall provide that, for the purposes of the program, a cash flow for a borrower's operation that shows that anticipated cash inflows during a year are 100 per centum of the year's anticipated cash outflows will be considered a positive cash flow;

"(2) shall permit lenders to qualify for a loan guarantee under the program without requiring that lenders cancel any portion of the total principal or interest outstanding on the existing indebtedness owed by the borrower; and

"(3) shall make guarantees available for up to 90 per centum of the principal and interest indebtedness on each loan guaranteed under the program.

"(b) In implementing the program for special set-asides of a portion of the indebtedness under Farmers Home Administration farmer program loans established under section 339 of this title on October 19, 1984, the Secretary shall provide that, for the purposes of the program, if a farm and home plan for the typical year shows a balance available of 100 per centum of the amount needed to pay all the year's debts due, including tax liability, the borrower will be considered to have a positive cash-flow projection. However, individual borrowers may elect to base their applications for assistance on a cash-flow projection of 110 percent."

CAUTION AND RESTRAINT IN ADVERSELY CLASSIFYING LOANS MADE TO FARMERS AND RANCHERS

SEC. 207. (a) Congress finds that—

(1) high agricultural production costs, low prices for some commodities, and declining farmland values have combined to greatly reduce the income of many agricultural producers and to subject these producers, through no fault of their own, to severe economic hardship and, in many cases, to temporarily impair the ability of such producers to meet loan repayment schedules in a timely fashion;

(2) a policy of adverse classification of agricultural loans—that is, designating such loans as problem loans—by Federal bank examiners under these circumstances could trigger a wave of farm foreclosures and similar actions that would depress land values and the value of agricultural facilities and equipment; and

(3) liquidations of agricultural assets on a broad scale would have a devastating effect on farmers and the banking industry, and on rural United States in general.

(b) Notwithstanding any other provision of law, to guard against improper and untimely liquidations of agricultural assets, the Federal bank regulatory agencies shall ensure that examiners, in carrying out their duties, exercise caution and restraint in making adverse classifications with respect to agricultural loans. Examiners shall give due consideration not only to the current cash-flow of agricultural borrowers under financial stress, but also to factors such as loan collateral and ultimate repayment ability. Further, regulatory agencies shall continue this policy for so long as the condition of the agricultural economy and the effects of natural disasters temporarily impair the ability of agricultural borrowers to meet scheduled loan repayments.

(c) Not later than ninety days after the enactment of this title, the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairman of the Board of Governors of the Federal Reserve Board shall report to Congress on the actions they have taken to implement this section.

(d) Federal and State financial regulatory agencies shall ensure that examiners, in carrying out their duties, refrain from making adverse classifications with respect to agricultural loans that are restructured under the debt adjustment program established on October 19, 1984, under section 339 of the Consolidated Farm and Rural Development Act, as revised, including the changes set out in this title.

PROTECTION OF FARM CREDIT SYSTEM BORROWER CAPITAL

SEC. 208. (a) The Farm Credit Administration shall conduct a study regarding the need for establishment of a fund to be used to insure System institutions against losses on loans or for any other purpose that would assist in stabilizing the financial condition of the Farm Credit System and provide for the protection of borrower capital. In conducting the study, the Farm Credit Administration shall consider the advisability of using the revolving funds provided for in section 4.1 of the Farm Credit Act of 1971 to provide startup capital for any insurance fund and estimate the amount and level of future assessments for System institutions that would be necessary to ensure the long-term liquidity of such an insurance fund.

(b) The Farm Credit Administration shall submit a report containing the results of the study required by this section to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry not later than one hundred and eighty days after the enactment.

SMALL BUSINESS ADMINISTRATION DEBT ADJUSTMENT PROGRAM

SEC. 209. For the purpose of assisting financially-stressed farmers and ranchers, it is the sense of Congress that—to the maximum extent practicable and consistent with existing law—the Small Business Administration should establish a debt adjustment program comparable to the Farmers Home Administration's debt adjustment program established on October 19, 1984, under section 339 of the Consolidated Farm and Rural Development Act, as revised, including the changes set out in this title.

REGULATIONS

SEC. 210. Notwithstanding any other provision of law, the Secretary of Agriculture shall issue or amend regulations to implement the provisions of sections 203, 204, and 206 of this title as soon as practicable, but not later than fifteen days after the date of enactment of this title.

Mr. ZORINSKY. Mr. President, the amendment will provide much needed assistance for many farmers who are fighting for their economic survival.

My proposal is fiscally sound. It does not create any new bureaucracies and the responsibilities associated with making this assistance available will be shared with lenders, the Federal Government, and farmers. Further, I have received letters that endorse the key proposals included in this amendment from the national farmers organization, the National Grange, and the Independent Bankers Association of America.

INDICATORS OF STRESS IN THE FARM ECONOMY

The threat of foreclosure is the most serious and demoralizing aspect of the current depressed agricultural economy. Although some would say that the media has sensationalized the financial problems of farmers, I believe there is an abundance of evidence proving that our family farm system of agriculture is threatened with extinction by the present credit crisis.

During the last 3 years, over 24,000 farmers with Farmers Home Administration loans have been forced to liquidate their operations due to financial reasons.

It should be noted that this unprecedented number of liquidations has occurred during a time when Federal courts greatly limited the number of foreclosure actions the Farmers Home Administration could initiate.

Farmers Home Administration borrowers are not the only farmers experiencing difficulty. The Department of Agriculture estimates that about 18 percent—or 430,000 farmers—have debt-to-asset ratios that are dangerously high, in excess of 40 percent.

In its 1985 agriculture and credit outlook report, the Farm Credit Administration states that production credit association loan losses totaled $500 million during the past 2 years. That amount exceeds the combined losses during all the other years in the 50-year history of PCA's.

The long-term solution to farm credit problems is stronger commodity prices and improved farm income. Those issues will be addressed in the 1985 farm bill. However, unless immediate action is taken to provide emergency credit relief, thousands of farmers will be forced out of business before the 1985 crop is even planted.

FAILURE TO TAKE ADMINISTRATIVE ACTION NECESSITATES LEGISLATION

During the past several weeks, I have urged the President and Secretary of Agriculture to use authorities under existing law to address farm credit problems. However, the Office of Management and Budget's response has been to resist most proposals other than to offer telephone hot lines and various action teams.

In recent days, after lengthy and complex negotiations, the administration finally agreed to some relatively minor adjustments in the Farmers Home Administration Loan Guarantee Program that will help a limited number of farmers through the critical weeks ahead. But, at best, that help applies only a band-aid to the problem.

I would remind my colleagues that, last fall—just before the election—the administration announced a Debt Adjustment Program designed to help farmers reeling from low prices, high interest rates, and record crop surpluses. Many from farm States hailed that plan as the answer to their prayers, but the facts indicate something else.

As of last Friday, Federal guarantees of farm loans nationwide under this program amounted to just 21. In addition, of the $650 million Congress provided for all farm loan guarantees last fall, only $44 million has been used.

Because appropriate administrative actions have not been taken, the proposal I have developed requires the administration to begin using certain administrative authorities.

Under this legislation, the Farmers Home Administration would be required to take immediate action to hire additional personnel on a temporary basis to process and service loans.

In addition, the amendment eliminates certain unnecessary administrative requirements that have discouraged participation in the Farmers Home Administration Debt Set-aside and Loan Guarantee Programs. Under the amendment, borrowers will be given the option of basing their applications for assistance on 100 percent or 110 percent of the cash flow needed to meet debt obligations.

Further, the Farmers Home Administration Loan Guarantee Program will be implemented as orginally intended by Congress. Lenders will no longer be required to write off principal or interest as a prerequisite to securing a loan guarantee. Of course, lenders may voluntarily adjust the terms of loans to enhance repayment ability.

In addition to requiring the administration to use the discretionary authorities I have outlined, the legislation I am offering will provide several new and expanded authorities. Those provisions would:

Provide $1.85 billion in additional loan guarantee authority for the Farmers Home Administration;

Authorize the Farmers Home Administration to provide $100 million to buy down the interest rate on farm loans when an amount equal to the Federal contribution is provided by the lender;

Require the Farm Credit Administration to study the feasibility of obtaining insurance to protect the financial integrity of farm system institutions and thereby protect farm credit system borrowers and investors;

Encourage Federal and State bank regulators to refrain from adversely classifying farm loans guaranteed by the Farmers Home Administration; and

Encourage the Small Business Administration to provide assistance to its existing farm borrowers that is comparable to the assistance being provided under the Farmers Home Administration Debt Adjustment Program.

Without the type of credit assistance I have outlined, thousands of farmers will be faced with financial ruin. Agricultural credit needs cannot be ignored any longer if we are to avoid irreversible injury to our Nation's family farm system of agriculture. Unless we act quickly to assist our Nation's farmers, what is now an agricultural credit crisis will quickly develop into an economic disaster for all of rural America.

I want to note that several of my colleagues have approached me with other farm credit related proposals that I was not able to make part of this amendment. Some of those proposals included interest deferrals for commercial banks, Small Business Administration loans, and allowing Farmers Home Administration borrowers faced with foreclosure to plant trees and use the revenue that will be generated in future years to repay debts and retain ownership of their farms.

Those and other proposals have merit and I believe they should be pursued. However, in developing this emergency assistance package, it was not possible to include every meritorious proposal and still present a workable plan capable of attracting broad support. Therefore, I will be working with several of my colleagues to address other credit related problems during this Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Independent Bankers Association of America to the Honorable ROBERT DOLE, Senate majority leader.

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

INDEPENDENT BANKERS ASSOCIATION OF AMERICA,
Washington, DC, February 25, 1985.

Hon. ROBERT DOLE,
Senate Majority Leader, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: On behalf of the Independent Bankers Association of America, we urge bipartisan support for an amendment to be offered by Senator Zorinsky and Senator Andrews to the African relief measure pending before the Senate at this time.

We strongly support the amendment which includes the following provisions:

Provide for additional personnel for the Farmers Home Administration, for the processing of both direct and guaranteed farm loans;

Provide funding of $100 million for a joint Federal-lender interest rate buy down on FmHA guaranteed loans, whereby Federal interest payments would be made available for such loans through commercial or cooperative lenders who offer to reduce the interest rate by an additional amount equal to the Federal interest payment;

Increase the funding authority for FmHA guaranteed farm operating loans for the fiscal year ending September 30, 1985, by $1.85 billion;

For farm loans guaranteed by FmHA, provide that no principal write off or interest rate write down may be required as a prerequisite to securing a loan guarantee. Commercial or cooperative lenders could of course voluntarily reduce the terms on farms loans to enhance repayment ability;

Provide for a reduction from 110 to 100 percent in the minimum cash flow requirement under the FmHA direct loan portion of the Debt Adjustment Program announced by the President on September 18, 1984;

Encourage Federal and State financial regulatory agencies to refrain from adversely classifying any farm loan which is restructured by a commercial or cooperative lender accompanied by an FmHA loan guarantee;

Encourage the SBA expeditiously to consider establishing a debt set aside program for qualifying SBA farm loans, comparable to the direct loan portion of FmHA's Debt Adjustment Program announced by the President on September 18, 1984; and

Provide that the regulations implementing those provisions of this amendment pertaining to the FmHA shall be promulgated within 15 days of final enactment.

This package amendment is designed to provide some effective assistance on a

timely basis in coping with the very severe farm financing problem. It is designed to be workable for farmers and farm lenders. It is also prudent and cost-conscious from a Federal budget perspective. On that basis, we believe it merits broad bipartisan support, and we urge support for the amendment.

Sincerely,

THOMAS H. OLSON,
Chairman, Agricultural-Rural Cmt.

Mr. ZORINSKY. Again, Mr. President, I wish to thank my chief cosponsor, Senator MARK ANDREWS, the Senator from North Dakota. Once again, I want to note that I have received letters in support of the key proposals included in this amendment from farm groups such as the National Farmers Organization, the National Grange, as well as the Independent Bankers Association of America.

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. DOLE. 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.

Mr. DOLE. Mr. President, let me indicate that we will be discussing the pending amendment tomorrow. It is my hope that we may be able to dispose of amendments tomorrow, but I will say to my colleagues on both sides of the aisle that I have problems with this particular amendment. I do not quarrel with the author of this amendment because we have had some good working relationships in the past, and will in the future. But I hope every Member of this body looks at the pending amendment. It is for the relief of banks. It is a bank bailout. I know some banks are in difficulty. But I think many of us feel that they have to accept some of the responsibility, too. I find the banks in my State—I am very proud of the banks in my State—are very satisfied with 110 percent, and with 100 percent. They are not asking for the Federal Government to move in and insure any loss they might have.

So I hope that we understand the interest buy-down constitutes a transfer payment to lending institutions. That is precisely what it is. There is no precedent for it. I think we ought to be a little careful of short-term solutions. We ought to concern ourselves with long-term economic recovery for American farmers. I hope that we take a hard look at any provision, whether it comes from this side or the Democratic side—if it costs additional money—to find out if it is designed for the farmer or if it is designed for some other group.

I know rural banks are having difficulty. That is why in a bipartisan spirit we reduced the 110 percent cash flow requirement to 100 percent, which primarily helps the banks. It does not do much for producers.

So I hope we will be able to discuss this more at length tomorrow. If we can dispose of the amendments, I am not certain how many will be on either side, but we may be able to conclude action on the bill tomorrow.

Mr. President, I would like to include in the RECORD following my statement concerning farm credit the text of the President's radio address at 12:06 p.m. eastern standard time, Saturday, February 23. There has been a lot of confusion about the $650 million figure, whether or not this is a cap, whether or not we are going to have adequate resources for farmers. I would just allude to that.

The President said, "Last September,"—last September—"we announced a $650 debt restructuring initiative."

That was last September. That is the only reference to $650 million. Somehow it has been construed that that is still the cap. I would hope that I made that clear in a colloquy with the distinguished Senator from Nebraska, Senator EXON. Many of us on both sides worked most of last week trying to make certain that that is the position. I wanted to make that record clear. I had indicated that to the distinguished Senator from Oklahoma, Senator BOREN.

Mr. President, I ask unanimous consent to include in the RECORD the full text of the President's radio address.

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

RADIO ADDRESS BY THE PRESIDENT TO THE NATION, FEBRUARY 23, 1985

The PRESIDENT. My fellow Americans, I'd like to expand today on what I said in my Thursday night News Conference about our farmers' financial plight and what must be done to hasten the return of their prosperity.

It's important to note that about two-thirds of today's farmers have no debt problems, and only a minority of the remainder are in severe financial distress. Now, that's not to minimize one bit the difficulties all farmers face following the shocks of the 1970's, two grain embargoes, double-digit inflation and record interest rates at 21 percent.

As farmers' land values shot up, some borrowed large sums of money and, yes, sometimes exorbitant sums, based on that inflated land value. Then, as we brought inflation down—and believe me, we're determined to keep it down—those farmers have been left with declining land values to cover their loans, making them harder to repay.

These problems have been worsened by the inflexible farm programs under which we operate. Designed to help agriculture, they have increased dependency upon the federal government, weakening incentives for self-reliance.

For example, between 1973 and 1983, the federal government went from purchasing 1.9 percent to 12 percent of all dairy products. The equivalent of 17 billion pounds of butter, cheese and dried milk piled up in cold storage. The cost to taxpayers soared from $117 million to well over $2 billion.

Other programs leading to surpluses in corn and wheat depressed prices, sent false signals to the markets and drove more farmers toward bankruptcy.

The same government which played a part in this unhappy drama must not turn away from those who are the backbone of our nation, who gave America the highest standard of living in the world and who preserved the blessing of life for millions of the world's hungry.

Last September, we announced a $650 million debt restructuring initiative. Yesterday, Agriculture Secretary Block announced a modification of federal regulations so that banks will have an incentive to work out lower payments for farmers having trouble paying off their loans. We're providing loan guarantees for eligible farmers whose local banks fail and who can't find a new private lender without such a guarantee. Our program will ease further the farmers' requirement for participation in it, so more of them can take advantage of our credit offer. This administration is moving forward with its credit program because spring planting cannot wait.

Let me make one thing very plain: Yes, we are sympathetic. And we will extend support.

But American taxpayers must not be asked to bail out every farmer hopelessly in debt, some by hundreds of thousands of dollars, or be asked to bail out the banks who also bet on higher inflation. We have already extended a tremendous amount of assistance. It's time for others to pitch in and do more—from officials at the state level, to banks, private groups and individuals in our communities, all joining in partnership to help farmers.

Over the long haul, there's only one sure solution. We have the ability to change, the opportunity to act, and we're going to begin now working our way back to a free market economy. What farmers need and we're determined to provide is less dependence on politicians to supply their incomes and greater independence to supply their own incomes.

Yesterday, Secretary Block outlined our proposals when we sent the Agricultural Adjustment Act of 1985 to the Congress. The 1985 farm bill will create stability for the future through policies that permit U.S. agriculture to realize its full potential and be more competitive in world markets.

Our package will be market oriented, enabling farmers during a transition period to become more independent and make their own decisions in the marketplace again. Government will stop purchasing commodities, stop trying to manipulate supply and demand, refrain from quick fixes and extravagant new farm legislation and move aggressively to expand markets for American farm products.

The time is now for a fresh start for American agriculture. And if we combine passage of our farm legislation with spending restraints to reduce federal borrowing so interest rates can come down further and tax simplification to lower tax rates so we can reach greater growth, then farmers can finally reap a real prosperity every bit as bountiful as their own harvests.

Until next week, thanks for listening. And God bless you.

Mr. DOLE. Mr. President, it has come to my attention that last week the distinguished Senator from Iowa, Senator HARKIN, decided it would be appropriate to put the Senate in

recess, the effect of which would have been to reconvene the Senate on the following day at 12 noon. I rise to point out that the question of adjourning or recessing day to day and setting the time of reconvening is usually not the function of any other Sentor other than the majority leader. The Senate mores and the customs, of course, are complex and difficult to absorb in this body. And I am certain that he acted without malice in that regard.

The publication "Majority and Minority Leaders of the Senate" is a good source of information in this regard. On page 23 of that document is an explanation of the usual Senate courtesy regarding recessing the Senate.

I want to thank the Senate for its attention to this minor point of protocol and particularly thank the distinguished Senator from Colorado [Mr. ARMSTRONG], for acting to protect this leadership prerogative.

As I recall, this was a rather unusual occurrence. I do not fault the Senator from Iowa except to hope that he will bear in mind in the future that the decision to recess is the prerogative of the leadership.

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

Mr. DOLE. I yield.

Mr. BYRD. Mr. President, the Senator from Iowa knows that. I have discussed it with him. The Senator is a new Senator, and had no knowledge of the Senate's customs. I would be the first to protect the majority leader as best I could in that situation because that is a motion that is customarily a prerogative of the majority leader. I have experienced the same thing during my time as majority leader when a Senator would seek to recess or adjourn the Senate.

So I hope the distinguished majority leader will not feel that that was done with any aforethought. Mr. HARKIN is new here. He does not realize what the customary practices are. I have since talked with Mr. HARKIN, and pointed out that this is a customary procedure and, of course, he will not be doing it again. I am sure of that.

Mr. DOLE. I thank the distinguished minority leader. I thought perhaps the Senator from Iowa intended to suggest the absence of a quorum. But reading the RECORD Senator HARKIN made his intention very clear. He said, "Mr. President, did I hear an objection?"

Mr. BYRD. He knew what he was doing, but he did not know that it is a customary practice here that only the leader does it.

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

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 99-3

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Tax Convention with Barbados (Treaty Document No. 99-3), transmitted to the Senate today by the President of the United States; and also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income ("the Convention"), together with an exchange of notes, signed at Bridgetown on December 31, 1984. I also transmit the report of the Department of State on the Convention.

The Convention, in general, follows the pattern of other United States income tax treaties and the current draft United States Model Income Tax Convention, but deviates from the model in certain respects to reflect Barbados' status as a developing country.

Among the principal features of the Convention are provisions to prevent third-country residents from taking unwarranted advantage of the treaty. The Convention also establishes maximum rates of tax at source on payments of dividends, interest, and royalties.

The exchange of notes indicates the willingness of the United States Government to reopen discussions, should circumstances change, which would permit the inclusion of additional provisions to create incentives to promote the flow of United States investment to Barbados.

I recommend that the Senate give early and favorable consideration to this matter, and give advice and consent ratification of the Convention, together with the related exchange of notes.

RONALD REAGAN.

THE WHITE HOUSE, *February 25, 1985.*

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.)

ANNUAL REPORT OF TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I hereby transmit the third annual report of the Tourism Policy Council covering fiscal year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *February 25, 1985.*

MEASURES REFERRED

The following bill, introduced on February 7, and ordered held at the desk by unanimous consent, was read the first and second times by unanimous consent, and referred as indicated:

S. 433. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make available to producers advance loans on the 1985 crop of certain commodities; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-446. A communication from the Governor of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Government in the Sunshine Act for calendar year 1984; to the Committee on Governmental Affairs.

EC-447. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, notice of a new Privacy Act system

of records; to the Committee on Governmental Affairs.

EC-448. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of certain Indian judgment funds; to the Select Committee on Indian Affairs.

EC-449. A communication from the Deputy Assistant Secretary of the Interior (Indian Affairs) (Operations), transmitting, pursuant to law, a proposed plan for the use and distribution of certain Indian judgment funds; to the Select Committee on Indian Affairs.

EC-450. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Refugee Resettlement Program for fiscal year 1984; to the Committee on the Judiciary.

EC-451. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the Agency's calendar year 1984 Freedom of Information Act report; to the Committee on the Judiciary.

EC-452. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for the Patent and Trademark Office in the Department of Commerce; to the Committee on the Judiciary.

EC-453. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the Tribunal for fiscal year 1984; to the Committee on the Judiciary.

EC-454. A communication from a Member of the National Foundation on the Arts and Humanities, transmitting, pursuant to law, the ninth annual report on the Arts and Artifacts Indemnity Program for fiscal year 1984; to the Committee on Labor and Human Resources.

EC-455. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on budget rescissions and deferrals dated February 1, 1985; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-456. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development; space flight, control and data communications; construction of facilities; and research and program management; and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-457. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplement to Special Analysis D submitted in response to the Federal Capital Investment Program Information Act of 1984; to the Committee on Governmental Affairs.

EC-458. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-459. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Block Grants Brought Funding Changes and Adjustments To Program Priorities"; to the Committee on Governmental Affairs.

EC-460. A communication from the sepcial Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the Secretary's investigation of allegations of widespread travel fraud and violations of law and regulations in assigning pecuniary liability in the Corps of Engineers; to the Committee on Governmental Affairs.

EC-461. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the investigation into allegations of violations of law and regulations by certain officials of the Fire Department, Naval Submarine Base, Groton, CT; to the Committee on Governmental Affairs.

EC-462. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the investigation of allegations of a violation of law and regulation, waste of funds, an abuse of authority by an employee of the Animal and Plant Health Inspection Service, Department of Agriculture, Fort Worth, TX; to the Committee on Governmental Affairs.

EC-463. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation to authorize appropriations for the National Science Foundation for fiscal years 1986 and 1987; to the Committee on Labor and Human Resources.

EC-464. A communication from the Administrator of Veterans' Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report on the sharing of medical resources between the two agencies; to the Committee on Veterans' Affairs.

EC-465. A communication from the President of the United States, transmitting, pursuant to law, the fiscal year 1985 budget supplemental of the District of Columbia; to the Committee on Appropriations.

EC-466. A communication from the Executive Associate Director of the Office of Management and Budget (Budget and Legislation), Executive Office of the President, transmitting, pursuant to law, a report on an appropriation to the Veterans' Administration for fiscal year 1985 have been reapportioned on a basis that indicates a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-467. A communication from the Executive Associate Director of the Office of Management and Budget (Budget and Legislation), Executive Office of the President, transmitting, pursuant to law, a report that an appropriation to the Department of Transportation for fiscal year 1985 has been reapportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-468. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of supplemental contract award dates for the period March 15 to April 30, 1985; to the Committee on Armed Services.

EC-469. A communication from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on the conversion of the grounds maintenance function at Altus Air Force Base, OK, to performance by contractor; to the Committee on Armed Services.

EC-470. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Department of the Navy intends to exercise certain provisions of law concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-471. A communication from the Deputy Assistant Secretary of Defense (Installations), transmitting, pursuant to law, the Base Structure Report for Fiscal Year 1986; to the Committee on Armed Services.

EC-472. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a proposed foreign military assistance sale to Saudi Arabia; to the Committee on Armed Services.

EC-473. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on a claim for damages to a vessel while in Canal waters; to the Committee on Armed Services.

EC-474. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, a report on Defense Manpower Requirements for fiscal year 1986; to the Committee on Armed Services.

EC-475. A communication from the Treasurer of the United States transmitting, pursuant to law, the 1984 fourth quarter report on the Olympic Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-476. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, its Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-477. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on the Commission's determination to extend the time for action on an appeal, Pozzolanic International v. Burlington Northern Railroad Co., et al.; to the Committee on Commerce, Science, and Transportation.

EC-478. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the Electric and Hybrid Vehicles Program; to the Committee on Commerce, Science, and Transportation.

EC-479. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act; to the Committee on Commerce, Science, and Transportation.

EC-480. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Oceanic and Atmospheric Administration Marine Fisheries Program; to the Committee on Commerce, Science, and Transportation.

EC-481. A communication from the Vice President of Governmental Affairs, AMTRAK, transmitting, pursuant to law, AMTRAK's FY 1984 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC-482. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, extending the time period for a final decision in the Dayton Power and Light Co. v. Louisville and Nashville Railroad Co. for an additional 90 days; to the Committee on Commerce, Science, and Transportation.

EC-483. A communication from the Secretary of Transportation transmitting, pursuant to law, the 1983 annual report on the administration of the Pipeline Safety Act; to the Committee on Commerce, Science, and Transportation.

EC-484. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting related to the International Energy Program to be held February 26-27 in Rome, Italy; to the Committee on Energy and Natural Resources.

EC-485. A communication from the Chairman of the Advisory Council on Historic Preservation transmitting, pursuant to law, the Council's FY 1984 Annual Report; to the Committee on Energy and Natural Resources.

EC-486. A communication from the Chairman of the Advisory Council on Historic Preservation transmitting, pursuant to law, a report on the annual assessment of historic preservation in the U.S.; to the Committee on Energy and Natural Resources.

EC-487. A communication from the Acting Assistant Secretary of the Army transmitting a draft of proposed legislation to authorize various construction projects by the Corps of Engineers; to the Committee on Environment and Public Works.

EC-488. A communication from the Acting Assistant Secretary of the Army transmitting a draft of proposed legislation to authorize funding for improvement and operation of the Intracoastal Waterways; to the Committee on Environment and Public Works.

EC-489. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, the FY 1986 GSA Public Buildings Service Capital Improvement and Leasing Program; to the Committee on Environment and Public Works.

EC-490. A communication from the President of the Inter-American Foundation transmitting a draft of proposed legislation authorizing appropriations for the Foundation; to the Committee on Foreign Relations.

EC-491. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the U.S. in the 60 days previous to February 14, 1985; to the Committee on Foreign Relations.

EC-492. A communication from the Chairman of the Advisory Commission on Public Diplomacy transmitting, pursuant to law, the 1985 report on the U.S. Information Agency; to the Committee on Foreign Relations.

EC-493. A communication from the Secretary of State transmitting, pursuant to law, a report on the Department of State's activities related to recruitment and equal employment efforts in fy 1984; to the Committee on Foreign Relations.

EC-494. A communication from the Special Counsel, Merit Systems Protection Board transmitting, pursuant to law, a report on the Secretary of Agriculture's investigation into allegations of a violation of law and regulation, mismanagement, and a waste of funds by an employee of the Klamath National Forest, California; to the Committee on Governmental Affairs.

EC-495. A communication from the Secretary of the U.S. Railroad Retirement Board transmitting, pursuant to law, its 1984 Government in the Sunshine Report; to the Committee on Governmental Affairs.

EC-496. A communication from the D.C. Auditor transmitting, pursuant to law, a report entitled "Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC-497. A communication from the Administrator of the Small Business Administration transmitting a draft of proposed legislation to abolish the Small Business Administration, and for other purposes; to the Committee on Governmental Affairs.

EC-498. A communication from the Program Manager for Employee Benefits, Department of the Army, transmitting, pursuant to law, the FY 1983 report on the Army Nonappropriated Fund Employee Retirement Plan; to the Committee on Governmental Affairs.

EC-499. A communication from the Executive Secretary of the National Security Council transmitting, pursuant to law, the Council's 1984 Freedom of Information Act report; to the Committee on the Judiciary.

EC-500. A communication from the Secretary of the Railroad Retirement Board transmitting, pursuant to law, the Board's 1984 Freedom of Information Act report; to the Committee on the Judiciary.

EC-501. A communication from the Chairman of the Occupational Safety and Health Review Commission transmitting, pursuant to law, the Commission's 1984 Freedom of Information Act report; to the Committee on the Judiciary.

EC-502. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, a copy of the Court's judgment order for the plaintiffs in Wichita Indian Tribe, et al. v. the U.S.; to the Committee on Appropriations.

EC-503. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on an extension of time for acting upon an appeal, The Aluminum Association, Inc., et al. v. Alton & Southern Railway Co., et al.; to the Committee on Commerce, Science, and Transportation.

EC-504. A communication from the Chairman of the Nuclear Regulatory Commission transmitting a draft of proposed legislation entitled "Nuclear Power Plant Licensing and Standardization Act of 1985"; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-25. Joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"ASSEMBLY JOINT RESOLUTION No 105

"Whereas, The Environmental Protection Agency (EPA) recently recommended tolerance levels and announced a phase out of ethylene dibromide which, in addition to its use as a soil fumigant, grain fumigant, and grain milling machinery fumigant has been used extensively as a fumigant to control the introduction of certain fruit flies in agricultural products shipped into this state from Texas and Florida; and

"Whereas, The EPA decision to phase out the use of ethylene dibromide has weakened California's effective pest quarantine program; and

"Whereas, There are no practical alternatives to the use of ethylene dibromide in the foreseeable future, thus causing this state to risk additional pest introductions; and

"Whereas, Currently, California is faced with at least eight pest infestations; and

"Whereas, Eradication efforts in terms of cost to the taxpayers are enormous so that the Mediterranean fruitfly outbreak in California a few years ago cost the taxpayers of this state over $100 million; and

"Whereas, With the increasing trend to eliminate the use of certain chemicals vital to agriculture, it is very important that biologically sound pest prevention programs be adopted by governmental and private agencies involved in agriculture; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide sufficient funding for biologically sound pest prevention programs in order to ensure that the states do not suffer from outbreaks of agricultural pests caused by the decreasing number of available methods of pest control; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the House of Representatives, to the President pro Tempore of the United States Senate, and to each Senator and Representative from California in the Congress of the United States."

POM-26. Joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION No. 8

"Whereas, Public transportation is an integral part of the economic viability, of urban America and is critical to the economy and particularly critical to the economic growth and development with the metropolitan areas of the State of California; and

"Whereas, Municipalities in our state have made fiscal commitments in partnership with the state to the improvement of urban transportation through bus and rail programs which require and are eligible for matching federal financial support; and

"Whereas, The Director of the United States Office of Management and Budget has proposed to the President of the United States the elimination of the Urban Mass Transportation Administration (UMTA) and all operating subsidies to mass transit agencies and recently has attempted to prohibit the use of the penny gas tax mass transit trust fund revenues for the capital support of new start mass transit rail systems; and

"Whereas, The implementation of these proposals concerning urban mass transportation will result in higher transit fares, a drastic reduction in the level of transit service within the State of California, higher unemployment, restricted mobility of our citizens and restricted accessibility to the business and employment centers of our urban communities, lower revenues for major businesses and correspondingly reduced taxes to the state, and impairment of private and public development plans which would stifle the state's economic recovery plans for its urban areas; and

"Whereas, The President has the power to insure that these proposals to eliminate UMTA are not implemented or included in the next federal budget; and

"Whereas, The Congress of the United States has authorized and appropriated sums of money to support urban mass trans-

portation programs in the State of California and specifically through the Surface Transportation Assistance Act of 1982 (P.L. 97-424), as amended, has dedicated a part of the federal gasoline tax to be used specifically for these programs; Now, therefore, be it

"Resolved by the Senate of the State of California, That it respectfully memorializes the President and Congress of the United States to do all of the following:

"(1) Continue support for the planned mass transit rail projects within the State of California.

"(2) Continue to support the provision of operating subsidies for the eligible mass transportation agencies in the State of California.

"(3) Support the Congress of the United States and its appropriation of public funds for public mass transportation improvements in the State of California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States."

POM-27. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION No. 36

"Whereas, The Pony Express Trail fast mail relay system constituted a crucial turning point for western expansion and development; and

"Whereas, The Pony Express Trail ran for a distance of 2,000 miles from Saint Joseph, Missouri, the western terminus of the railroads in 1860, to Sacramento, California; and

"Whereas, The Pony Express, operated by the freight and stageline firm of Russell, Majors & Waddel, provided an improved communications link between the widely separated eastern United States and the western frontier, enabling important correspondence to be delivered in 8 to 12 days; and

"Whereas, The fearless riders of the Pony Express carried mail along the route day and night, each man riding about 75 miles at full speed, stopping only to transfer to fresh ponies at manned relay stations at intervals of 10 to 15 miles; and

"Whereas, The Pony Express is a cultural record that embodies the finest American qualities of private enterprise, fortitude, courage, teamwork, and commitment to excellence; now, therefore, be it

"Resolved by the Senate, and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact legislation authorizing for study the Pony Express Trail as a national historic trail; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-28. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"SENATE RESOLUTION No. 45

"Whereas, In July of 1984 the Commission on California State Government Organization and Economy completed a major evaluation of California's program for cleaning up toxic dump sites; and

"Whereas, The commission found that after three years of attempting to clean up toxic dump sites the state had lost more ground than it had gained; and

"Whereas, The commission concluded that the federal Superfund program (the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 6901 et seq.) is severely underfunded and that there have been many procedural obstacles and delays in obtaining the federal funds needed to clean up hazardous waste sites in California; and

"Whereas, The $100 million Hazardous Substance Cleanup Bond Act of 1984, which will appear on the November ballot, will increase the resources available to match federal funds but will not be adequate to finance cleanup activities estimated to be between $820 million and $2.9 billion; and

"Whereas, The $1.6 billion Comprehensive Environmental Response, Compensation, and Liability Act of 1980 will expire in 1985; now, therefore, be it

"Resolved by the Senate of the State of California, That the State of California respectfully memorializes the President and the Congress of the United States to immediately enact legislation reauthorizing the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; and be it further

"Resolved, That in enacting this legislation, the President and the Congress are urged to do all of the following:

"(1) Extend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for at least five years.

"(2) Increase the amount of the Superfund from $1.6 billion to at least $9 billion in order to provide adequate resources to clean up the nation's most dangerous hazardous substance release sites.

"(3) Authorize the Environmental Protection Agency to make annual block grants to individual states for cleanup activities at sites listed on the National Priority List.

"(4) Increase funds for states to identify and thoroughly evaluate sites which may be contaminated with hazardous substances; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-29. Resolution adopted by the Commission on the Aging relating to Iowans environmental and agricultural land resources; to the Committee on Environmental and Public Works.

POM-30. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"SENATE JOINT RESOLUTION No. 43

"Whereas, An estimated 2.5 million Americans are currently afflicted with Alzheimer's disease, a chronic, progressive illness which eventually results in the complete mental and physical disability of the victims in its final stages; and

"Whereas, The incidence of Alzheimer's disease increases with age; and

"Whereas, The growing elderly population means that there is every reason to expect the numbers of Alzheimer's victims to increase; and

"Whereas, There is presently no prevention, no cure, and no treatment, and individuals ultimately require constant care; and

"Whereas, The psychological stress associated with providing prolonged custodial care, and the financial burden resulting from custodial care at home and in institutions can disable whole families, as well as the victims; and

"Whereas, Caregivers often prolong custodial care at home due to financial considerations and threaten their own emotional, physical and mental well being, as well as the safety of the victims; and

"Whereas, To the extent that caregivers suffer emotional, financial and physical impoverishment, public costs are increased when the result is two recipients of aid and services instead of only one; and

"Whereas, The costs of custodial care in California alone are estimated at $20,000 to $40,000 per year, per patient, and are not covered by private health insurance policies; and

"Whereas, The costs of custodial care are not reimbursed under Medicare; and

"Whereas, Medicaid coverage is only available when the family has been impoverished and meets strict eligibility requirements; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support and enact legislation to amend Title XVIII of the Social Security Act, as amended, regarding health insurance for the aged and the disabled, to allow reimbursement under Medicare for care provided persons with chronic brain disorders; and be it further

"Resolved, That legislation be enacted to amend Title XVIII of the Social Security Act, as amended, to allow for reimbursement under Medicare for custodial care at home and in institutions for persons suffering from chronic brain disorders; and be it further

"Resolved, That legislation to amend Title XVI of the Social Security Act, as amended, Supplemental Security Income for the Aged, Blind and Disabled, be enacted to eliminate the requirement of a "spend down" of assets in order to be eligible for income maintenance programs such as SSI/SSP, when a spouse becomes permanently and severely brain damaged; and be it further

"Resolved, That legislation to commit federal funding and resources in the study of the causes, treatment and cure of chronic brain disorders, such as Alzheimer's disease be enacted; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-31. A resolution adopted by the Commission on the Aging urging Congress to remove the Social Security Trust Funds from the general fund to a special fund of its own; to the Committee on Finance.

POM-32. A petition from a Citizen of Concord, New Hampshire relating to Social Security and Medicare; to the Committee on Finance.

POM-33. A resolution adopted by the St. Petersburg Woman's Club relating to social

security versus illegal aliens; to the Committee on Finance.

POM-34. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 101

"Whereas, The computer software and high technology industries constitute significant assets of the economy of the State of California, providing employment to hundreds of thousands of its citizens; and

"Whereas, These industries have previously flourished, in part, as the result of a sensible federal tax policy which has permitted them to deduct the costs of developing software in the same manner as research and experimental expenditures that fall within the purview of Section 174 of the Internal Revenue Code of 1954; and

"Whereas, This previous tax policy, as enunciated by the Internal Revenue Service in Revenue Procedure 69-21, will be reversed by the Internal Revenue Service's promulgation on January 21, 1983, of proposed amendments to Regulation 1.174-2, which would generally deny to computer software development costs the federal tax treatment accorded to research and development expenditures; and

"Whereas, Those proposed regulatory changes will have the direct effect of singling out the software and high technology industries for increased federal tax liability; and

"Whereas, Those proposed regulatory changes will have a significant deleterious impact upon those industries, which are already burdened by a heavy dependence on borrowed capital; and

"Whereas, Those requlatory changes will inevitably force those industries to reduce their research and development expenditures, expenditures which represent a significant factor in permitting them to effectively compete in an ever-changing world market; and

"Whereas, The reduction of those expenditures will most assuredly threaten or eliminate the present technological lead that those industries operating within the United States concurrently enjoy in the world market; and

"Whereas, The foregoing results would quite likely force the software and high technology industries to relocate their operations outside the United States, with the consequential loss of thousands of jobs of citizens of this state and nation; and

"Whereas, The provisions of Section 174 of the Internal Revenue Code of 1954 indicate a federal tax policy in favor of encouraging research and development activity by businesses generally, including the software and high technology industries; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Internal Revenue Service to rescind its proposed amendments to Regulation 1.174-2 in favor of the adoption of regulations or guidelines which would permit the deduction of computer software development costs for federal income tax purposes in the same manner as permitted for other research and experimental expenditures; and be it further

"*Resolved,* That the Legislature of the State of California respectfully memoralizes the President and the Congress of the United States, in the event that the Internal Revenue Service does not rescind those proposed regulatory amendments, to immediately enact and implement tax legislation which would clearly enunciate that computer software development costs are to be treated as research and experimental expenditures for federal income tax purposes; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-35. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION No. 113

"Whereas, More than 4 million Californians are over the age of 60, and more than 2.5 million Californians are over the age of 65; and

"Whereas, More than 3.1 million Californians who are aged or disabled, or who are survivors or dependents of persons eligible for Social Security benefits, depend for their survival on the Social Security System; and

"Whereas, The National Commission on Social Security Reform will present a report and recommendations to the President and Congress on or before the end of this year; and

"Whereas, The solution to the problem of containing costs should not be future cuts in benefits provided by the Social Security System; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature respectfully memorializes the President and the leadership of the Congress of the United States to assure the senior citizens of this state and this country that no efforts will be made to enact major changes in the benefit or financing structure of the Social Security System in this session of Congress, and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-36. A resolution adopted by the Los Angeles County Board of Supervisors joining the President in observance of Peace through Strength Week; to the Committee on Foreign Relations.

POM-37. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 58

"Whereas, Since 1948, approximately 89 nations have become parties to the Genocide Convention, including three of the permanent members of the United Nations Security Council (France, the United Kingdom, and the Soviet Union); and

"Whereas, The United States actively participated in drafting the terms of the convention and in securing its adoption by the United Nations General Assembly, and although the Genocide Convention was signed for the United States by President Truman on December 11, 1948, the convention has, nonetheless, never been ratified by the United States Congress; and

"Whereas, President Kennedy in 1963 and President Johnson in 1965 made statements in support of ratification; the late Chief Justice of the United States Supreme Court, Earl Warren, advocated ratification in 1968; President Nixon in 1970, joined by the Attorney General and Secretary of State, urged ratification; the Foreign Relations Committee reported the Genocide Convention to the Senate in 1970 with a recommendation that it be ratified subject to three understandings and a declaration, and this recommendation was repeated to the Senate in 1971, 1973, and 1976; the House of Delegates of the American Bar Association voted in 1976 to support the Genocide Convention; and in 1977 President Carter advised ratification; and

"Whereas, Provisions of United States law specifically support human rights, for example, subdivision (a) of Section 2151 of Title 22 of the United States Code which reads, in part, "The Congress declares that the individual liberties, economic prosperity and security of the people of the United States are best sustained and enhanced in a community of nations which respect individual civil and economic rights and freedoms . . ."; and

"Whereas, Federal courts have referred to the usage and practice of the United States in determining whether certain acts are in violation of international law and, for example, in the 1980 case of Filartiga v. Pena-Irala, a torture suit, the Second Circuit referred to a Department of State report which said "There now exists and international consensus that recognizes basic human rights and obligations owed by all governments to their citizens . . ."; and

"Whereas, In spite of all this, the United States has failed to fulfill the obligation owed to its own citizens by ratification of the Genocide Convention even though the various issues raised in Senate debate since 1949 have been adequately resolved or satisfactorily addressed, and it is now time for the United States to join with the world community in officially recognizing that genocide is a heinous proscription of universal human rights; now, therefore, be it

"*Resolved,by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to support and ratify the Genocide Convention; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-38. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 54

"Whereas, The citizens of the State of California are concerned about the suppression of political and religious freedoms; and

"Whereas, These same citizens are committed to the preservation of diverse languages and cultures, in addition to our nation's primary language; and

"Whereas, In the Soviet Union the Hebrew language is the only language porhibited by that government; and

"Whereas, Dr. Yosef Begun, a Jew in the Soviet Union, was born, raised and educated in Moscow; and

"Whereas, In 1971, upon applying for emigration to the State of Isarel, Dr. Yosef Begun lost his job and was denied emigration on grounds of "regime considerations"; and

"Whereas, After numerous odd jobs, Dr. Yosef Begun began work as a private Hebrew teacher until he was arrested and exiled to Siberia in an attempt by authorities of the Soviet Union to rid him of his "parasitism"; and

"Whereas, In November 1982, Dr. Yosef Begun was again arrested and scheduled to await trial for the third time; and

"Whereas, Since 1971, Dr. Yosef Begun served five years in exile in Siberia, has been denied return to Moscow and has fought passionately for the right to teach Hebrew and preserve the valuable Jewish culture; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President and Congress of the United States to take action to secure the release of Dr. Yosef Begun, and to persuade the government of the Soviet Union to permit Dr. Begun to emigrate to Israel; and be it further

"Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-39. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 38

"Whereas, The New River, which originates in Mexico and flows northward across the International Boundary into California's Imperial Valley, is the most contaminated stream in the United States relative to its flow, a gross public health hazard, and an aesthetically repulsive spectacle to over 40,000 United States residents of communities along the river's course, as well as to visitors from the nearby metropolitan centers; and

"Whereas, Contaminated waters of the New River discharge into the Salton Sea, a condition incompatible with the ecology and the varied public uses of that body of water in one of southern California's most important recreational areas; and

"Whereas, Contamination of the New River is caused by uncontrolled discharegs of raw and inadequately treated sewage, highly toxic industrial chemical wastes, solid wastes, geothermal wastes, leaching from a major garbage dump, slaughterhouse wastes, and other wastes discharged by the municipal government and industries within or near the City of Mexicali in Mexico; and

"Whereas, Contaminating discharges from the vicinity of Mexicali, Mexico, have continued for a recorded period of over 40 years, during which time the city's population has increased to approximately 750,000, while the area has developed into a major industrial center; and

"Whereas, Mexicali's sewer system, which covers only a portion of the city and which includes two pumping stations and treatment lagoons, has not been expanded and improved sufficiently to keep pace with the very rapid growth of Mexicali and its increasing industrial developments, and Mexican authorities have not adequately maintained the facilities so that there are frequent breakdowns; and

"Whereas, In order to elevate New River water quality to standards required for comparable streams in the United States, numerous problems must be addressed, and an explanation of the entire array of problems to be addressed can only be determined following studies by the Environmental Protection Agency in coordination with California state agencies and in cooperation with authorities of the United Mexican States; and

"Whereas, A preliminary indication of the problems to be addressed are as follows:

"(a) Elimination of all point-source discharges of raw sewage into the New River, particularly the eight major sources presently identified.

"(b) Relocation and sewering of unsewered residences situated along the banks of the New River and its tributaries.

"(c) Enforced prohibition against septic tank pumpers discharging their tank contents into the New River system.

"(d) Upgrading and effective operation of pumping plants No. 1 and No. 2 of Mexicali's sewer collection system, so that no raw sewage, under any circumstances, is bypassed into the New River system.

"(e) Replacement of deteriorating sewer pipelines along Mexicali's north and south collectors to eliminate breaks that result in raw sewage discharges into the New River system.

"(f) Upgrading of Mexicali's sewage treatment lagoons to provide a secondary level of treatment.

"(g) Segregation and separate treatment of domestic wastes from toxic industrial wastes presently being discharged to Mexicali's sewer system.

"(h) Prevention of all untreated or inadequately treated industrial wastes from spillage into the New River and its tributaries.

"(i) Prevention, by any means necessary, of the discharge of wastes from slaughterhouses, hog farms, and dairies into the New River and its tributaries.

"(j) Relocation of Mexicali's landfill garbage dump away from the New River and its tributaries.

"(k) Rerouting of geothermal wastewater away from the New River system; and

"Whereas, The quickest and least costly procedures to correct current pollution problems are source-controls within Mexicali, but history confirms that Mexico's federal, state, and municipal governments have been incapable of effectively imposing these controls; and

"Whereas, The President of the United States and the President of the United Mexican States signed an agreement on August 14, 1983, titled "Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area," Article 8 of which designates the Environmental Protection Agency as the national coordinator for the United States; and

"Whereas, It is the obligation of the United States Government, on behalf of the residents of Imperial Valley, to obtain adequate correction of the gross pollution and contamination of the New River from discharges within the United Mexican States; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriately recognize and declare that a clear and present threat to public health and safety exists in the Imperial Valley of California as a direct consequence of continuing toxic contamination and organic pollution of the New River, originating within Baja California, Mexico, requiring immediate and comprehensive mitigation through cooperative international initiatives; and be it further

"Resolved,

That the President is respectfully requested to immediately direct the Secretary of State and the Administrator of the Environmental Protection Agency, in cooperation with authorities of the State of California, the California Regional Water Quality Control Board (Colorado River Basin Region), and the County of Imperial, to expedite the development of alternative proposals and a recommended plan for halting the flow of contaminants and pollutants in the New River from both Baja California and California sources; and be it further

"Resolved,

That the Congress is respectfully requested to appropriate, and the President is respectfully urged to allocate and direct, sufficient federal funding, staffing, and technical resources for the implementation and completion of an effective water quality control system within the New River watershed, with the active cooperation of the government of the United Mexican States; and be it further

"Resolved,

That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-40. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"SENATE JOINT RESOLUTION No. 32

"Whereas, Whales are an integral part of the world's natural heritage and play a vital role in maintaining the productivity of the marine ecosystem; and

"Whereas, Californians and their visitors continue to show their increasing interest in and awe of these amazing marine mammals by undertaking whale-watching trips, which have become an increasingly important part of California's coastal recreation and tourism industry; and

"Whereas, The populations of the great whales have been devastated systematically by commercial whaling, and limited time remains to protect these cetaceans; and

"Whereas, Millions of citizens of the United States and millions of citizens worldwide have demanded an end to the slaughter of whales by commercial whalers; and

"Whereas, The President and Congress of the United States have articulated the deep concern of the American people for the plight to these mammals since 1971 through the passage of protective legislation and by calling repeatedly for a worldwide moratorium on commercial whaling; and

"Whereas, The epochal decision of the International Whaling Commission in July 1982 to halt commercial whaling beginning in 1986 was threatened by the governments of Japan, Norway, Peru, and the Soviet Union, which filed objections to the decision during 1982; and

"Whereas, The Pelly amendment (1971) to the Fishermen's Protective Act of 1967 authorizes the government of the United States to embargo imports of fish products from nations certified by the Secretary of State or the Secretary of Commerce as having taken action that "diminished the effectiveness" of international fisheries con-

servation programs such as International Whaling Commission rulings; and

"Whereas, The Packwood-Magnuson amendment (1979) to the Magnuson Fisheries Conservation and Management Act of 1976 authorizes the government of the United States to cut fishing rights of nations certified by the Secretary of State or the Secretary of Commerce as violating international whaling agreements by 50 percent or more within the 200-nautical-mile Fisheries Conservation Zone of the United States; and

"Whereas, The Pelly and Packwood-Magnuson amendments cannot be implemented until 1986 when the government of the United States can certify that nations are whaling in violation of the International Whaling Commission action; and

"Whereas, Sixty-six United States Senators joined in a letter to the Secretary of Commerce in August 1982, calling for the use of the Pelly and Packwood-Magnuson amendments and "other means available to the United States" to obtain worldwide compliance with the International Whaling Commission decision, and Members of the United States House of Representatives have expressed a similar view; and

"Whereas, The government of Peru withdrew its objection to the commercial whaling moratorium at the July 1983 meeting of the International Whaling Commission, and this action was due, in part, to the intense concern expressed by citizens throughout the world; and

"Whereas, The United States Senate in July 1983 unanimously reaffirmed its commitment to the use of sanctions in order to ensure that the moratorium is implemented effectively; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California joins the United States Senate in respectfully memorializing the Secretary of State and the Secretary of Commerce to use appropriate diplomatic and legal means to achieve worldwide compliance with the International Whaling Commission moratorium decision; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-41. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 76

"Whereas, Nuclear war is the greatest threat facing humankind; and

"Whereas, Nuclear war would devastate and quite possibly end civilization as we know it; and

"Whereas, The increased growth of nuclear weaponry accelerates the possibility of nuclear holocaust; and

"Whereas, The United States of America and the Soviet Union now both possess sufficient nuclear weapons to destroy each other's country several times over; and

"Whereas, Both the United States of America and the Soviet Union each possess first strike nuclear weapons; and

"Whereas, There is an increasing possibility of accidental nuclear weapon launches; and

"Whereas, A freeze, reduction, and ultimate elimination of nuclear weaponry by all the countries of the world who possess them would vastly improve the possibility for conversion to a peacetime economy thereby creating jobs, rebuilding the United States of America, and shifting revenues into the domestic area; and

"Whereas, The people of the State of California approved a bilateral nuclear weapons freeze initiative in November of 1982; and

"Whereas, The United States House of Representatives demonstrated responsible judgment and acknowledged the will of the people in voting overwhelmingly in favor of a verifiable bilateral nuclear freeze known as HJR 13 on May, 4, 1983; and

"Whereas, A verifiable, bilateral nuclear weapon freeze followed by a verifiable reduction in the number of nuclear weapons held by the countries of the world would eliminate the threat of holocaust, because there is no such thing as limited nuclear war; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Senate of the United States to approve a Senate Joint Resolution which would bring about an arms control objective which would encompass:

"(1) Immediate bilateral cessation to the implementation and deployment of nuclear weapons.

"(2) Development by the United States and the Soviet Union of a plan which would verify a freeze of nuclear weaponry.

"(3) Special regard to weapons which could undermine the stability of a freeze of nuclear weaponry.

"(4) Implementation of a freeze of nuclear weapons, upon which the United States of America and the Soviet Union would work toward a reduction in all nuclear weapons including, but not limited to: missiles, warheads, and delivery systems; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

POM-42. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 74

"Whereas, Since 1945, the major objective of the United States National Security policy has been averting nuclear war; and

"Whereas, To achieve this end, the United States' policy has stressed deterrence with the threat and capability of massive nuclear retaliation; and

"Whereas, A broad spectrum of people, including some arms control experts, elected officials, religious leaders, physicians, teachers, and lawyers, among others, now question whether deterrence-based peace can be maintained; and

"Whereas, By the end of this decade, as many as 20 nations will possess the industrial and technical capability to produce nuclear weapons, thereby significantly increasing the probability that a nuclear crisis will occur, either by design or by accident; and

"Whereas, The possibility exists for a third party detonation of a nuclear weapon which could trigger an all-out nuclear war between the superpowers; and

"Whereas, With each new weapons system, there is less time to make decisions whether to deploy or abort such devices during a crisis situation; and

"Whereas, Currently the United States nuclear debate focuses on a bilateral freeze, arms reduction and weapons equality between the superpowers; and

"Whereas, The nuclear debate does not focus on potential causes or sources of nuclear war, tensions, global trouble spots, nuclear proliferation, or future terrorist activity; and

"Whereas, The SALT process has concentrated on limiting each country's weapons stockpile rather than on developing crisis stability; and

"Whereas, Controlling the use of these weapons in a crisis is far more critical than numbers, costs, or technological superiority; and

"Whereas, In June of 1982, President Reagan stated that the United States intends to make specific proposals to the Soviet Union for reducing "the risk of nuclear war arising from uncertainty and miscalculations"; and

"Whereas, There is now an emerging awareness that the greatest threat to peace lies not in the United States and Soviet Union military capabilities, but in their capability for crisis decisionmaking; and

"Whereas, The decreased possibility of launching nuclear weapons is generally supported by government leaders regardless of political party or ideology; and

"Whereas, No existing international framework or mechanism exists for rapidly and accurately determining the origin of a nuclear explosion or controlling the uncertainties in a world of multiple nuclear powers; and

"Whereas, In the event of an actual nuclear weapon crisis situation, an established forum for the United States and the Soviet Union to reduce risks and immediately begin negotiations will greatly secure the safety of the future of peoples of the world; and

"Whereas, United States Senators John Warner, Republican of Virginia; Sam Nunn, Democrat of Georgia; Ernest Hollings, Democrat of South Carolina; and the late Henry Jackson, Democrat of Washington, have introduced a Senate Resolution to establish Mutual Nuclear Risk Reduction Centers in Washington and Moscow; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress are respectfully memorialized to propose establishment by the United States and Soviet governments of Mutual Nuclear Risk Reduction Centers to reduce the possibility of nuclar confrontation, whose functions would be as follows:

"(1) To discuss and outline the procedures to be followed in the event of possible incidents involving the use of nuclear weapons.

"(2) To maintain close contact during incidents precipitated by nuclear terrorists, thus facilitating cooperative actions to defuse the incident, and specifically, to avoid the danger that the explosion of a nuclear device by a terrorist group might lead to a nuclear confrontation between the great powers.

"(3) To exchange information on a voluntary basis concerning events that might lead to nuclear proliferation or to the acquisition of nuclear weapons, or the materials, and equipment necessary to build weapons, by subnational groups.

"(4) To exchange information about military activities which might be misunderstood by the other party during periods of mounting tensions.

"(5) To establish a dialogue about nuclear doctrines, forces, and activities; and be it further

"Resolved, That following a period of successful operation of these Mutual Nuclear Risk Reduction Centers, the President and Congress are further respectfully memorialized to either merge into, or establish additionally, a United States-Soviet Union Joint Crisis Management Center dedicated to increasing the decisionmaking ability of governments during a crisis in which nuclear war is threatened and as an ongoing organization which will research the potential causes of war, with the paticipation and cooperation of all nations possessing nuclear capabilities, and develop means of negotiation which both the United States and the Soviet Union can utilize when crises do arise, and whose activities will include:

"(1) Enhancement of crisis management which is the ability the United States, Soviet Union, and all other nations with nuclear capabilities possess to avoid or limit the potential use of nuclear weapons during a crisis.

"(2) Reduction of the risk of nuclear war due to miscalculation or uncertainty.

"(3) Training of leaders to apply conflict resolution techniques in crisis managment.

"(4) Development of a standard operating procedure, standard messages, and specific decisionmaking procedures to be used in a crisis situation.

"(5) Development of accurate detection devices for nuclear detonation anywhere in the world.

"(6) Employment of confidence-building measures between the United States, Soviet Union, and all other nations possessing nuclear capabilities to develop greater trust, including: (a) increasing the warning time in the event of a weapon launch; (b) reducing vulnerability of command, control, and communication ability; (c) upgrading the hotline communication system; and (d) sharing information on weapons that could be used by terrorists.

"(7) Staffing such a center with political and military experts from the United States and Soviet Union, as well as representatives of all other nations possessing nuclear capabilities.

"(8) Working to reduce the possibility of nuclear war and surprise attack through improvement of negotiation skills.

"(9) Better understanding of the reasons of war and the nature of crises; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-43. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

"ASSEMBLY JOINT RESOLUTION NO. 75

"Whereas, One of the most critical challenges facing the United States and the Soviet Union is the establishment of peaceful ties and the prevention of hostilities; and

"Whereas, Ties of culture and friendship between our two countries need to be expanded; and

"Whereas, The geat threat to peace between our two nations is the absence of close ties and mutual trust; and

"Whereas, Young people are a nation's greatest resource and its most treasured asset; and

"Whereas, The arms race between the Soviet Union and the United States is a wasteful and counterproductive process which may some day lead to global catastrophe; and

"Whereas, Creative strategies will be necessary if the spiraling production of weapons of war is to be brought under control; and

"Whereas, Congressman Morris Udall has introduced in the United States House of Representatives a resolution requesting the creation of a United States-Soviet Union student exchange for peace program; and

"Whereas, If there were 2,000 Americans in the Soviet Union and if there were 2,000 Soviets in the United States, a nuclear attack between the Soviet Union and the United States would be much less likely; and

"Whereas, If annual exchanges of 2,000 people from each country—part of a massive exchange program paid for by the various governments and private contributions—became an instrument of the foreign policies of the United States and the Soviet Union, a positive cultural force for peace would begin to grow among the participating countries; and

"Whereas, Participants in this program would include children of civic, political, cultural, and other government leaders—men and women representative of the many diverse ethnic, religious, and socioeconomic groups of the United States and the Soviet Union; and

"Whereas, Participants in the program could be housed with private families or in dormitories around the host country for one year, and this program would create an ever-expanding network of personal relationships helping to promote mutual understanding among citizens of the United States and the Soviet Union; and

"Whereas, As the years pass, and with the growth, in participating countries, of the numbers of people whose lives would have been touched by the program, barriers of distrust would break down, making a negotiated resolution of the arms race more feasible; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the United States Senate and House of Representatives to support and approve legislation which would effectuate a student exchange program between the United States and the Soviet Union; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to commence negotiations with the Soviet Union which would effectuate an agreement establishing an exchange program; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the United States Senate to ratify a treaty with the Soviet Union which may be necessary to bring an exchange program into existence; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to authorize expenditures necessary to administer such a program should an agreement be reached with the Soviet Union and given the consent of the Senate; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-44. Joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 150

"Whereas, The business community in the state of California has long been affected by the way in which the United States Bureau of the Census collects and reports trade statistics. This method relies on the flow of goods through customs districts without regared to the point of origin of exports or the destination of imports, resulting in a highly distorted picture of actual trade patterns; and "Whereas, Exports are attributed to the customs district from which they leave the country. Since a great percentage of those products are sent overseas by air they are likely to leave from Los Angeles International Airport for Asia or from eastern international air terminals for Europe, for example. Goods sent overland to Canada are reported as exports at point along the border. Similarly, the San Diego customs district reports goods moving through the county to Mexico as if they were all San Diego products, and as if they accounted for 90 percent of the area's total export sales; and

"Whereas, The consequences of the persent methodology for cities like San Diego are significant. Government services to communities are often based on this statistical evidence of trade. Banking institutions and other business service organizations may rely on the data to determine their level of community presence. The United States government itself lacks an accurate description of America's trade relationships; and

"Whereas, Current reporting practice is based on the flow of goods through customs districts without regard for the origin of outgoing shipments or the destination of inbound goods; and

"Whereas, A stong possibility exists that the Bureau of the Census will conduct a pilot study to determine the feasibility of collecting and reporting trade data by three-digit zip codes. This would have the effect of more accurately detailing the origin of exports and the destination of imports. The results of a procedure based on three-digit zip codes would be greatly beneficial for the trade promotion efforts not only of the state of California but also of the nation. For the first time the United States would have accurate data on which to base the allocation of resources for trade assistance programs such as marketing, licensing, and export finance; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the United States Bureau of the Census to conduct a pilot project to improve the reporting of United States trade statistics, using a three-digit zip code reporting system and using the appropriate cities in California as the subjects of this study; and be it further

"Resolved, That the United States Congress is respectfully urged to appropriate any necessary funds required by the Bureau of the Census to successfully complete this project; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of the United States Bureau of the Census, to the President and Vice President of the United States, and to each Sena-

tor and Representative from California in the Congress of the United States."

POM-45. A resolution adopted by the General Assembly of the State of Maryland; to the Committee on Governmental Affairs.

"HOUSE OF DELEGATES BILL No. 1097

"CHAPTER NO. 668

(EXPLANATION: Capitals indicate matter added to existing law. Brackets indicate matter deleted from existing law. Italic indicates amendments to bill. Bold brackets indicates matter stricken from the bill by amendment or deleted from the law by amendment.)

"AN ACT concerning Susquehanna River Basin Commission—Revenue Bonds, for the purpose of amending the Susquehanna River Basin Compact to eliminate a 6 percent ceiling on the interest which may be charged on revenue bonds issued by the Susquehanna River Basin Commission; **[**authorizing the Commission to set an interest rate at the time of issuance of its bonds,**]** *allowing the Commission to determine the rate of interest of certain bonds; generally relating to the elimination of provisions of the Compact concerning a 6 percent ceiling on the interest of certain bonds;* and requiring certain actions prior to this Act taking effect.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Laws of Maryland read as follows:

ARTICLE—NATURAL RESOURCES

"Bonds shall bear interest at **[**a**]** SUCH rate [of not to exceed six percent per annum,] *AS THE COMMISSION DETERMINES* payable annually or semiannually **[**PER ANNUM TO BE DETERMINED BY THE COMMISSION AT THE TIME OF ISSUANCE OF ITS BONDS OR OTHER OBLIGATIONS.**]**

"The commission may fix terms and conditions for the sale or other disposition of any authorized issue of bonds[. The commission] AND may sell ITS BONDS at less than their par or face value[, but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the commission calculated upon the entire issue so sold of more than six percent per annum payable semiannually, according to standard tables of bond values]. All bonds issued and sold for cash pursuant to this compact shall be sold on sealed proposals to the highest bidder. Prior to such sale, the commission shall advertise for bids by publication of a notice of sale not less than ten days prior to the date of sale, at least once in a newspaper of general circulation printed and published in New York City carrying municipal bonds notices and devoted primarily to financial news. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale to any financially responsible bidder under such terms and conditions as it deems most advantageous to the public interest, but the bonds shall not be sold at a net interest cost calculated upon the entire issue so advertised, greater than the lowest bid which was rejected. In the event the commission desires to issue its bonds in exchange for an existing facility or portion thereof, or in exchange for bonds secured by the revenues of an existing facility, it may exchange such bonds for the existing facility or portion thereof or for the bonds so secured, plus an additional amount of cash, without advertising such bonds for sale.

SECTION 2. *And be it further enacted,* That this Act may not take effect until after June 1, 1984 and until a similar Act is passed by the signatory parties to the Susquehanna River Basin Compact; that the federal government, the State of New York and the Commonwealth of Pennsylvania are requested to concur in this Act of the General Assembly of Maryland by the passage of a similar Act; and that upon that event the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective."

POM-46. A resolution adopted by the Commission on the Aging urging Congress to support the formal adoption of the National Silver Haired Congress; to the Committee on the Judiciary.

POM-47. Joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION No. 117

"Whereas, During World War II, approximately 175,000 citizens of the Philippine Islands served with the armed forces of the United States with assurances of United States citizenship in return for this wartime service; and

"Whereas, Many of these Filipino veterans are unable to provide definitive proof of service in the United States armed forces and of their application for United States citizenship during the required application period due to the long lapse of time; and

"Whereas, As a result of this situation, over 1,600 of these Filipino veterans of the United States armed forces are now being threatened with deportation because of the unyielding pursuit of these cases by the United States Immigration and Naturalization Service on grounds of inadequate documentation and other technicalities; and

"Whereas, Most of these persons are now at retirement age or beyond, and the threat of deportation represents a great personal hardship; and

"Whereas, This pursuit of deportation proceedings against these veterans who served in the defense of this country amounts to a great injustice; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct that the actions of the United States Immigration and Naturalization Service against these Filipino veterans of the United States armed forces who served during World War II be discontinued forthwith and that appropriate action be taken to grant United States citizenship to these persons; and be it further

"Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Immigration and Naturalization Service."

POM-48. Joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION No. 136

"Whereas, California has become the home for almost 50 percent of all refugees resettled in the United States, more refugees than at least the next eight most heavily impacted states combined; and

"Whereas, The human services programs of this state, its counties, and municipalities have been severely impacted as a result of this large concentration of refugees; and

"Whereas, The goal of economic self-sufficiency is not the total responsibility of state and local governments; and

"Whereas, Targeted assistance funds have been provided by Congress to alleviate the fiscal and social impact on state and local governments; and

"Whereas, House Resolution 3759 instructs the Office of Refugee Resettlement in the United States Department of Health and Human Services to allocate targeted assistance on the basis of a county's total refugee population, not just those refugees who have been in the United States for three years or less; and

"Whereas, The Office of Refugee Resettlement has ignored this directive and published an allocation formula for the 1984 fiscal year which utilizes targeted assistance moneys to supplement other refugee programs; and

"Whereas, The Office of Refugee Resettlement has proposed limiting the use of targeted assistance solely for the support of employment and employment-related services; and

"Whereas, There are other important services which strengthen the foundations of this population which have fiscal and social impacts on programs such as mental health, health care, criminal justice, and educational systems; now, therfore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature memorializes the President and Congress of the United States and the Secretary of the United States Department of Health and Human Services to take whatever action is necessary in order to withdraw the proposal to utilize targeted assistance funds for refugees in the 1984 fiscal year to supplement other refugee programs; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Secretary of the United States Department of Health and Human Services."

POM-49. Joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

"ASSEMBLY JOINT RESOLUTION No. 144

"Whereas, Raoul Wallenberg, who saved the lives of thousands of Hungarian Jews during the Holocaust, is unquestionably one of the great heroes in the history of the 20th century; and

"Whereas, Born in 1912, Raoul Wallenberg was a member of a wealthy and prominent Swedish family; in 1944, he volunteered to leave neutral Sweden to travel to Nazi-occupied Hungary as Secretary of the Swedish Legation with the rescue of the Jews there as his mission; and

"Whereas, For six months in Budapest, he issued Swedish passports, thus granting immunity to the Jews who possessed them, met with the local authorities in an effort to save as many lives as possible and to delay the course of the "Final Solution" in Hungary for as long as he could, provided housing for many of the people he rescued, and, in the final analysis, was able to save thousands of lives; and

"Whereas, The Soviet Union, in violation of his Swedish diplomatic immunity and of international law, seized him on January 17, 1945, with no explanation ever given for his detention and subsequent imprisonment; and

"Whereas, The fate of Raoul Wallenberg remains unclear, with some unconfirmed reports, as recent as 1980, of his being alive in Soviet prison camps and other recent research which indicates that he may have died in the mid-sixties, after approximately 20 years of imprisonment in the Soviet Union; and

"Whereas, On October 5, 1981, President Reagan signed into law a Joint Resolution proclaiming Raoul Wallenberg to be an honorary citizen of the United States; and

"Whereas, Sponsored in part by Representative Tom Lantos who was a young Hungarian Jew whose life was saved by Wallenberg's heroic efforts, the resolution represents only the second time the United States has granted honorary citizenship; the first was to Sir Winston Churchill; and

"Whereas, The resolution also requested the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California joins with the United States government in honoring the memory of Raoul Wallenberg in California by naming October 5 of each year as "Raoul Wallenberg Day" and that the Legislature of the State of California respectfully memorializes the President and Vice President of the United States and the Secretary of State and Congress to take whatever actions are necessary to ascertain from the Soviet Union an accounting to the world of the fate of this great humanitarian; and, be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-50. Joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources.

"SENATE JOINT RESOLUTION NO. 49

"Whereas, California has an estimated 300,000 refugees, approximately 40 percent of all refugees admitted into the United States since 1975; and

"Whereas, The refugees who come to the United States have unique needs, such as cultural orientation, an understanding of the Western work habit, and the need for English speaking ability that must be addressed before they can become competitive in the job market; and

"Whereas, The Legislature has both a humanitarian and fiscal interest in seeing refugees become economically self-sufficient as soon as possible; and

"Whereas, The traditional public assistance programs are not designed to take into account, or provide programs to meet, the unique needs of refugees; and

"Whereas, The United States House of Representatives in reauthorizing the Refugee Act of 1980 through the Refugee Assistance Extension Act of 1983 has recognized that alternate programs outside of the current welfare system must be developed to provide cash and medical assistance to needy refugees while their general orientation of America is accomplished; and

"Whereas, The Federal Office of Refugee Resettlement is exploring such program alternatives to be tested in some states and their reauthorization of the Refugee Act of 1980; now, therefore, be it

"Resolved, That the Legislature hereby memorializes the Senate and President of the United States to join with the House of Representatives in order to enact the Refugee Assistance Extension Act of 1983; and be it further

"Resolved, That the Legislature hereby memorializes the Congress and President of the United States to enact provisions allowing for a pilot program in which a state may participate for refugee resettlement of those refugees who would otherwise be eligible for the Aid to Families with Dependent Children program, as well as local general assistance programs. This program should include all of the following:

"(1) A requirement that refugees would obtain federally funded cash assistance and medical benefits from this program, rather than from the state's Aid to Families with Dependent Children program or from county general assistance programs, and that any refugee qualifying for this program would be eligible up to three years from the date of arrival in the United States.

"(2) A requirement that a participating state use the same needs test, sanctions, and appeal procedure for this program that it would use for its Aid to Families with Dependent Children program.

"(3) A requirement that refugees participating in this program shall receive training in English language skills and a familiarization in American life and the Western work habit, if an assessment of the refugee's employability deems these services necessary to make the refugee competitive in the job market.

"(4) A provision permitting the transfer of funds used by a state pursuant to Title IV (a) and Title XIX of the federal Social Security Act (42 U.S.C. Sec. 601 et seq., Sec. 1396 et seq.), in order to defray the costs of providing cash assistance and medical benefits to refugees otherwise eligible for the state's Aid to Families with Dependent Children or Medicaid programs.

"(5) A provision permitting expenditure of federal discretionary funds appropriated to the federal Office of Refugee Resettlement, if funds utilized pursuant to subdivision (4) are not sufficient to fund this demonstration project.

"(6) A requirement that periodic evaluations are conducted regarding the efficacy of the pilot project approach; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the California delegation."

POM-51. Joint resolution adopted by the legislature of the State of California; to the Committee on Labor and Human Resources.

"SENATE JOINT RESOLUTION NO. 40

"Whereas twenty states, including California, have adopted some form of state senior citizen legislative body; and

"Whereas older residents of California and other states have been afforded an opportunity to express their concerns and to promote appropriate interests; and

"Whereas State government lenders, including the California State Legislature, have found these special legislatures to be in the best interests of older and younger residents, alike; and

"Whereas the California State Legislature has found the California Senior Legislature to be an invaluable asset in identifying and meeting the needs of older adults; and

"Whereas State Senior Legislatures have dealt with primarily state-based concerns and have relied upon nationally oriented institutions to promote the national concerns of elders; and

"Whereas the genesis of a national silver-haired congress may provide an important, new dimension for the promotion of elder rights in a legislative mode; and

"Whereas the purposes of a national silver-haired congress would effectively parallel those purposes which are now promoted on an individual state level; and

"Whereas a national congress for older adult concerns would serve as a complement to many organizations now operating on behalf of older Americans; and

"Whereas a national silver-haired congress would serve as a grass roots, nonpartisan, national forum for all older adult concerns, without regard to race, creed, color, national origin or social status; and

"Whereas a national silver-haired congress would provide a nationally visible forum for responsible involvement by older adults in the legislative process resulting in a focal point for the concerns of older Americans; therefore, be it

"Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and the Congress to support and enact legislation which would authorize a national silver-haired congress and offer the use of the national legislative chambers for their convention and deliberations, and be it further

"Resolved, That in the event a National Silver-Haired Congress is established, all efforts will be made to obtain funding from the private sector for support of the activities of that senior legislative body, and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-52. Resolution adopted by the Commission on the Aging urging Congress to amend the Older American Act to permit Area Agencies on Aging serving American Indian populations not receiving direct title VI grants to establish lower age participation guidelines for that population; to the Committee on Labor and Human Resources.

POM-53. Resolution adopted by the Commission on the Aging relating to "Swing Beds" and the Skilled Care Resolution; to the Committee on Labor and Human Resources.

POM-54. Joint resolution adopted by the Legislature of State of California; to the Committee on Labor and Human Resources.

"ASSEMBLY JOINT RESOLUTION NO. 73

"Whereas our society today is challenged to recognize that war is obsolete and that we must learn to manage conflict without resorting to violence, because regardless of the origin of the conflict, we risk full-scale

nuclear war amongst the independent nations; and

"Whereas the federal government has four military academies and at least five war colleges whose curricula encompass formal preparations for war, but has not established a single parallel institution to promote peace through nonaggressive means; and

"Whereas we must learn more about the roots of conflict, the stages of development of conflict, and design specific types and innovative methods of intervention before we can effectively manage conflict to assure our survival; and

"Whereas we have an emerging field of knowledge of conflict management which can prevent a total disaster if responsibility for developing and teaching conflict management skills can be centralized, focused, and stimulated; and

"Whereas the Commission on Proposals for the National Academy of Peace and Conflict Resolution has recommended that the National Academy of Peace and Conflict Resolution be established to increase our nation's capability of responding to national and international conflicts and to protect and preserve the life of the citizens of this nation and the world; and

"Whereas, The United States Peace Academy would be a federally chartered nongovernmental interdisciplinary institution dedicated to researching and developing realistic plans towards alleviating global conflict; and

"Whereas the United States Peace Academy, introduced in the United States House of Representatives as H.R. 1249 and in the United States Senate as S. 564, is a bold and crucial step towards effective conflict resolution and ultimately a peaceful environment; and

"Whereas a United States Peace Academy would not weaken the country's defenses, but rather complement existing arms control negotiations and peacekeeping methods; and

"Whereas participation in the academy's programs will strengthen peace efforts at all levels of society, at both public and private institutions, including specialized schools of diplomacy and military training where traditional departmental alignments often impede cross-disciplinary peace education and innovative training in peacemaking skills; and

"Whereas the resolution of conflicts, whether personal, local, national, or international, can best be accomplished by the use of trained personnel, and the systematic use of these skilled peacemakers could save this nation and others countless billions of dollars and untold human suffering; and

"Whereas the Peace Academy's immediate impact would demonstrate that the world's most powerful nation does have a genuine interest in, and commitment to peace; and

"Whereas far beyond the immediate impact will be the long-range effect of the Peace Academy as it attracts students from diverse backgrounds, skills, sectors and nations, trains them in the the rapidly developing social science of conflict resolution, and sends them back to the growing worldwide pool of expert peacemakers, who can identify and alleviate potential explosion points before eruption; and

"Whereas in this way the closed circle of unresolved conflict which breeds more conflict, can be broken, and the spiral directed in a downward course reducing global tension; and

"Whereas one of the United States', as well as the world's, most important issues is the subject of peace; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the President and Congress are respectfully memorialized to support and implement a National Academy of Peace and Conflict Resolution dedicated to training persons in peaceful conflict resolution techniques; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representative from California in the Congress of the United States."

POM-55. Joint resolution adopted by the Legislature of the State of Maine; to the Committee on Rules and Administration.

"JOINT RESOLUTION ON THE INAUGURATION OF RONALD W. REAGAN AS PRESIDENT AND GEORGE H.W. BUSH AS VICE PRESIDENT OF THE UNITED STATES OF AMERICA

"Whereas, On January 21, 1985, a unique American tradition called Inauguration Day will occur; and

"Whereas following Ronald Wilson Reagan's historical landslide victory, the people of this Nation through a free and open election process have clearly placed their faith, trust and confidence in Ronald W. Reagan and George H.W. Bush; and

"Whereas all Americans sincerely pray that the next 4 years will be years filled with peace in the world and prosperity without inflation at home, and that the direction taken by this administration will continue to bring new hope and meaning for the people of this country; now, therefore, be it

"Resolved: That We, the Members of the 112th Legislature of the great and sovereign State of Maine, now assembled, extend our heartiest congratulations to President Reagan and Vice President Bush on the occasion of their inauguration; and be it further

"Resolved: That a duly authenticated copy of this Joint Resolution be immediately submitted by the Secretary of State to the Honorable Ronald W. Reagan, President of the United States, and Honorable George H.W. Bush, Vice President of the United States, and to each member of the Senate and House of Representatives in the Congress of the United States from this State."

POM-56. Joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans Affairs.

"ASSEMBLY JOINT RESOLUTION No. 137

"Whereas 44,000 California veterans and eligible dependents receive education and training under Veterans' Administration educational programs, which totalled more than $161,000,000 in monetary benefits in 1983; and

"Whereas the Veterans' Administration's current educational enrollment certification procedure required to be performed by California schools allows veteran students to be certified for complete school years; and

"Whereas this procedure has proven to be between 93 and 95 percent effective in preventing overpayments while providing consistent, timely payment of benefits; and

"Whereas the Veterans' Administration intends to alter this successful system in the fall of 1984 to require term-by-term recertification no sooner than the first day of each school semester, trimester, or quarter; and

"Whereas the two-, three-, or four-fold increase in workload, which, in disregard of the Paperwork Reduction Act of 1980, will create severe hardships for veterans attending college in California through backlogs and long delays in educational benefits payments which the majority of veteran students depend upon to pay for school fees and related expenses; and

"Whereas colleges and universities nationwide have protested to the Veterans' Administration that this new system will multiply their paperwork requirements; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to direct the Veterans' Administration to reverse its announced policy of requiring term-by-term recertification of veteran students and to reinstitute its current education enrollment certification procedure by which eligible veteran students are certified for complete school years; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Veterans' Administration."

POM-57. Joint resolution adopted by the legislature of the State of California; to the Committee on Veterans Affairs.

"ASSEMBLY JOINT RESOLUTION No. 100

"Whereas, the government of the United States, in the interest of international security, has deemed it necessary to place members of its armed forces in Lebanon and on the island of Grenada; and

"Whereas, the armed forces serving on these foreign shores have engaged in combat with hostile forces; and

"Whereas, these engagements have resulted in members of the armed forces being wounded or killed in action; and

"Whereas, the recently enacted Omnibus Tax Reform Act (P.L. 98-369) restricts the eligibility for state-administered veteran home loans such as the Veterans' Farm and Home Purchase Act of 1974, the 'Cal-Vet' program, to veterans with active service before January 1, 1977; and

"Whereas, it has been the policy of the United States government since 1944 to provide members of the armed forces who have served during times of armed conflict with special services and assistance; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and Congress is hereby respectfully memorialized to reinstate the Veterans' Readjustment Benefits Act of 1966, with cost-of-living adjustments, for veterans who have served in the Lebanon and Grenada theaters of operation on or after August 25, 1982, until hostilities cease and the United States armed forces are withdrawn; and be it further

"Resolved, That the Omnibus Tax Reform Act be amended to permit veterans who have been awarded the Lebanon Expeditionary Medal or the Grenada Expeditionary Medal to be eligible for veteran home loans such as provided under the Cal-Vet program; and be it further

"Resolved, That veteran outreach centers and other federally funded counseling services be made immediately available to veter-

ans who have served in the Lebanon or Grenada theaters of operation and to their families; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-58. A concurrent resolution adopted by the general assembly of the State of Iowa; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE CONCURRENT RESOLUTION NO. 4

"Whereas, the State of Iowa, one of the major agricultural states in the United States, is suffering from a financial crisis in agriculture that affects the entire economic health of this state, as well as the economic health of the midwestern and national economies; and

"Whereas, this financial crisis that affects agricultural producers has grown to include the business communities which together form the core of the midwestern economy; and

"Whereas, the factors which created this crisis are beyond the capacity of individuals to manage or control, including sustained high interest rates, declining land values which have eroded farm equity, commodity prices below the cost of production, and successive years of weather-related problems; and

"Whereas, if current economic conditions continue, over thirty-four thousand of Iowa's one hundred fifteen thousand farms current burdened with a debt-to-asset ratio of over forty percent face the likelihood of insolvency within the next two years; and

"Whereas, the value of Iowa's agricultural land plunged by eleven point three billion dollars during 1984, which represents a twenty percent drop in the value of agricultural land in twelve months, the largest single year decrease in price since the depression of the 1930's, and which caps a thirty-seven percent drop in agricultural land value since 1981; and

"Whereas, the value of assets lost in this financial crisis has already negatively affected the machinery market and has forced many farm implement dealers and related agricultural service businesses into bankruptcy; and that an Iowa State University study predicts that equity, net worth, and accumulated wealth of Iowa farms and rural businesses will continue to decline at the current rate of ten billion to twenty billion dollars per year, that the return on farm assets will be lower for 1985 than it was for 1982 and 1983 crops, and that twenty-five percent of Iowa's agriculture-related businesses could fail due to bad debts and high interest rates; and

"Whereas, due to this financial crisis, the Iowa civilian labor force has dropped by over one hundred thousand in population since the beginning of fiscal year 1982; and

"Whereas, the average Iowa farmer recorded a net income loss of one thousand eight hundred ninety-one dollars during 1983, and average United States net farm income dropped to six thousand seven hundred ninety-three dollars which represents an income three thousand four hundred seven dollars below the federal poverty level for a family of four; and

"Whereas, experts expect this crisis to broaden during the immediate weeks prior to the spring 1985 planting season, thus endangering the financial health of farmers, state and federally chartered lending institutions, rural small businesses, and agricultural manufacturers; now therefore,

"*Be it resolved by the Senate, the House concurring*, That the Seventy-first General Assembly of the State of Iowa declares Iowa to be in a state of economic emergency due to an agricultural depression; and

"*Be it further resolved*, That the Congress of the United States be requested to immediately hold local and statewide hearings involving the United States Department of Agriculture and federal credit officials to examine the current crisis and to determine the immediate actions necessary to alleviate this crisis, and Congress is further requested to use the 1985 federal farm bill to restructure the financial burden currently facing agricultural producers and businesses; and

"*Be it further resolved*, That the General Assembly of the State of Iowa calls upon the Governor of the State of Iowa to use the powers of the executive branch to address this state of economic emergency brought on by this agricultural depression, however, the passage of this resolution shall not trigger the provisions of section 654.15; and

"*Be it further resolved*, That the Secretary of State is directed to send copies of this resolution to the President of the United States, the Governor of the State of Iowa, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the Chairperson of the Senate and House of Representatives Agriculture Committees, the Secretary of the United States Department of Agriculture, each member of the Iowa Congressional Delegation, and legislative leaders of states in the midwest."

POM-59. Joint resolution adopted by the legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE JOINT RESOLUTION NO. 51

"Whereas, the Mexican fruit fly is a voracious pest whose principal hosts are apples, apricots, avocados, grapefruit, nectarines, oranges, peaches, pears, and plums; and

"Whereas, a statewide infestation in these crops could annually cost as much as $87 million in crop losses and an additional $20 million in spray costs per year; and

"Whereas, an infestation of this pest would be detrimental to the state, causing in addition to serious commercial crop damage, the destruction of gardens and parks; and

"Whereas, the Mexican fruit fly is a constant threat to California having caused an infestation in 1954 which was eradicated in southern San Diego and Imperial Counties; and

"Whereas, an infestation of this fly has been found in Los Angeles County in 1983, which eradication costs are expected to be between $2 million to $3 million through the summer of 1984; and

"Whereas, if the Mexican fruit fly were established in California, an additional 2 million pounds of pesticides would be put into the environment annually to control it; and

"Whereas, the use of sterile fruit flies is a proven integrated pest management tool which can possibly eradicate small populations of Mexican fruit flies; and

"Whereas, sterile Mexican fruit flies were not available for the Los Angeles area infestation because insufficient rearing facilities exist; and

"Whereas, the United States Department of Agriculture's (U.S.D.A.) sterile Mexican fruit fly production center in Monterey, Mexico does not have the capacity to produce sufficient numbers of sterile flies for California's potential future needs; and

"Whereas, the U.S.D.A. is planning to construct a permanent sterile fly rearing facility by July, 1985, at its Mission, Texas site for the purposes of eradicating or suppressing a Mexican fruit fly infestation in the Rio Grande Valley or eventually creating a buffer zone across the Mexican border; and

"Whereas, since Americans are a highly mobile society and since the Mexican fruit fly heavily infests the northern portions of Mexico along our border, it is reasonable to assume that California will again experience Mexican fruit fly outbreaks; and

"Whereas, significant numbers of residents in densely populated areas have expressed concern about possible health effects associated with the aerial spraying of pesticides to eradicate the Mexican fruit fly; and

"Whereas, the California Department of Food and Agriculture is contracting with the United States Department of Agriculture to provide funding to maintain the interim Mexican fruit fly rearing facility, to investigate mass rearing techniques, and to provide sterile flies to California in case of another outbreak; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That California's contribution to this proposed joint federal and state sterile fly rearing center would be its share of the costs to maintain the facility with the understanding that California would receive top priority on sterile fly production during any eradication effort within California; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the United States Secretary of Agriculture and to each Senator and Representative from California in the Congress of the United States."

POM-60. Joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"ASSEMBLY JOINT RESOLUTION NO. 132

"Whereas, Agriculture is California's most important industry, with economic impact on the entire state; and

"Whereas, California is the nation's leading agricultural state producing more than 250 different food and fiber commodities; and

"Whereas, Many past federal farm programs have not been successful in meeting marketplace realities and in solving problems of surplus production; and

"Whereas, There is a need to fashion a federal farm bill that addresses regional needs and focuses on a strong comprehensive national agricultural policy that benefits both the consumer and the farmer; and

"Whereas, California's unique array of specialty crops presents this state with a different set of domestic and international problems than the rest of the nation; and

"Whereas, These factors result in California agriculture having specific problems and circumstances that should be adequately addressed in the federal farm bill; and

"Whereas, The Chairman of the Committee on Agriculture of the United States House of Representatives held a field hearing in California and received testimony from this state's residents on the unique problems facing California agriculture that

should be addressed in the 1985 federal farm bill; and

"Whereas, A new federal farm act will be drafted and adopted in 1985; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to recognize this state's needs in the 1985 federal farm bill; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Chairman of the Committee on Agriculture of the United States House of Representatives and to each Senator and Representative from California in the Congress of the United States."

POM-61. Joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE JOINT RESOLUTION NO. 50

"Whereas, The United States Department of Agriculture has announced its intention to initiate a federal legislative proposal which would materially change the way certain timber-related revenues are distributed among counties of states containing federal forestlands; and

"Whereas, Under current law, when timber is harvested from federal land by private entities, the public revenues derived from that harvesting are allocated between the federal government and an individual state government on a 75-25 percentage basis, with the 25 percent state share being apportioned to the counties of the state containing federal forestlands; and

"Whereas, The Department of Agriculture's proposal would alter this existing system by permitting individual counties to assess and tax the federal government on its timber holdings as if it were a private sector entity, thereby causing some counties to realize increased revenues while at the same time causing other counties to suffer a significant reduction in revenues; and

"Whereas, This potential disparity in county revenue expectations would result from the fact that the proposed system would penalize those counties in which the federal forestland activities conducted are principally the harvesting of timber and would benefit those counties in which the activities conducted are principally those not associated with harvesting, such as recreational activities; and

"Whereas, Most of the counties of northern and central California contain substantial federal forestland acreage which is heavily harvested, thus presently producing a significant source of income for those counties; and

"Whereas, The enactment of legislation of the type proposed by the Department of Agriculture would have a disastrous effect upon that income, thereby creating a severe fiscal crisis for those affected California counties; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Secretary of the United States Department of Agriculture not to proceed with that legislation proposed by the department which would provide for the local taxation of federally-owned forestland; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of Agriculture, and to the Chief of the Forest Service."

POM-62. Joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE RESOLUTION NO. 8

"Whereas, Public transportation is an integral part of the economic viability of urban America and is critical to the economy and particularly critical to the economic growth and development within the metropolitan areas of the State of California; and

"Whereas, Municipalities in our our state have made fiscal commitments in partnership with the state to the improvement of urban transportation through bus and rail programs which require and are eligible for matching federal financial support; and

"Whereas, The Director of the United States Office of Management and Budget has proposed to the President of the United States the elimination of the Urban Mass Transportation Administration (UMTA) and all operating subsidies to mass transit agencies and recently has attempted to prohibit the use of the penny gas tax mass transit trust fund revenues for the capital support of new start mass transit rail systems; and

"Whereas, The implementation of these proposals concerning urban mass transportation will result in higher transit fares, a drastic reduction in the level of transit service within the State of California, higher unemployment, restricted mobility of our citizens and restricted accessibility to the business and employment centers of our urban communities, lower revenues for major businesses and correspondingly reduced taxes to the state, and impairment of private and public development plans which would stifle the state's economic recovery plans for its urban areas; and

"Whereas, The President has the power to insure that these proposals to eliminate UMTA are not implemented or included in the next federal budget; and

"Whereas, The Congress of the United States has authorized and appropriated sums of money to support urban mass transportation programs in the State of California and specifically through the Surface Transportation Assistance Act of 1982 (P.L. 97-424), as amended, has dedicated a part of the federal gasoline tax to be used specifically for these programs; now, therefore, be it

"Resolved by the Senate of the State of California, That it respectfully memorializes the President and Congress of the United States to do all the following:

"(1) Continue support for the planned mass transit rail projects within the State of California.

"(2) Continue to support the provisions of operating subsidies for the eligible mass transportation agencies in the State of California.

"(3) Support the Congress of the United States and its appropriation of public funds for public mass transportation improvements in the State of California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States."

POM-63. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION NO. 37

"Whereas, On June 23, 1894, the International Olympic Committee was established by Baron Pierre de Coubertin to encourage the organization and development of sport and international sports competition; and

"Whereas, The Olympic spirit has continued since then to promote and strengthen friendship among sportsmen and women of all nations; and

"Whereas, It remains the aim of the international Olympic community to ensure the regular celebration of the Games, and to make the Games ever more worthy of their proud history and high idcals; and

"Whereas, In these times of increased international tensions, we need, more than ever, the spirit of Olympic friendship and people-to-people diplomacy; and

"Whereas, The goals of the Olympic movement have been brilliantly realized by the Games of the XXIIIrd Olympiad; and

"Whereas, The people of California and the host city of Los Angeles have warmly welcomed Olympic teams from 140 nations; and

"Whereas, The Los Angeles Olympic Organizing Committee (LAOOC) has enjoyed the excellent leadership of its President, Peter V. Ueberroth; its Chairman, Paul Ziffren; and its Executive Vice-President, Harry L. Usher; and

"Whereas, The LAOOC has painstakingly administered a budget of $500 million, all of it derived from private sources, and has skillfully coordinated the activities of approximately 50,000 volunteers; and

"Whereas, The excellent performance of the 597-member U.S. Olympic Team has done much to rekindle American pride, and the spectacular staging of the games has done credit to the tradition of the Olympic Games as a celebration of sport and an effort to unite the youth of the world in peace; now, therefore, be it

"Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California salutes the athletes of the Games of the XXIIIrd Olympiad, the Los Angeles Olympic Organizing Committee, the spectators who came from all parts of the globe, and the people of California for the parts all of them have played in making the 1984 Summer Olympic Games and outstanding success; and be it further

"Resolved, That the Legislature urges the President and Congress of the United States to reaffirm our nation's appreciation of the Games of the XXIIIrd Olympiad by appropriately recognizing the achievements of the United States Olympic Team and the Los Angeles Olympic Organizing Committee; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Los Angeles Olympic Organizing Committee."

POM-64. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION NO. 114

"Whereas, One of the most significant issues facing California air transportation in the coming decade will be the decay of the

state's public use airport system and the need to secure adequate, long-term funding to preserve and enhance the existing airport syatem; and

"Whereas, Thirty-eight percent of California's airports will reach or exceed their original design life within 10 years; and

"Whereas, This figure will increase to 80 percent in 15 years; and

"Whereas, Current state and federal airport aid programs may be able to maintain or rehabilitate only 20 percent of the affected air facilities; and

"Whereas, Without adequate funding, 170 California public use airports will deteriorate to unacceptable levels; and

"Whereas, Funding shortfalls for both air carrier and general aviation airports for the 1984-88 period are projected to be nearly $1.3 billion; and

"Whereas, California accounts for 18 percent of the nation's total air carrier passenger activity, generating in excess of $360,000,000 annually into the Federal Aviation Trust Fund; and

"Whereas, The return to California of federal airport trust funds averages approximately $40,000,000 per year; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress, and the Secretary of Transportation to recognize the pending crisis facing California's air transportation system and to take all appropriate action to increase the amount of California aviation tax dollars returned to the state to assist in preserving and enhancing that system; and be it further.

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-65. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION No. 140

"Whereas, It has come to the attention of the Members of the Legislature of the State of California that the President and his administration are considering elimination or reduction of certain portions of the National Weather Service; and

"Whereas, Certain functions, such as national defense, law enforcement, protection of our borders, and weather analysis and forecasting are the responsibility of the federal government; and

"Whereas, Fire weather forecasting is as important to California as the hurricane and tornado watch is to the midwest and southern States; and

"Whereas, Fire agencies and agriculture in California and throughout the United States depend upon reliable weather information for public safety and commerce, which has resulted in a significant reduction in violent fire and weather deaths and in savings of an estimated $850 million per year in production costs for farmers and in fire suppression costs for fire control agencies; and

"Whereas, Agriculture is the number one industry in California in terms of cash value and productivity, representing 14 billion dollars in gross production; and

"Whereas, Weather monitoring, data analsis, and forecasting require a well coordinated organization and the facilities to support that organization; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reconsider elimination or reduction in any part of the National Weather Service; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. Res. 80. An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

By Mr. DOMENICI, from the Committee on the Budget, without amendment and without recommendation:

S. Res. 73. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 457.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be lieutenant

Michael R. Johnson

To be lieutenant (junior grade)

John T. Lamkin

To be ensign

Michael S. Abbott	Alan K. Harker
Emily Beard	Jennifer A. Hill
Catherine J. Bradley	Michael K. Jeffers
Michael B. Brown	Scott R. Kuester
Jeffrey S. Cockburn	Kristie L. Miller
Carolyn S. Coho	Catherine A. Montgomery
David A. Cole	JoAnne A. Salerno
Elizabeth A. Crozer	Todd C. Sites
Glenn A. Gioseffi	
Tammi J. Halfast	

Subject to qualifications provided by law, the following officer for permanent appointment in the grade indicated in the National Oceanic and Atmospheric Administration:

To be rear admiral

Charles K. Townsend

(The above nominations were reported from the Committee on Commerce, Science, and Transportation) with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. DANFORTH. For the Committee on Commerce, Science, and Transportation, I also report favorably a list of National Oceanic and Atmospheric Administration nominations which appeared in full in the RECORD of January 21, 1985, and, to save the expense of reprinting them on the Executive Calendar, ask that they lie on the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE (for himself and Mr. HUMPHREY):

S. 503. A bill to amend the Clean Air Act to provide for reductions in acid deposition and sulfur emissions; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 504. A bill to amend the Civil Rights Act to protect the rights of the unborn; to the Committee on Governmental Affairs.

By Mr. DURENBERGER (for himself and Mr. BENTSEN):

S. 505. A bill entitled the "Maternal and Child Health Preventive Care Amendments of 1985"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR, from the Committee on Foreign Relations:

S. Res. 80. An original resolution authorizing expenditures by the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. D'AMATO:

S. Con. Res. 19. A concurrent resolution expressing the sense of the Congress that March 17, 1985, be recognized and observed as "Irish Peace, Justice, Freedom and Unity Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself and Mr. HUMPHREY):

S. 503. A bill to amend the Clean Air Act to provide for reductions in acid deposition and sulphur emissions; to the Committee on Environment and Public Works.

(The remarks of Mr. PROXMIRE and the text of the legislation appear earlier in today's RECORD.)

By Mr. HATCH:

S. 504. A bill to amend the Civil Rights Act to protect the rights of the unborn; to the Committee on the Judiciary.

ABORTION FUNDING RESTRICTION ACT

Mr. HATCH. Mr. President, President Reagan has continually pricked the conscience of the Nation with regard to the tragedy of abortion. At the outset of his second term, he has

placed this crisis at the top of his agenda. In his Second Inaugural Address, the President observed that America is a compassionate nation "where the old and infirm are cared for, the young and, yes, the unborn, protected * * * ". The morning following his inauguration, the President addressed more than 70,000 citizens who braved some of the most frigid weather in Washington's history to protest the 12th anniversary of the dark day that the Supreme Court created a national right to abortion on demand. Not more than a few days later, President Reagan forcibly emphasized his support for abortion restrictions. In his State of the Union Address, he said:

> The question of abortion grips our nation. Abortion is either the taking of a human life, or it isn't. And if it is—and medical technology is increasingly showing that it is—it must be stopped. It is a terrible irony that, while some turn to abortion, so many others who cannot become parents cry out for children to adopt. We have room for these children; we can fill the cradles of those who want a child to love. And tonight, I ask you in Congress to move this year on legislation to protect the unborn.

In response to this timely plea, I am pleased today to introduce the Abortion Funding Restriction Act. This bill would add a new section 606 to the Civil Rights Act of 1964 to prohibit the use of Federal funds to perform abortions except where the life of the mother would be endangered if the fetus were carried to term. In other words, Mr. President, this bill would replace the annual time-consuming appropriations battles over the Hyde amendment with a permanent statute. As my colleagues are well aware, the Hyde amendment restricts the funding of abortions in the Health and Human Services appropriations bill. This is not a new proposal—indeed its language is virtually identical to the Hyde amendment first attached to the appropriations bill in 1976 and declared constitutional by the Supreme Court in the 1980 case of Harris versus McRae—but it would be significant for the Congress to permanently and unequivocally state that it will not finance a practice that the President notes may well be "the taking of a human life."

OPERATION OF THE ABORTION FUNDING RESTRICTION ACT

As I mentioned, this bill amends the Civil Rights Act of 1964 which prohibits racial discrimination in any State, local, or private program or activity receiving Federal financial assistance. Federal agencies enforce the prohibitions of the Civil Rights Act by conditioning Federal financial assistance on compliance with regulations implementing the ban on discrimination. Any State, local, or private agency which violates title VI forfeits Federal assistance. Thus, this Abortion Funding Restriction Act would bar the use of Federal funds for abortion within the reach of title VI of the Civil Rights Act. Federal agencies would add to their current regulations enforcing the Civil Rights Act appropriate restrictions on abortion funding except where necessary to preserve the life of the mother.

This bill would clearly apply abortion funding restrictions to Medicaid funding. Medicaid funding is clearly Federal financial assistance to the States. Thus, States would be required to attach abortion restrictions to any funds dispersed to hospitals or other medical facilities as payment for services rendered in compliance with the State medical insurance program.

This amendment to the Civil Rights Act has several important benefits: First, it is targeted to the types of funding currently covered by the Hyde amendment and does not represent a departure from current policies restricting funding of abortion; second, it incorporates the funding restriction into an existing and potent enforcement scheme making its implementation easy and effective; and third, it appropriately projects, within the bounds of Federal jurisdiction, the civil rights of the unborn.

I would like to clarify once again that this amendment will operate as the Hyde amendment has operated. It will not eliminate all forms of Federal funding to any hospital that performs an abortion. This is true for two reasons. In the first place, the State, not the hospital, is the entity receiving Federal financial assistance under the Medicaid Insurance Program. The funds received by the hospital or other medical provider are not Federal assistance to the hospital, but payments in compensation for services rendered. Accordingly, the State would be bound not to use any funds to pay for performance of an abortion except when necessary to preserve the mother's life. The hospital, however, would not be a recipient of Federal financial assistance subject to the requirements of title VI. In addition, the language of this bill clarifies that a hospital can still perform abortions that are not paid for with Federal dollars. The bill's language is specific: "No Federal financial assistance shall be used to perform abortions" except to save the mother's life.

CONSTITUTIONALITY

Mr. President, I would like to read the entire text of this bill:

> SEC. 606. No Federal financial assistance shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Now I would like to read the first amendment Congressman HENRY HYDE amended onto the 1977 Labor and Health, Education, and Welfare Departments' appropriation bill:

> None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Except for the slight difference in descriptive terms necessary to conform to the terminology of the Civil Rights Act of 1964, the language of these two measures is identical. This underscores my intent to codify permanently the Hyde amendment.

It is clearly within Congress' authority to enact such a funding restriction. A large and convincing number of court cases have demonstrated that there is no constitutional requirement for government, Federal, State, or local, to provide funding for abortions. I would like to discuss a few of these decisions which are unique in their consistency.

In 1977, the Court decided in the case of Beal versus Doe that there is no federally imposed mandate upon the States to provide funds for nontherapeutic abortions. The Court reasoned that nothing in the Social Security Act's title XIX suggests that participating States are required to fund every medical procedure that falls within the delineated categories of medical care. The Pennsylvania law which excluded unnecessary abortions from Medicaid compensation was upheld by the Court. The Justices also ruled that when Congress passed title XIX in 1965, nontherapeutic abortions were generally illegal in most States. Thus the Court stated that Congress could not have intended to require funding for what was then a generally illegal act. Finally, the Court held that the State has a valid and important interest in encouraging childbirth throughout a pregnancy.

The same year, the Court heard the case of Maher versus Roe. The Court ruled that the Constitution does not require the States to fund elective abortions. The Court let stand a Connecticut law which required women to obtain a certificate of medical necessity before they could receive funding for their abortions under Medicaid. The two indigent women who sued in the case were not part of a suspect class, the justices held, and thus the necessity rule did not discriminate against them.

The Court stated that:

> This case involves no discrimination against a suspect class. An indigent women desiring an abortion does not come within the limited category of disadvantaged classes so recognized by our cases.

Moreover, the law did not hinder the women's Roe abortion rights since they would be dependent, as before, on private abortion services. Nonetheless, the Court found that the Constitution imposes no obligation on the States to pay pregnancy-related medical expenses of indigent women. As it ruled in the Beal case, the Court said that the Connecticut law was related to the

State's purpose: Encouraging normal childbirth.

In the Poelker versus Doe case (1977), an indigent woman sued the mayor of St. Louis saying the city had violated her constitutional rights by refusing to finance her hospital costs for a nontherapeutic abortion. The Court decided that the Constitution does not require municipalities to provide public hospital services for elective abortions even if they provide those same services for normal childbirth. In the Court's words:

> . . . we find no constitutional violation by the City of St. Louis in electing, as a policy choice, to provide publicly financed hospital services for childbirth without providing corresponding services for non-therapeutic abortions.

Citing Maher versus Roe, the Court stated that the Constitution does not prevent a city from expressing a preference for childbirth over abortion, pursuant to democratic processes.

Of all these cases, however, none states more clearly and convincingly the constitutionality of the Hyde amendment and therefore the bill we are examining today, than the case of Harris versus McRae. In 1976, Congress passed the Hyde amendment which significantly reduced the use of Federal funds to finance abortions under Medicaid. Several indigent women sued to challenge the amendment's constitutionality. The Court held that the Hyde amendment was indeed constitutional and was not in violation of the equal protection or liberty components of the fifth amendment's due process clause or the first amendment. In fact, the Court held that, "* * * the Hyde amendment violates no constitutionally protected substantive rights." Furthermore, the Court reasoned that the amendment does not obstruct access to abortions, but only encourages childbirth which is recognized as a valid public interest. Finally, the Court stated that the indigent women involved in the case had no right to financial means to avail themselves of the entire range of protected choices. As the Court observed:

> * * * it simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices.

It is clearly beyond question that the Hyde amendment and the bill which I am introducing today are constitutional. They both stand upon a long and consistent history of legal decisions which leave no doubt about their constitutional integrity. Passage of my bill will mandate what the Supreme Court has already deemed to be consistent with the supreme law of the land.

CONGRESSIONAL ECONOMY

The Abortion Funding Restriction Act also has the virtue of eliminating the necessity of prolonged debates and fractious filibusters which have accompanied adoption of the Hyde amendment year after year. Invariably the Hyde amendment has been among the last issues resolved each Congress as the Senate attempts to enact a continuing resolution and has consumed time which otherwise might have been used to resolve other vital issues. It seems senseless to spend the Senate's precious time debating and deciding an issue which has been debated and decided consistently year after year in the same manner. Such exercises in futility subject the Senate's honored and traditional procedures to criticism. Since passage of abortion funding restrictions in 1976, the Senate has voted on that same issue 65 times. The ultimate result has always been the same—abortion funding is restricted. I submit that we would be wise to make that decision one more time and put the issue to rest thereafter. This bill accomplishes that objective.

PROTECTING HUMAN LIFE

Without a doubt, the most important reason for supporting the measure I introduce today is to curb the monumental human tragedy which abortion in America has become. In 1973, the Supreme Court ruled in the Roe versus Wade case that women have a constitutionally protected right to abortion. That single decision has given the United States an abortion policy more permissive than every other Nation on the globe with the exception of Communist China which incidentally has done nothing to prevent the practice of female infanticide which has become endemic in that country. Since the Roe decision 15 million unborn babies have been killed as the result of abortion. This figure truly represents a straggering loss of human life. However, this figure seems even more significant when we consider that the 15 million casualties of abortion translates to 1.5 million per year, 4,000 lives lost each day, 170 dead per hour, and one abortion every 20 seconds. By the time I have concluded the remarks I am making now, between 30 and 40 potentially productive and humane American citizens will be denied the basic God-given gift of human life. Even the rate of homicide is lower in the United States where someone is murdered only once every 25 minutes. Today, more babies are lost to abortion than are allowed to live until birth in New York City and the Nation's Capital where we stand now. This frightening figure might apply to our entire Nation if America's permissive abortion policies continue. Indeed, nearly one in every three pregnancies in America is aborted, and the figure is rising.

According to Syska, Hilgens, and O'Hare's "New Perspectives on Human Abortions," chapter 13, abortions performed in the United States have gone from about 100,000 per annum in 1973 to 1.4 million today. These figures are based on information from the National Center for Disease Control. This shocking increase in the incidence of abortion can be attributed to the Roe versus Wade decision. This increase in elective abortions has amounted to more than ten times the total number of American lives lost in all of our wars combined.

This extremely high number of abortions might be justifiable if a large amount of them were performed in order to preserve the health of the mother. This is not the case, however, Dr. Irwin Cushner, who happens to be an advocate of abortion of demand, has stated that only 2 percent of the abortions performed in America are medically necessary. The other 98 percent can be attributed to the inconvenience of incurring a financial burden after the child is born, the bother of interrupting an education, the nuisance of appearing pregnant before one's friends, or the toil of having a baby of the sex which the parents do not prefer. One expert witness, who testified before the Constitution Subcommittee of which I am chairman, might differ with the fact that 2 percent of abortions are medically necessary. Based on his own experiences in administering an estimated 75,000 abortions during his lifetime, Dr. Bernard Nathanson could recall only one case in which the mother's life could reasonably be said to have been at stake.

Many women who choose to have abortions do so saying that the baby is unwanted. We must ask the question, unwanted by whom? Although the mothers of aborted babies obviously do not want them, there are thousands of young couples who, for whatever reason, wish to adopt babies rather than conceive and give birth to their own children. Many of these couples have had to wait years to adopt one child while at the same time millions of potential children they could have brought into their loving homes were destroyed. In my own State of Utah there are nine couples ready to act as parents for every child available for adoption. Why must these people with so much love to offer have to wait so long to give it to so few?

Abortions are not performed exclusively on babies who could not survive outside the womb. Over 15,000 abortions a year are performed after the mother's 20th week of pregnancy. From that point onward, a child could be delivered and might survive on his own. Abortions occur quite late in some pregnancies, through the seventh and eighth months in many cases. Abortions after this point are more accurately described as judicially legalized infanticide. As shocking as it might seem, the U.S. Centers for Disease Control estimate that more than

once every day an abortion leads to live birth. These babies might survive were it not for the use of saline solutions, prostoglandin, and other abortion techniques.

They Hyde amendment has had a significant effect in reducing the horror of abortion. According to figures released by the Department of Health, Education and Welfare, Medicaid financed abortions for the year 1976 amounted to between 250,000 to 300,000. After passage of the Hyde amendment, this number had fallen to 2,328 abortions from February 14, 1978, until the end of that year. The Hyde amendment has had a stunning impact on reducing the number of elective abortions in this country. This is certainly a compelling reason to put the amendment into law.

It is also important to note that abortion does not enjoy the wide public support its boosters claim it does. An ABC News Washington Post poll conducted in 1981 concluded that 66 percent of Americans would not advise abortion as an option for a 15-year-old daughter. Only 23 percent said they would advise abortion, while 11 percent were undecided. The same poll showed that 62 percent of independents thought abortion was morally wrong, as did 64 percent of Republicans and 68 percent of Democrats.

In short, abortion has gone from being a significant problem to a tragedy of national proportions over the last 10 years. I doubt the Supreme Court would have ruled as it did in the Roe case had it known what the human cost of its decision might be. Today we have an opportunity to address the emergency that is facing our Nation through abortion. By passing the Hyde amendment into law we can slow the rising death toll of American abortion victims.

In closing, I would like to urge my colleagues to act quickly to adopt this legislation. May I remind you of what I said a bit earlier. This bill is clearly constitutional. A long, clear, and consistent history of legal cases and decisions has demonstrated that neither the Federal nor State and local governments are obligated to provide funding for nontherapeutic abortions. This legislation undoubtedly falls within the guidelines established by those cases. In addition, Congress has set a precedent in favor of legislation such as what I am introducing today. By voting for the Hyde amendment each year it has been introduced, Congress has set itself on record as favoring restrictions on Federal funding of abortions. Thus, there is prior legislative support for language similar to that we are discussing today. Finally, by passing the Hyde amendment into law, we can at once codify the previous intent of the Congress and the Supreme Court while keeping this controversial issue from being discussed and reexamined ad infinitum every year. By passing this bill, we can settle the issue of public funding for abortion once and for all.

Above all else though, this bill would go far to limit the tragic and unnecessary damage which abortion has inflicted upon our country. Thousands of innocent, unborn babies would gain the greatest benefit possible as a result of this legislation: the chance to live.

By Mr. DURENBERGER (for himself and Mr. BENTSEN):

S. 505. A bill entitled the Maternal and Child Health Preventive Care Amendments of 1985; to the Committee on Finance.

MATERNAL AND CHILD HEALTH PREVENTIVE CARE AMENDMENTS OF 1985

● Mr. DURENBERGER. Mr. President, our health care system must be judged not only on its ability to cure our sickness, but also on its ability to keep us well. The emphasis on prevention—on wellness care—is one of the greatest challenges facing our health care system and the public and private payers of its services.

Those of us committed to maternal and child health know that this is an area where a strategy of prevention will pay off in both social and economic terms. Today, the Institute on Medicine released a study about the medical problems of infants born at 5½ pounds or less. The study, "Preventing Low Birthweight," contains some sobering findings.

First, between 1965 and 1980 we reduced the infant mortality rate in the United States by more than 50 percent. That's an impressive achievement, and the credit is largely attributed to the advances made in neonatal intensive care units.

But there's another side to the coin: Giving infants a fighting chance to be born healthy. Saving a new life before it becomes imperiled. And there, this Nation's record is not so impressive.

In 1981, 6.8 percent of all newborns in the United States were of low birthweight. These babies are nearly 40 times more likely to die during the first 4 weeks of life and five times more likely to die within their first year. They are also at high risk for problems like mental retardation, cerebal palsy, epilepsy, and learning disabilities.

But here's the problem. Between 1971 and 1981, we have reduced the number of low birthweight babies by less than 1 percent. Although we've done a great job of keeping the low birthweight babies alive, we haven't done much to assure that every baby has a chance of being born a healthy weight.

We know the type of woman who is more likely to have a low birthweight child. She is under 17 or over 34. She is likely to be poor, black, and single. She is uneducated, doesn't eat well, and has received little or no prenatal care.

The study points to the effectiveness of targeting comprehensive prenatal care to these high-risk mothers in reducing the incidence of low birthweight babies. Effective prenatal care includes everything from regular medical exams, to nutrition counseling, to education about pregnancy-risk factors like smoking and alcohol abuse.

But many of these poor women simply can't afford the care they need. And although a great many are Medicaid recipients, they cannot get the type of enriched prenatal care services that are most effective.

That's why today I join with my colleague, Senator BENTSEN, in introducing the Maternal and Child Health Preventive Care Amendments of 1985. To take advantage of the best incubator of all, the mother's womb.

These amendments give States the option to provide more comprehensive prenatal services to women on Medicaid. The amendments waive the comparability requirement under Medicaid to allow States to target specific preventive services to pregnant women. Under current law, any additional services provided to any one group must be provided to all Medicaid recipients.

For example, many State Medicaid programs now pay for physician visits but not for services of nurses, nurse practitioners, and similar health care providers. Those nonphysician services can fill many of the needs of pregnant women. My bill would allow States to provide coverage for these services without providing similar coverage to all Medicaid recipients.

States would be encouraged to fund combinations of activities shown to be effective in reducing low birthweight, such as health education, outreach services, nutrition counseling, and smoking cessation and stress alleviation clinics. But most importantly, States will be able to do risk assessments and better manage high-risk pregnancies.

My bill will also help mothers by allowing the States to provide them pregnancy-related services for up to 60 days after the birth of the child. This would include such services as health education and family planning.

Like other preventive measures, prenatal care saves lives. It is also a smarter investment of our health care dollars. And in the real world, filled with growing expenses and finite resources, smarter investment is the name of the game.

In short, we need to spend more money up front to reduce the need for high-cost care. Until we do, more and more children will be laid up in our neonatal intensive care beds. And although the care is excellent, it is also

extremely expensive. At the University of Minnesota the basic charge for neonatal intensive care is $1,250 per day. In 1983, the average cost of care for each admission in the Twin Cities was approximately $19,000.

Needless to say, the high cost care of these infants is part of the proliferation of costly technology that pushes up our health care bill year after year. A bill that is fast approaching 11 percent of our gross national product.

The search for cost-cutting tools has led to some fairly frightening talk. Many are talking about the need to ration health care services. In other words, to decide whose life we should prolong with our scarce dollars, and whose we shouldn't.

Rationing means making a decision about whether or not to keep a very low birthweight baby alive. It is the assessment of quality-of-life criteria for judging the right of certain handicapped newborns to life.

I feel strongly that the solution lies not in rationing but in rationalizing the spending of our health care dollars. That is, to spend each dollar more wisely so we don't have to ration.

This issue was brought before the public very effectively in a recent report by the Minnesota Coalition on Health Care Costs, headed by David Graven. That report pointed out the need to reassess our health care priorities, and to put more emphasis on prevention—including the area of prenatal care.

There is little question that this type of approach both improves maternal and child health, and saves a substantial amount of money. In one demonstration in California, pregnant mothers who received comprehensive prevention services had 50 percent fewer babies born with low birthweights than mothers who did not take part in the project. In addition, for every $1 spent on prenatal care, the State saved $2 Medicaid during the child's first year of life.

In the competitive health care marketplace of the Twin Cities, where over half of the non-Medicare population belongs to health maintenance organizations [HMO's], the incentives for prevention are strong and effective. Over the course of 4 years, the Minneapolis Childrens Medical Center has reduced its length of stay in their neonatal intensive care beds from 17.9 days to 11 days. And while admissions to the neonatal intensive care unit increased by 15 percent, babies born under 1,000 grams had decreased by 7 percent. In addition, through a risk management and prematurity prevention program, one community hospital reduced their NICU utilization by 50 percent at a savings of over $500,000.

We are talking about putting money up front in order to save in the future. And that brings up the one big barrier standing in the way of my bill and other measures of health care reform: the almighty deficit.

Next year the Federal deficit will be $215 billion. By 1990, almost $300 billion if we don't do something soon. Each plump, healthy baby enters the world with a personal debt approaching $10,000.

This kind of deficit cannot be solved by cut-and-paste budgeting. We are stuck in a budget process that doesn't know how to reform, only how to freeze, cut, or increase. There's no room for substantive change. No flexibility for investment in our future.

But every bit of meaningful reform we can achieve knocks another chip off that huge red barrier of a deficit looming ahead of us. With health care we have the knowledge and we have the means to make reform work.

No where is the adage better applied, "An ounce of prevention is worth a pound of cure," than in maternal and child health. We must begin to direct our resources to assure healthy pregnancies. Only then will we begin to bring down the number of low birthweight babies and further reduce our Nation's infant mortality rate. My bill in one small step in the this process. I hope it will launch an all-out effort by both public and private payers to provide coverage to assure the health of our Nation's newborns.●

● Mr. BENTSEN. Mr. President, I am pleased to join my distinguished colleague from Minnesota in introducing the Maternal and Child Health Preventive Care Amendments of 1985. The purpose of these amendments could not be more clear nor more compelling. If enacted, our bill will make it possible for States to expand the scope and duration of health care services to Medicaid eligible women who are pregnant, thereby reducing the risks and costs associated with lack of prenatal care.

Given the broad discretion already permitted States in designing their Medicaid programs, some may ask why a statutory change directed at this particular group is needed. The answer is that through a technicality, Federal Medicaid statutes require the same package of services be provided to categorically needy beneficiaries of all ages—permitting no distinction on behalf of special populations such as pregnant women. Because many States limit the number of physician and hospital visists, and do not make available preventive services such as nutritional counseling and vitamins, women with high-risk pregnancies are not always able to obtain the care they need when it would be most effective.

There is overwhelming evidence that early intervention and careful monitoring of high-risk pregnancies is cost effective. In 1980, a study conducted under the auspices of the Department of Health and Human Services concluded that total annual expenditures in the Nation for hospitalization of high-risk infants in their first year of life amounted to $2.6 billion. Approximately one-quarter of these costs are borne by the Medicaid program.

With comprehensive prenatal care, however, studies have shown that 26 percent of infant deaths among low-income mothers can be prevented, rates of prematurity can be reduced by more than 20 percent, and lifetime impairments such as mental retardation can be sharply curtailed. In a study released today by the National Academy of Sciences, the Institute of Medicine estimates that for every additional dollar spent on prenatal care for high-risk pregnant women, $3.38 would be saved in the first year alone of their babies' lives. Savings are achieved by reducing the percentage of infants born at low birthweight and in need of high-cost hospital care. Other studies report even more dramatic results, with ratios reaching as high as 1:12.

Mr. President, it is time we realigned the priorities of the Medicaid program to encourage more vigorous intervention to reduce the incidence of low birthweight—rather than continuing to focus an unnecessarily large part of our limited resources on high-cost intensive neonatal care. It is foolish and shortsighted to restrict the scope and duration of preventive services for prenatal and pediatric care only to spend millions of dollars for institutionalization that could have been avoided. And it is unspeakably cruel to deny even one infant the care that we know can prevent a lifelong handicapping condition.●

ADDITIONAL COSPONSORS

S. 171

At the request of Mr. QUAYLE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 171, a bill to provide additional market credit options for developing nations with expanding economies and to expand markets for U.S. agricultural commodities abroad, and for other purposes.

S. 232

At the request of Mr. SYMMS, his name was added as a cosponsor of S. 232, a bill to amend the Internal Revenue Code of 1954 to add a new subsection dealing with exchanges and rentals of names from donor lists and membership lists.

S. 233

At the request of Mr. D'AMATO, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 233, a bill to provide for the minting of coins in commemoration of

the centennial of the Statue of Liberty.

S. 295

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 295, a bill to amend title 38, United States Code, to authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans.

S. 339

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 339, a bill to implement the Rule of the Shorter Term in the case of computer programs.

S. 370

At the request of Mr. MELCHER, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 370, a bill to make available supplemental assistance for famine relief and recovery in Africa.

S. 374

At the request of Mr. PRESSLER, the names of the Senator from Louisiana [Mr. LONG] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 374, a bill to provide authorization of appropriations for the U.S. Travel and Tourism Administration.

S. 408

At the request of Mr. WEICKER, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 408, a bill to amend the Small Business Act to provide program levels, salary and expense levels, and authorizations, for the Small Business Administration's programs for fiscal years 1986, 1987, and 1988, and for other purposes.

S. 434

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 434, a bill to extend the authorization of the Robert A. Taft Institute Assistance Act.

S. 457

At the request of Mr. LUGAR, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 457, a bill to authorize the President to furnish assistance to alleviate the human suffering in sub-Saharan Africa, and for other purposes.

S. 473

At the request of Mr. NICKLES, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 473, a bill to amend the Clayton Act to temporarily prohibit hostile corporate takeovers of domestic petroleum corporations.

SENATE JOINT RESOLUTION 1

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. EAGLETON], the Senator from Iowa [Mr. HARKIN], the Senator from Colorado [Mr. HART], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Montana [Mr. MELCHER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maine [Mr. MITCHELL], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 1, a joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons.

SENATE JOINT RESOLUTION 4

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. MCCLURE], the Senator from New York [Mr. MOYNIHAN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Texas [Mr. GRAMM], and the Senator from Mississippi [Mr. STENNIS] were added as cosponsors of Senate Joint Resolution 4, a joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week."

SENATE JOINT RESOLUTION 27

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. EVANS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 27, a joint resolution to designate the week containing March 8, 1985 as "Women's History Week."

SENATE JOINT RESOLUTION 30

At the request of Mr. BOREN, the name of the Senator from Louisiana [Mr. LONG] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution proposing an amendment to the Constitution of the United States to establish a 10-year term of office for Federal judges.

SENATE JOINT RESOLUTION 53

At the request of Mr. DENTON, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nevada [Mr. LAXALT], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to authorize and request the President to designate the month of June 1985 as "Youth Suicide Prevention Month."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. CRANSTON], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Concurrent Resolution 4, a concurrent resolution calling on the President to appoint a special envoy for northern Ireland.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. MOYNIHAN, the names of the Senator from Ilinois [Mr. SIMON], the Senator from Oklahoma [Mr. BOREN], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution to express the sense of the Congress that Josef Mengele should be brought to justice.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. HATCH, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of the Congress that the Job Corps Program is effective and should not be eliminated.

SENATE RESOLUTION 65

At the request of Mr. BUMPERS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Resolution 65, a resolution commending the Soil Conservation Service.

SENATE CONCURRENT RESOLUTION 19—IRISH PEACE, JUSTICE, FREEDOM, AND UNITY DAY

Mr. D'AMATO submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 19

Whereas the United States of America as a pluralist society is deeply conscious of the contributions made by various ethnic groups;

Whereas March 17 is the traditional observance of Saint Patrick's Day when the contributions of the more than forty million Irish Americans to our society are especially acknowledged and appreciated;

Whereas the continuing conflict, violence, injustice and deprivations of human and civil rights in the six counties of Northern Ireland cast a cloud over Saint Patrick's Day in 1985;

Whereas an end to all violence, civilian and official, must be pursued in order for there to be peace in Ireland; and

Whereas a united Ireland achieved through peaceful means should be supported by the United States as being in our best foreign policy interests: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that March 17, 1985, be recognized and observed as "Irish Peace, Justice, Freedom, and Unity Day."

● Mr. D'AMATO. Mr. President, Mrs. Thatcher's recent address to a joint session of Congress, in which she mentioned the problems of Northern Ireland, once again draws our attention to the conflict and violence which has devastated the six northern provinces of Ireland.

While violence has been sporadic since the division of Ireland in 1921, the brutality has reached unprecedented levels since the late 1960's. The streets of Belfast, Londonderry, and other communities in the region have been stained with the blood of thousands of Irish citizens. In fact, over 2,300 men, women, and children have been senselessly killed and another 20,000 have been seriously injured since 1969, the year that British Armed Forces were again stationed in Northern Ireland.

The seeds of hostility in Ulster are deeply rooted in the soil of discrimination. The Catholic minority in Northern Ireland continues to suffer the effects of discrimination in housing, employment, and political representation. This tension has spawned a variety of paramilitary organizations that have, in time, continued the cycle of violence which has included firebombings, vandalism, street clashes, and senseless killings.

These acts of violence have clearly frustrated attempts to resolve hostilities in Northern Ireland. Under these circumstances, little progress can be made toward a peaceful solution.

As a member of the Congressional Committee for Irish Affairs, I strongly encourage all parties to resolve their differences through peaceful means.

There is a unique bond between the United States and Ireland. The Irish have made significant contributions to the growth and development of our Nation. Today, there are more than 43 million Irish-Americans living in the United States. I am certain they share my utmost hope for a peaceful resolution to the problems of the beautiful nation of Ireland.●

SENATE RESOLUTION 80—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 80

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1985, through February 28, 1986, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,732,275, of which amount not to exceed $18,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1986.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED

AFRICAN EMERGENCY FAMINE AND DROUGHT RELIEF

ZORINSKY (AND OTHERS) AMENDMENT NO. 10

Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. PRYOR, Mr. EXON, and Mr. FORD) submitted an amendment intended to be proposed by them to the bill (S. 457) to authorize the President to furnish assistance to alleviate the human suffering in sub-Saharan Africa, and for other purposes; as follows:

AMENDMENT NO. 10

On page 8, after line 16, insert a new title, as follows:

TITLE II—EMERGENCY FARM CREDIT ASSISTANCE

SHORT TITLE

SEC. 201. This title may be cited as the "Emergency Farm Credit Assistance Act of 1985".

FINDINGS AND DECLARATION OF POLICY

SEC. 202. (a) Congress finds that—

(1) agriculture is the Nation's most basic industry, and its associated production, processing, and marketing sectors, together, provide more jobs than any other single industry;

(2) United States agriculture is the world's most productive and the world's largest exporter;

(3) United States agricultural producers are the basic element in the food and fiber system and their ability to make a profit and meet their financial obligations is critical to their remaining in business;

(4) technological developments have greatly increased the capital requirements of agricultural production;

(5) agricultural-related debt has risen from approximately $50,000,000,000 in 1970 to approximately $215,000,000,000 in 1984;

(6) a general decline in the financial condition of producers, as evidenced by increases in the average debt-to-asset ratio and debt-to-equity ratio, threatens the ability of many producers to obtain the credit needed to continue their operations;

(7) it is essential that producers be able to obtain adequate credit at interest rates conducive to debt servicing and profit making; and

(8) the foundation of the Nation's agricultural system will be adversely affected if producers are unable to obtain a return on their investment that enables them to service their debt and continue their operations.

(b) It is hereby declared to be the policy of Congress to take such steps as may be necessary to enable United States agricultural producers to obtain adequate credit at interest rates conducive to debt servicing and profit making so as to ensure the Nation of an adequate and dependable supply of food and fiber at reasonable prices.

IMPROVEMENTS IN THE PROCESSING OF APPLICATIONS FOR FARMERS HOME ADMINISTRATION LOANS

SEC. 203. (a) Congress finds that—

(1) persistently low farm income (due in part to weak export demand), high interest rates, and declining farmland values have created severe financial stress for many farmers;

(2) many financially-stressed farmers have turned to the Farmers Home Administration for assistance (including insured loans, loan guarantees, deferral of loan payments, and restructuring of debt) in coping with their credit-related problems; and

(3) it is essential for the national welfare that farmers' requests to the Farmers Home Administration for assistance be processed as expeditiously as possible, especially in light of the need of many farmers to resolve their credit problems in a timely manner to be able to plant and cultivate the 1985 crops.

(b) The Secretary of Agriculture shall immediately take steps—using authorities of law provided by the Secretary, including the Agricultural Credit Insurance Fund and the employment procedures used in connection with the emergency disaster loan program—to make personnel and other resources of the Department of Agriculture available to the Farmers Home Administration sufficient to enable the Farmers Home Administration to process applications from farmers for assistance expeditiously and in a timely manner with respect to farm operations relating to the planting and cultivation of the 1985 crops. In this connection, the Farmers Home Administration shall assign personnel to work overtime, including weekends and nights, to process loans and loan applications where necessary to meet the processing time schedules set by Congress or the Farmers Home Administration. The Secretary shall hire additional temporary employees (in addition to those authorized to be hired on February 19, 1985) to meet processing schedules, and shall assign such temporary employees to States (other than those receiving temporary employees under the February 19, 1985, authorization) in proportion to the total number of unprocessed applications on the date of enactment of this title.

COOPERATIVE INTEREST BUY-DOWN PROGRAM

SEC. 204. Effective for the period beginning on the date of enactment of this Act and ending September 30, 1985, the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new section 350 as follows:

"COOPERATIVE INTEREST BUY-DOWN PROGRAM

"SEC. 350. (a) To assist farmers and ranchers whose debts are restructured by commercial or cooperative lenders, the Secretary shall establish a program to reduce, for one or more years, the commercial or cooperative interest rate that a borrower would otherwise be required to pay.

"(b) Lenders agreeing to reduce the interest rate they would otherwise charge borrowers would be eligible to receive interest reduction payments from the Secretary, subject to such terms and conditions as may be specified by the Secretary.

"(c) To receive interest reduction payments from the Secretary under this section, lenders must agree to reduce the borrower's interest rate by an amount that is equal to, and in addition to, such interest reduction payments.

"(d) Notwithstanding any other provision of this Act, the Agricultural Credit Insurance Fund established under section 309 of this Act may be used by the Secretary in implementing this section.

"(e) The total amount of funds used by the Secretary in making payments under this section shall not exceed $100,000,000.".

ADDITIONAL LOAN GUARANTEE AUTHORITY

SEC. 205. Section 346 of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new subsection (f) as follows:

"(f) In addition to any amounts heretofore authorized by law for loan guarantees under this Act in fiscal year 1985, there shall be made available to be guaranteed under the Agricultural Credit Insurance Fund $1,850,000,000 for loans under the debt adjustment program for guaranteed operating loans established under section 339 of this title on October 19, 1984, as revised and including the changes set out in the Emergency Farm Credit Assistance Act of 1985, in 1985.".

FMHA DEBT ADJUSTMENT PROGRAM: SPECIAL SET-ASIDES OF FMHA INDEBTEDNESS

SEC. 206. The Consolidated Farm and Rural Development Act is amended by adding at the end thereof a new section 349 as follows:

"SEC. 349. Notwithstanding any other provision of law—

"(a) In implementing the debt adjustment program for guaranteed operating and farm ownership loans established under section 339 of this title on October 19, 1984, as revised, the Secretary—

"(1) shall provide that, for the purposes of the program, a cash flow for a borrower's operation that shows that anticipated cash inflows during a year are 100 per centum of the year's anticipated cash outflows will be considered a positive cash flow;

"(2) shall permit lenders to qualify for a loan guarantee under the program without requiring that lenders cancel any portion of the total principal or interest outstanding on the existing indebtedness owed by the borrower; and

"(3) shall make guarantees available for up to 90 per centum of the principal and interest indebtedness on each loan guaranteed under the program.

"(b) In implementing the program for special set-asides of a portion of the indebtedness under Farmers Home Administration farmer program loans established under section 339 of this title on October 19, 1984, the Secretary shall provide that, for the purposes of the program, if a farm and home plan for the typical year shows a balance available of 100 per centum of the amount needed to pay all the year's debts due, including tax liability, the borrower will be considered to have a positive cash-flow projection. However, individual borrowers may elect to base their applications for assistance on a cash-flow projection of 110 percent."

CAUTION AND RESTRAINT IN ADVERSELY CLASSIFYING LOANS MADE TO FARMERS AND RANCHERS

SEC. 207. (a) Congress finds that—

(1) high agricultural production costs, low prices for some commodities, and declining farmland values have combined to greatly reduce the income of many agricultural producers and to subject these producers, through no fault of their own, to severe economic hardship and, in many cases, to temporarily impair the ability of such producers to meet loan repayment schedules in a timely fashion;

(2) a policy of adverse classification of agricultural loans—that is, designating such loans as problem loans—by Federal bank examiners under these circumstances could trigger a wave of farm foreclosures and similar actions that would depress land values and the value of agricultural facilities and equipment; and

(3) liquidations of agricultural assets on a broad scale would have a devastating effect on farmers and the banking industry, and on rural United States in general.

(b) Notwithstanding any other provision of law, to guard against improper and untimely liquidations of agricultural assets, the Federal bank regulatory agencies shall ensure that examiners, in carrying out their duties, exercise caution and restraint in making adverse classifications with respect to agricultural loans. Examiners shall give due consideration not only to the current cash-flow of agricultural borrowers under financial stress, but also to factors such as loan collateral and ultimate repayment ability. Further, regulatory agencies shall continue this policy for so long as the condition of the agricultural economy and the effects of natural disasters temporarily impair the ability of agricultural borrowers to meet scheduled loan repayments.

(c) Not later than ninety days after the enactment of this title, the Chairman of the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Chairman of the Board of Governors of the Federal Reserve Board shall report to Congress on the actions they have taken to implement this section.

(d) Federal and State financial regulatory agencies shall ensure that examiners, in carrying out their duties, refrain from making adverse classifications with respect to agricultural loans that are restructured under the debt adjustment program established on October 19, 1984, under section 339 of the Consolidated Farm and Rural Development Act, as revised, including the changes set out in this title.

PROTECTION OF FARM CREDIT SYSTEM BORROWER CAPITAL

SEC. 208. (a) The Farm Credit Administration shall conduct a study regarding the need for establishment of a fund to be used to insure System institutions against losses on loans or for any other purpose that would assist in stabilizing the financial condition of the Farm Credit System and provide for the protection of borrower capital. In conducting the study, the Farm Credit Administration shall consider the advisability of using the revolving funds provided for in section 4.1 of the Farm Credit Act of 1971 to provide startup capital for any insurance fund and estimate the amount and level of future assessments for System institutions that would be necessary to ensure the long-term liquidity of such an insurance fund.

(b) The Farm Credit Administration shall submit a report containing the results of the study required by this section to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry not later than one hundred and eighty days after the enactment of this Act.

SMALL BUSINESS ADMINISTRATION DEBT ADJUSTMENT PROGRAM

SEC. 209. For the purpose of assisting financially stressed farmers and ranchers, it is the sense of Congress that—to the maximum extent practicable and consistent with existing law—the Small Business Administration should establish a debt adjustment program comparable to the Farmers Home Administration's debt adjustment program established on October 19, 1984, under section 339 of the Consolidated Farm and Rural Development Act, as revised, including the changes set out in this title.

REGULATIONS

SEC. 210. Notwithstanding any other provision of law, the Secretary of Agriculture shall issue or amend regulations to implement the provisions of sections 203, 204, and 206 of this title as soon as practicable, but not later than fifteen days after the date of enactment of this title.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold an oversight hearing on the fiscal year 1985 budget request on Indian programs on February 27, 1985, commencing at 10 a.m., in room 538 of the Dirksen Senate Office Building. The committee will receive testimony from the Department of the Interior, the Department of Health and Human Services, the Department of Education, and the Department of Housing and Urban Development. Those wishing to testify should contact Peter Taylor, staff director, at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, February 25, 1985, in closed session, to receive testimony on the strategic doctrine,

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, February 25, to hold a hearing on United States Soviet relations and arms control.

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

ADDITIONAL STATEMENTS

ANNIVERSARY OF ESTONIAN INDEPENDENCE

● Mr. DIXON. Mr. President, February 24 was the 67th anniversary of the proclamation of Estonian independence. It is an occasion for us to rededicate ourselves to the struggle for a truly free Estonia.

After the First World War, Estonians founded an independent state. They defended it valiantly when it was attacked in 1920 by the Soviet Union and again in the 1940's when it was invaded by foreign armies.

The ancient culture of Estonia flowered for a generation between the world wars. Self-government brought rapid economic development and a pluralism that embraced ethnic and religious diversity.

Since the end of the Second World War, Estonia has been incorporated into the Soviet Union by force. Its language and culture have been denigrated. Russian has become the official language there. Worst of all, the Soviets have tried to suppress the free exercise of religion by closing churches and imprisoning religious men and women.

Let us not forget the tens of thousands of Estonians who, fleeing Soviet domination, emigrated to the United States. They have contributed to our country in countless ways. Once again, in an atmosphere of freedom and toleration, their ancient culture flourishes and it enriches all Americans.

Today, I reaffirm my solidarity with Estonian Americans and with the embattled Estonians who are subject by force to the Soviet Government. I support the right of Estonia to autonomy and sovereignty and I urge this Nation to continue to withhold diplomatic recognition of the Soviet incorporation of Estonia.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annex referred to in one of the covering letters is available to Senators in the office of the Committee on Foreign Relations, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 15, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-02. This notification replaces Transmittal No. 83-23 and concerns the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $250 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General USAF, Director.

Attachments.

[Transmittal No. 85-02]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major defense equipment [1] 0; other, $250 million; total, $250 million.

(iii) Description of Articles or Services Offered: Six hundred twenty-nine Mark 12, Mode 4 commercial equivalent "Identification Friend or Foe" systems with installation, spare parts for three years, support equipment, related logistics support, contractor maintenance, training, and a platform survey to determine system requirements.

(iv) Military Department: Air Force (DFB).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Included in report for quarter ending March 31, 1983.

(viii) Date Report Delivered to Congress: February 15, 1985.

POLICY JUSTIFICATION

SAUDI ARABIA—MARK 12, MODE 4 "IDENTIFICATION FRIEND OR FOE" SYSTEM

The Government of Saudi Arabia has requested the purchase of 629 Mark 12, Mode 4 commercial equivalent "Identification Friend or Foe" (IFF) systems with installation, spare parts for three years, support equipment, related logistics support, contractor maintenance, training, and a platform survey to determine system requirements at an estimated cost of $250 million.

This sale will contribute significantly to U.S. foreign policy and national security objectives by helping to increase the security of a friendly country of vital interest to the United States. By enhancing Saudi Arabia's ability to discriminate between friendly and hostile aircraft, the sale also will reduce the possibility of an inadvertent major power confrontation in the region.

This sale will provide the Saudi Arabian military with an upgraded identification capability and improve the overall air defense system within the country. The IFF system will be integrated into air, sea, and ground defense systems to provide identification of friendly aircraft within the Saudi Arabian airspace. The purchase includes 372 systems for the Royal Saudi Air Force, 196 for the Saudi Arabian Air Defense Command, and 61 for the Royal Saudi Naval Forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Teledyne Corporation of Los Angeles, California.

Implementation of this sale may require the assignment of additional U.S. Government or contractor personnel to Saudi Arabia at the time of delivery and installation of the IFF system.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

[1] As defined in Section 47(6) of the Arms Export Control Act.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 15, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-17 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the United Arab Emirates for defense articles and services estimated to cost $21 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

Attachments.

[Transmittal No. 85-17]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: United Arab Emirates.

(ii) Total Estimated Value: Major defense equipment,[1] $17 million; other, $4 million; total, $21 million.

(iii) Description of Articles or Services Offered: A quantity of 45 MIM-23B HAWK missiles with applicable publications.

(iv) Military Department: Army (UBR).

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Included in report for quarter ending June 30, 1981.

(viii) Date Report Delivered to Congress: February 15, 1985.

[1] As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

UNITED ARAB EMIRATES—HAWK MISSILES

The Government of the United Arabl Emirates (UAE) has requested the purchase of a quantity of 45 MIM-23B HAWK missiles with applicable publications at an estimated cost of $21 million.

This sale will contribute to the foreign policy and national security objectives of the United States by enhancing the ability of the UAE to provide for its own defense. A strong and independent UAE, that is able to defend itself, contributes to the stability of the Middle East. Enhancement of the UAE's defensive capabilities will be an important contribution to mutual interests in the region.

The sale of these HAWK missiles will enable the UAE to respond to hostile aircraft threats upon its sovereign territory with organic air defense forces. This need was validated in the Air Defense Requirements Survey of the UAE conducted by the U.S. Government in 1980. These missiles will replace previously procured missiles which will be expended in training exercises.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Corporation of Andover, Massachusetts.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the United Arabl Emirates.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

SOVIET HARASSMENT OF JEWISH ACTIVISTS AND DISSIDENTS

● Mr. SARBANES. Mr. President, recent months have seen a revived campaign by the Soviet Government to harass Jewish activists and dissidents. A new wave of arrests and persecution has accompanied the lowest level of Jewish emigration in 14 years—a total of only 896 persons in 1984. Two articles which appeared in the New York Times a short time ago comment very eloquently on this disturbing trend, and I ask that they be printed in the RECORD:

The articles follow:

[From the New York Times, Feb. 14, 1985]

CRIME AND PUNISHMENT—THE ORDEAL OF A QUIET SOVIET JEW

(By Anthony Lewis)

BOSTON—He is a computer programmer, 32 years old, described by a friend as "a quiet, contemplative, unobtrusive man." An unlikely person, one might think, to be treated as a threat to the state. But Aleksandr Kholmyansky is a Soviet Jew who cared about his Jewish heritage. His story is instructive.

He lived in Moscow. Last summer he took a trip to the Baltic, to the Soviet republic of Estonia.

On July 25 he was arrested and charged with stepping on flowers in a public park. He was tried and convicted of that offense and sentenced to 10 days in jail.

But he was not released after 10 days. He was held for investigation on the general charge of "hooliganism," including tampering with a mailbox.

In August, police searched the Moscow apartments of five friends of Mr. Kholmyansky's—all, like him, students of Hebrew. The police seized Hebrew books and teaching materials.

On Aug. 29, three officials and a number of policemen searched Mr. Kholmyansky's Moscow apartment, which he shared with his parents. His mother said in a letter that the officials "found" under a cupboard "some items that were not there before the search, including a revolver and bullets." As soon as they made their "discovery," they "stopped the search and left in a hurry."

On Feb. 1, in the Estonian town of Voru, Mr. Kholmyansky was convicted of illegally possessing ammunition and sentenced to 18 months in a labor camp. He was also fined 100 rubles for tampering with a mailbox.

That chronology would be funny if it were not so grim. The feeblest school of secret-police tactics should be able to come up with more convincing imitations of legality than planted guns and charges such as stepping on flowers.

But the real charge, the real point of the crude tactics used against Aleksandr Kholmyansky, is not in doubt. It is part of a new and frightening campaign to suppress Jewish consciousness and culture among the two million or more Soviet Jews.

Mr. Kholmyansky was one of a handful of young Jews who tried to keep alive the teaching of Hebrew. Like the others, he had applied for an exit visa to go to Israel—and since that application, in 1978, suffered much harassment. A visitor to Moscow who met him in 1982 summed up the case as follows:

"He is being made an example of because he had the curiosity to learn Hebrew, the courage to teach it and the audacity to request emigration to Israel."

Many other Hebrew teachers have been arrested in the last year. Yakov Levin of Odessa got three years for defaming the Soviet state. Yakov Mesh of Odessa was arrested for refusing to testify in the Levin trial, so severely beaten that he suffered liver damage, then released in ill health. Yosef Berenshtein of Kiev was sentenced to four years for resisting arrest and has lost an eye after a beating in prison.

Zakhar Zunshain of Riga was sentenced to three years for defaming the state, Aleksandr Cherniak of Kiev to four years for embezzlement, Mark Nepomniashchy to three years for defaming the state, Yuli Edelshtein to three years on a charge of possessing opium.

The indications are of a new turn in Soviet policy. In recent years the authorities have cut Jewish emigration to a trickle. Last year only 896 visas were given, down from a high of 51,000 in 1979. The plight of those who have applied and been turned down—the refuseniks who live in a limbo, without proper jobs, in danger of police oppression—has intensified.

The brutal campaign against Hebrew teachers have even more sinister overtones. It suggests that the authorities want to stifle all Jewish tradition. At the same time there has been a rise in anti-Semitic commentary, including a Tass article last month claiming that "Zionists" helped the Nazis come to power.

One last word on Aleksandr Kholmyansky: He reportedly began a hunger strike last Sept. 13. There is no word of his ending it; the authorities may be force-feeding him.

What can we in the West do about all this? Our power to influence the Soviet state toward humanity is limited, as we have sadly learned. But we can make clear that we know, that we care, that we will not forget.

Soviet officials must understand the price of such behavior. Whatever arrangements the Soviet administration or any U.S. government may try to make with the Soviet Union—arms control agreements, trade—depend in the end on support in Congress and among the American people. Persecution of the kind now going on is a sure way to destroy the possibility of that support.

[From the New York Times, Feb. 14, 1985]

THE PARASITE, BY A MODERN KAFKA

The bureaucratic double bind: it's a game rigged so that officials always win. Here is a classic instance, drawn not from history but from the Soviet Union today. It concerns an outstanding Soviet mathematician, Evgeni Lein.

Under Soviet law, everybody must work or face a prison sentence for "parasitism." But since the state controls employment, it has the power to turn any citizen into a "parasite," which is Mr. Lein's likely fate. He has been unable to obtain even a menial job before a 90-day deadline expires today.

Mr. Lein's real crime is sadly commonplace. In 1978 he applied for a visa to Israel, and on the same day was fired from his job as a senior researcher at Leningrad State University. Accused, implausibly, of assaulting a militiaman, he was sentenced to a labor camp in Siberia. He was released in 1982—into the terrible limbo where thousands of "refuseniks" are dumped.

The British historian Martin Gilbert, in his moving book, "The Jews of Hope," reports in detail on how the Soviet double bind can become a triple, even quadruple bind. When Mr. Lein was told no computer work was available, he asked for a simple job. The response: "No, you have too good an education." Nonetheless, he finally shamed the state into giving him work as an assistant stoker. The roaring boiler impaired his hearing and he was certified for a disability, yet denied a transfer to quieter work. So he quit, provoking a beating last November by four security policemen who wrenched his right hand to stop his writing protest letters.

There's still another twist. Even if there is no job in Leningrad, there is one in this country. Roosevelt College in Chicago has offered Mr. Lein a job teaching his specialty. He need not be a parasite.

The Helsinki Agreement, which the Soviet Union signed, says, "Everyone has a right to leave any country, including his own." And the Universal Declaration of Human Rights, also signed by Moscow, affirms the right of all "to leave any country, including his own and to return to his country." Yet for a Soviet citizen to invoke either pledge is to risk jail, ostracism, beatings and the stigma of being a "parasite." That is the universal bind for Jew and gentile alike in the Soviet Union.●

TRIBUTE TO RICHARD D. DELAUER

● Mr. NUNN. Mr. President, I would like to pay special tribute today to a senior defense official who left Government at the end of last year to return to private life. From March 1981, to December 1984, Dr. Richard D. DeLauer served with special distinction as Under Secretary of Defense for Research and Engineering [USDRE].

During these years, Dick DeLauer established a reputation for credibility and candor that made him a trusted and valued leader in the formulation of sound, forward-looking defense policies.

As USDRE, Dr. DeLauer served as Secretary Weinberger's principal adviser on scientific and technical matters, basic and applied research, C3I, and atomic energy. In addition, he also served as the Defense Acquisition Executive [DEA], with responsibility for weapons development, testing, evaluation, and acquisition. The citation accompanying the Defense Distinguished Public Service Medal awarded him at his retirement notes, "Dr. DeLauer's tenure as the USDRE and DAE has been marked by significant streamlining of the acquisition process; coordination of the budget process with the weapons systems decision-making process; the strengthening of the U.S. industrial base; and the production of critical weapons systems." I ask that this citation be printed in full following my remarks.

In reviewing Dick DeLauer's many contributions to a strong national defense, I want to draw particular attention to his efforts on behalf of improved NATO defense cooperation. As a former top executive with TRW, Dr. DeLauer was able to apply his considerable "firsthand" management experience to establish innovative industry-to-industry arrangements for weapons coproduction programs. Dr. DeLauer also played a significant role in the formulation of the NATO emerging technologies initiative.

Mr. President, it is with a sense of genuine regret that I bid farewell to Dick DeLauer upon his departure from the Pentagon. As the Senate begins its deliberations on the fiscal year 1986 defense budget, his counsel will be greatly missed.

The citation follows:

CITATION TO ACCOMPANY THE AWARD OF THE DEFENSE DISTINGUISHED PUBLIC SERVICE MEDAL TO THE HONORABLE RICHARD D. DELAUER, UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING

For exceptionally distinguished service and outstanding performance of duty as the Under Secretary of Defense for Research and Engineering, from March 1981 to December 1984. Dr. Richard D. DeLauer has been responsible for DOD scientific and technical matters, basic and applied research, environmental services, the development and acquisition of weapon systems, and those responsibilities assigned the Defense Acquisition Executive. Dr. DeLauer's tenure as the USDRE and DAE has been marked by significant streamlining of the acquisition process; coordination of the budget process with the weapon systems decision making process; the strengthening of the U.S. defense industrial base, and the production of critical weapons systems. His understanding of, and cooperation with, our Allies resulted in significant increases in the progress of co-production programs, and significantly assisted formulation of the Emerging Technologies initiative. Dr. DeLauer played a key role in formulation of President Reagan's five point Strategic Modernization Program announced in October 1981, and his oversight of the programs within this initiative has resulted in production of the B-1B Bomber, and Peacekeeper Missile, as well as the upgrading of our C3 capabilities. These accomplishments have significantly contributed to the progress which has been made in the improvement of our force structure. Dr. DeLauer's extensive management experience, scientific and technical knowledge, and common sense approach to issues has enabled him to lend significant support to Administration initiatives in the defense arena. Through his initiative, demonstrated superior performance and achievement, Dr. Richard D. DeLauer had reflected great credit upon himself and the Office of the Secretary of Defense.●

STAR WARS—THE LEAST CONSIDERED VENTURE OF THE NUCLEAR AGE

● Mr. KENNEDY. Mr. President, the New York Times yesterday published a thoughtful editorial analyzing the shifting rationale underlying the administration's Star Wars initiative, a proposal which the Times characterized as "the most farfetched yet least considered venture of the nuclear age." The editorial considers the four basic arguments made in support of star wars, and finds each wanting.

I want to call to my colleagues' attention to one particularly compelling observation in the editorial, in respose to the contention that star wars is harmless in its current form because it is "just research":

There is nothing wrong with modest research that can discourage the Russians from one day finding profit in renouncing the treaty against missile defense; indeed the treaty envisions such research. But no program proclaimed with trumpets from the Oval Office, described as vital and funded with an initial budget of $30 billion, will be "research" in Soviet eyes.

The mere pursuit of such vigorous planning and testing has to make the Kremlin fear a defense that might actually withstand a small attack. The pursuit of this research, in short, would provoke the Russians to pursue their own provocative defense and to rapidly expand their offense to guarantee penetration of any American shield.

Mr. President, I comment this important editorial to my colleagues and ask that it be printed in full in the RECORD.

The editorial follows:

[From the New York Times, Feb. 24, 1985]

IT'S STILL STAR WARS

President Reagan has a wish about "Star Wars," the new missile defense system to which he gave his energetic blessing two years ago without any public debate whatsoever. "I wish whoever coined that phrase would take it back again because it gives a false impression of what it is we're talking about." And so William Safire reports in proposing a rename-it contest in today's Times Magazine, the Administration is obessed with the research for a name that can make this radical weapons program palatable.

The problem with Star Wars, however, is not semantic. It's conceptual.

The President and his aides have been selling Star Wars on four different, incompatible grounds: (1) It is the only moral defense in the nuclear age. (2) It is only research for our grandchildren. (3) It will soon be useful, indeed indispensable, even if imperfect. (4) It is a proven stimulus to arms control.

All four arguments fail, even the moral one, because a Star Wars defense becomes moral only when it becomes practical. Yet merely pursuing it looks to be highly dangerous.

1. IT'S THE MORAL WAY TO PREVENT NUCLEAR WAR

Mr. Reagan offered one noble rationale when he sprang Star Wars in March 1983. He said he wanted to rise above the ugly reality of defending the United States by threatening the existence of all life on earth. He was therefore ordering the preparation of a foreseeable missile defense that would make the nation and its allies invulnerable, eventually rendering in nuclear weapons useless and dispensable.

The President recognized even then that any defense, it paired with an offense, would be highly provoactive to the Soviet Union, leaving it alone in danger of devastation. But Americans are not aggressive, he said. Besides, once the defense is completed in 20 or 30 years, America would probably offer it to the Russains if they agreed to scrap most nuclear weapons.

When the experts caught their breath, they proved even to the Pentagon's satisfaction that a leakproof, Berlin-to-Tokyo, all-cities defense is impossible. And even if it became possible one day, it would be so horrendously expensive that the Russians could easily damage, destroy or elude the defense at a fraction of the cost.

2. DON'T GET EXCITED, IT'S JUST RESEARCH

So the Reagan loyalists who found it impossible to support the vision of an all-cities defense retreated to a new line. They concede it's a pipe dream to think there will ever be a better defense for New York than the certain threat of destroying Moscow, and vice versa. And they're satisfied that this certainty will last into their grandchildren's lifetimes. But what's wrong, they ask, with a lively search for alternatives?

There is nothing wrong with modest research that can discourage the Russians from one day finding profit in renouncing the treaty against missile defense; indeed the treaty envisions such research. But no program proclaimed with trumpets from the Oval Office, described as vital and funded with an initial budget of $30 billion, will be "research" in Soviet eyes.

The mere pursuit of such vigorous planning and testing has to make the Kremlin fear a defense that might actually withstand a small attack. The pursuit of this research, in short, would provoke the Russians to pursue their own provocative defense and to rapidly expand their offense to guarantee penetration of any American shield.

3. WELL, NOT JUST RESEARCH; WE DO NEED IT NOW

Not just research is what another wing of the Administration argues. These officials don't doubt that deterrence works, either. In fact they say they need Star Wars to *preserve* deterrence.

What if the Russians keep building those big and accurate missiles, they ask, one day

gaining the capacity to use only some of their missiles to knock out all our land missiles and command centers in a single attack?

We would still have all our missile submarines, but they're hard to communicate with, it is said. We'd have bombers and cruise missiles galore, but they're slow and most effective against cities. No Russian leader would be crazy enough actually to order such a surprise attack, these strategists concede. But a Soviet leader might *threaten* one, as a way of trying to exact impossible demands. And a wobbly future President might capitulate to the blackmail, believing that his only alternative was to attack Moscow—thus also dooming New York.

That is the far-fetched and unexamined theory that seems now to be really driving Star Wars. It is the old, discredited "window-down of vulnerability" argument, dressed up with drapes and valances. Star Wars at best is a scheme to defend land missiles, not people. It may also be an unacknowledge scheme to make America the one that can threaten a surprise attack and reap the *benefits* of "nuclear blackmail."

Well, what's wrong with that? One thing wrong is the calculation that the Russians could not keep up with America's defense technology. They surely would, at all costs, and would also build a sure-to-overwhelm offense. And that would drive us into an even more panicky weapons buildup.

Some defense can conceivably bolster deterrence, but only after offenses are shrunken and frozen. And that requires coordinating with the Russians at the outset, not after they start building their own Star Wars. Meanwhile, there are vastly cheaper and less provocative ways to allay anxiety about vulnerable land missiles. Their warheads could be dispersed among more launchers, and launchers could be made mobile, impossible to find.

4. OH, REALLY, IT'S JUST A BARGAINING CHIP AFTER ALL

When the practical arguments start sounding overwhelming, the entire Reagan team reunites on a fourth justification for Star Wars: arms control. Americans may be unimpressed but the Russians are mightily impressed. Why else did they come back to the bargaining table? Why else do they insist that Star Wars be included in the talks that resume next month?

If that is really a serious question, there is a deadly serious answer. The Russians are indeed alarmed at being forced into a ruinously expensive new arms competition that they know will leave neither side safer and probably make the world riskier than before. They are scared of Star Wars for the same reasons that Americans should be. and they must be desperate to learn whether it can still be stopped at a tolerable price.

Can it? The President says nope, Star Wars is not negotiable. He's committed, no matter what. But if it's not practical to defend cities, not necessary to defend missiles, too grandiose to be just research and not even a bargaining chip, what is it? Whatever the President may call it, it's still Star Wars, the most far-fetched yet least considered venture of the nuclear age.●

SOVIET SALT VIOLATIONS

● Mr. SYMMS. Mr. President, I submit for the RECORD two press releases and letters signed by myself and two colleagues on Soviet SALT violations. I also submit another series of letters to be printed in the RECORD.

These materials relate to the important subject of Soviet SALT violations, and I want my distinguished colleague to have these materials available for reference and consideration.

The material follows:

SYMMS SAYS WHITE HOUSE TO REPORT 19 MORE SOVIET ARMS VIOLATIONS

WASHINGTON.—Senator Steve Symms said today that the National Security Council assured Congressional leaders at the White House on Friday that President Reagan will report on 19 more Soviet arms control treaty violations.

The Soviet violations will be in a Presidential Report to Congress, now promised for delivery on Feb. 1.

On Friday, Jan. 4, Symms was joined by Senators Jesse Helms and John East (R-NC) in writing a letter to the president requesting Secretary of State George Shultz to confront Soviet Foreign Minister Andrei Gromyko on Soviet arms control violations. Adding to his statement, Symms said today:

"I am very pleased that Secretary of State Shultz did raise the issue of Soviet violations. Ambassador Ed Rowny confirmed on national television last night that the violations were in fact discussed with the Soviets in Geneva as we requested in our last letter to the President. Former National Security Advisor Brent Scowcroft also concluded on national television that the Soviet violations have now indeed becomes a serious problem for the U.S.; and that the U.S. would have to study possible countermeasures in retaliation if the Soviet refused to end their violations."

The Symms, Helms and East letter to the President stated:

"We commend you for the two reports which you sent to the Senate last year detailing Soviet arms control treaty violations. The first of these was your report of Jan. 23, 1984; the second was the report of the Presidential General Advisory Commission (the so-called GAC Report) which you transmitted on Oct. 10, 1984. Between the two of these reports, you sent notice to Congress of 21 specific Soviet violations confirmed by the Administration.

"Important as these two reports were, we nevertheless believe that there are at least 43 further Soviet SALT violations widely reported in the press which have yet to be confirmed by the Administration.

"We urge you to include in your Feb. 1 report a complete analysis and conclusions with regard to each of the 43 specific and long-standing compliance issues. We feel that the omission of even one of these issues would not be in accord with the McClure-Helms-Symms Amendment, which passed the Senate unanimously on Sept. 22, 1983, on a roll call vote."

Senators Symms, Helms, and East added that a full Presidential report on Soviet arms control violations "would be in accord with the expressed desires of the American people. For many years, public opinion polls have shown that the overwhelming majority of our citizens are convinced already that the Soviets have been violating the arms control treaties."

The 19 violations that will appear in the Feb. 1 Presidential Report to Congress are slightly less than half of the 43 outstanding violations remaining to be reported. The 19 new violations to be reported by the President on Feb. 1 will probably include the following:

1. THE U.S. UNILATERAL DISARMAMENT UNDER SALT I

Soviet failure to deactivate more than 500 strategic nuclear delivery vehicles, in order to come down to the SALT II level of 2,250. The Carter Administration claimed this deactivation to be the *principal* U.S. military benefit from SALT II. This is the most obvious and the most militarily significant Soviet SALT II violation, yet it has never been reported to Congress in two successive Presidential violations reports. The Soviets are not adhering to or abiding by the SALT II Treaty, and they are showing no restraint. Hence they are undercutting it.

2. THE KENNEDY-KHRUSHCHEV VIOLATIONS

Soviet violations of the 1962 Kennedy-Khrushchev Agreement by deployment of offensive nuclear delivery capable weapons in Cuba with *twice* the capability of the missiles and bombers there in 1962. President Reagan himself publicly accused the Soviets of violating the Kennedy-Khrushchev Agreement *twice*, and he was backed up by the Undersecretary of Defense, the CIA Director, and Chairman of the Joint Chiefs of Staff. Even the State Department concedes that on several occasions, the Soviets have violated the "spirit" of the Kennedy-Khrushchev Agreement.

3. SOVIET TRANCENDENCE OF MX

Deployment of 14 warheads on each SS-18, when SALT II allows only 10. This has allowed the Soviets to add more than 2,200 warheads to their Intercontinental Ballistic Missile (ICBM) force during 1984 along, which is more than three times the number of warheads the MX will add to the U.S. ICBM force between 1987 and 1990—if MX is ever deployed. This has resulted in a Soviet ICBM force carrying more than 8,500 warheads, a 4-to-1 numerical advantage over the U.S., and a 6-to-1 superiority, considering Soviet accuracy and megatonnage advantages.

4. ICBM RAPID RELOAD AND REFIRE

Soviet development, testing and exercising the SS-18 ICBM rapid reload and refire capability, to include stockpiling extra missiles and ground support equipment near launch sites, in violation of SALT II's prohibition on ICBM rapid reload capability. Indeed, the Soviets have even given their hot-launched SS-11 and SS-19 ICBMs a refire capability, in addition to their cold-launched SS-17.

5. SOVIET ANTI-BALLISTIC MISSILE (ABM) RELOAD AND REFIRE

Soviet development, testing and deploying of an ABM rapid reload and refire capability, prohibited by the SALT I ABM Treaty.

6. NATIONWIDE ABM DEFENSE BREAKOUT

Soviet testing of Surface-to-Air-Missiles (SAMs) in a prohibited mode—SAM-5, SAM-10 and SAM-12. Former Defense Secretary Melvin Laird and Former Secretary of State Henry Kissinger have both charged this as a violation of the SALT I ABM Treaty. The Soviets are thus preparing for deployment of a nationwide ABM defense, involving ABM Battle Management Radars, plus ABM-mode mobile SAM interceptors and ABM-3 mobile radars, in violation of the SALT I ABM Treaty.

7. SOVIETS INCREASE THE RISK OF NUCLEAR WAR

Soviet violation of the 1971 Agreement to Prevent the Risk of Nuclear War, by jamming U.S. intelligence and early warning systems and failing to notify the U.S. of this

jamming. As the 1984 edition of *Soviet Military Power* states on Page 35: "The Soviets also have the technological capability to conduct electronic warfare against space systems."

"They are doing this," Symms said. "These are acts of electronic warfare in space, and at the very least, should inhibit progress in further arms-control negotiations until the jamming stops."

8. SOVIET BACKFIRE BOMBER EXCESS PRODUCTION

As Undersecretary of Defense Richard DeLauer has testified, production of 35 Backfire Bombers per year for several years, violates Brezhnev's SALT II commitment not to produce more than 30 per year. The late Soviet Premier Kosygin told U.S. Senators on Aug. 20, 1979, that this would be a violation, and that the U.S. could abrogate SALT II if the Soviets did this.

9. ARCTIC BASING OF THE BACKFIRE BOMBER

This basing violates an integral part of SALT II, in which the Soviets pledged that they would not give Backfire an intercontinental radius capability.

10. SOVIET HEAVY SLBMS

Testing and preparation to deploy the SS-NX-23, a heavy Submarine-Launched Ballistic Missile (SLBM) in violation of SALT II's prohibition on heavy SLBMs. Even the Joint Chiefs of Staff believe that this is a Soviet SALT II violation.

11. SOVIETS VIOLATE FIRST STRATEGIC AGREEMENT

Repeated Soviet violations of the 1963 Limited Test Ban Treaty since 1965, continuing through the present. The 1984 venting level was as high as the 1965 venting level.

12. SOVIET SUBMARINE VIOLATIONS

Constructing "Stretch Y-Class" submarines with illegal missile bay sections, which are even longer than the original ballistic missile bay sections; and which have illegal missile tubes penetrating the pressure hull for a prohibited type of long-range supersonic Submarine-Launched Cruise Missile (SLCM). This is a very dangerous Soviet violation of the SALT I Interim Agreement and the 1974 agreed SALT dismantling procedures: it greatly increases the surprise attack threat to U.S. bomber forces.

13. SOVIETS DEVELOP POWERFUL NEW WARHEADS

Additional and recent Soviet violations of the Threshold Test Ban Treaty (TTBT) yield limit of 150 kilotons, such as one on Oct. 27, 1984, and one on Dec. 16, 1984. Another Soviet underground test registering 7.2 on the Richter scale was reported in late December. While the Jan. 23, 1984, Presidential Report listed Soviet violations of TTBT as "likely," this more recent violations provide more evidence allowing a stronger judgment.

14. SOVIET STOCKPILED ICBMS

Maintaining several thousand Soviet stockpiled ICBMs, SLBMs, and SLCMs, and thus circumventing all SALT II ceilings. The Soviets have made preparations not only to rapidly reload ICBM silos, but also to rapidly reload SLBM and SLCM submarines after firing their missiles at sea.

15. SOVIET CAPABILITY FOR NUCLEAR WEAPONS IN SPACE

Keeping 18 SS-9 Fractional Orbital Bombardment (FOBs) ICBMs operational at a test range, in circumvention of the SALT I Interim Agreement constraint on ICBM launchers and prohibition of operational launchers at test ranges. Even the Carter Administration conceded this SALT I violation in its analysis of the SALT II Treaty. This deployment also circumvents the 1967 U.S.-Soviet Treaty banning the orbiting of nuclear weapons in outer space. Moreover, these 18 SS-9 FOBS violate the SALT II Treaty, because they were systems banned by SALT II, and the Soviets agreed to dismantle them.

16. COVERT SOFT LAUNCH ICBMS

Deploying old stockpiled SS-11 ICBMs at Medium Range Ballistic Missile (MRBM) and Intermediate Range Ballistic Missiles (IRBM) soft sites for covert soft launch, in circumvention of SALT I and SALT II ceilings. This was one of the GAC Report's "suspicious events," and it is an important Soviet violation.

17. SOVIET CAMOUFLAGE, CONCEALMENT AND DECEPTION

Increasing Soviet use of large-scale and deliberate strategic camouflage, concealment, and deception, including telemetry encryption and jamming of U.S. telemetry collection capabilities. The Soviet use of submarine berthing tunnels to hide their SLBM submarines is a violation of both SALT I and II impeding verification. Moreover, Soviet flight-testing of their SS-24, SS-25 at *night* with mobile launchers continuously concealed by camouflage violates the SALT II provision that the U.S. must be able to determine the relationship between a new missile and its launcher

18. SOVIET VIOLATION OF PRINCIPLES OF U.S.-SOVIET RELATIONS

Soviet achievement of "unilateral advantages" through their circumvention and violations of SALT I and II. These unilateral advantages violate the 1972 Agreement on Basic Principles of U.S.-Soviet Relations, which is mentioned in the Preamble to the SALT II Treaty as a fundamental element of SALT II.

19. SOVIET SS-20 VIOLATIONS

Soviet deployment of the SS-20, having ICBM-range capability, as a circumvention of both the SALT I and SALT II ceilings on ICBM launchers. In addition, the Soviets falsified their Data Exchange by not including all their SS-20s as ICBMs. Moreover, in early April, 1984, the Soviets launched several SS-20s on a trajectory aimed at the U.S. They failed to notify the U.S. of this launch, which is another violation of the 1971 agreement on the prevention of the risk of nuclear war.

U.S. SENATE,
Washington, DC, January 10, 1985.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am very pleased that on February 1, 1985, you will be reporting to Congress on 19 more Soviet arms control violations. Enclosed is my recent press release on this subject. I am still hoping, however, that you will be able to report on the full 43 outstandng violations on February 1, 1985, as is mandated by current public law.

With warmest personal regards,
Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In your press conference of January 9, 1985, you were asked whether the U.S. would continue to comply with the unratified SALT II Treaty. You answered:

Well, we have been holding to that and thought it would be helpful in now what we are planning, going forward with (i.e. new negotiations). We have been eliminating some of the older missiles and taking out of service some of the submarines. We will continue on that ground * * * So yes, we feel that we can live within it. Remember, the SALT II is nothing but a limitation on how fast you increase weapons, which is one of the reasons I was in support of a Senate * * * that refused to ratify it.

Mr. President, you have already certified to Congress that the Soviets are violating SALT II in four ways, and Soviet SALT II violations will probably be reported on February 1, 1985. You also stated in your press conference that the Soviets "have a past record of violating agreements." Moreover, the Soviets have added nearly 4,000 ICBM warheads to their forces since SALT II was signed in 1979, some of which violated SALT II limits, while the U.S. has deactivated over 500 warheads.

Mr. President, U.S. unilateral compliance with the unratified SALT II Treaty, in the face of Soviet violations and Breakout, is simply open appeasement. I am therefore compelled to inform you that unless this policy is changed, I will be unable to support MX. Moreover, since the U.S. has complied precisely with the unratified Treaty anyway since 1979, it is our Constitutional duty to seek an early ratification vote on the Treaty we oppose, if only to fulfill the Constitutional requirements. Perhaps it would be interesting to vote on SALT II in the context of Soviet violations and U.S. unilateral compliance and appeasement.

With warmest personal regard,
Sincerely,

STEVE SYMMS.

U.S. SENATE,
Washington, DC, January 10, 1985.

Senator ROBERT DOLE,
The Majority Leader, U.S. Senate, Washington, DC.

DEAR BOB: I am intensely interested in the arms control process, as you know. I noticed that the Senate has recently passed a resolution on arms control negotiations calling for Senate particpation in the process. The President has reportedly consented to allowing a group of Senators to act as advisors to the U.S. Delegation. Accordingly, I request that I be allowed to participate in the group of Senate advisors to the arms control talks.

I thank you for your consideration of my request and am hopeful of its favorable resolution.

With warm personal regards,
Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

Hon. PETE DOMENICI,
Chairman, Budget Committee, U.S. Senate, Washington, DC.

DEAR PETE: I hereby request that urgent hearings be scheduled during February in the Budget Committee on the subject of the

military and budgetary implications of the 21 Soviet violations of arms control treaties now confirmed by President Reagan.

I thank you in advance for your favorable response to this top priority problem.

With warm personal regards,

Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

Hon. RICHARD LUGAR,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR DICK: I hereby request that urgent hearings be scheduled during February in the Foreign Relations Committee on the subject of the military and budgetary implications of the 21 Soviet violations of arms control treaties now confirmed by President Reagan.

I thank you in advance for your favorable response to this top priority problem.

With warm personal regards,

Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

Hon. BARRY GOLDWATER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR BARRY: I hereby request that urgent hearings be scheduled during February in the Armed Services Committee on the subject of the military and budgetary implications of the 21 Soviet violations of arms control treaties now confirmed by President Reagan.

I thank you in advance for your favorable response to this top priority problem.

With warm personal regards,

Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

Hon. TED STEVENS,
Chairman, Defense Appropriations Committee, U.S. Senate, Washington, DC.

DEAR TED: I hereby request that urgent hearings be scheduled during February in the Defense Appropriations Committee on the subject of the military and budgetary implications of the 21 Soviet violations of arms control treaties now confirmed by President Reagan.

I thank you in advance for your favorable response to this top priority problem.

With warm personal regards,

Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

Hon. CASPAR WEINBERGER,
Secretary, Department of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We are eagerly awaiting publication of the fourth edition of Soviet Military Power in March 1985. We believe that it will be vitally important in our deliberations on the defense budget, and our ability to support your programs, especially the vital strategic modernization program.

Since April 1984, when the third edition of Soviet Military Power appeared, the President has issued a Second Presidential Report to Congress on Soviet arms control violations on October 10, 1984. The President has also stated twice in press conferences that there have been serious Soviet arms control violations. Hence, there has been a fundamental top level change in attitude on Soviet compliance behavior, and this should be reflected in the fourth edition of Soviet Military Power.

Two important examples should be pointed out. First, there are credible press reports that the Soviets now have 8,500 warheads on their ICBM force alone. They have achieved this total by deploying fourteen warheads on each SS-18 despite the fact that SALT II allows only ten. This total should be reflected in the new edition. Second, there are credible press reports that the Soviets are producing more than thirty Backfire bombers per year, in violation of SALT II. This too should be reflected in the new edition.

There are many other compliance related threat facts like these which should be honestly treated. We look forward to seeing the new edition of Soviet Military Power, which we hope to use to build support for your defense programs.

With warmest personal regards,

Sincerely,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, DC, January 10, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Thank you for asking the State Department to respond to my November 16, 1984 letter. I received a response from them on January 7, 1985, classified Secret.

I now have another unclassified question. American analyses of Soviet military doctrine (reported in open sources) indicate that the Soviets would be most likely to initiate nuclear war from a readiness exercise or from a crisis in which they increased readiness. Therefore, U.S. intelligence collections systems used to monitor Soviet strategic readiness and exercises, some of which might be considered National Technical Means of SALT verification, would also be used as early warning systems. Are the Soviets deliberately jamming or interfering with U.S. intelligence collection systems which are also used to monitor readiness and exercises, and are therefore early warning systems?

With warmest personal regards,

Sincerely,

STEVE SYMMS,
U.S. Senator.

CONSERVATIVES ASK PRESIDENT TO CONFRONT SOVIETS ON ARMS-CONTROL VIOLATIONS

WASHINGTON.—Senator Steve Symms today urged President Ronald Reagan to confront the Soviets in Geneva Monday with evidence of numerous arms-control treaty violations.

In a letter to the President, also signed by Senators John East and Jesse Helms, Symms said "we urge you to have Secretary of State George Shultz impress upon Soviet Foreign Minister Andrei Gromyko in Geneva the necessity of ending Soviet SALT violations as a precondition to serious negotiation." They added that such a diiplomatic confrontation would be in accord with the expressed desires of the American people, because "for many years, public opinion polls have shown that the overwhelming majority of our citizens are convinced already that the Soviets have been violating arms-control treaties."

The Senators believe that straightforward discussion of these matters with the Soviets (and an end to their violations) will be essential to secure the Senate's support for any new Geneva treaty and will strengthen the public's confidence in arms control.

To date, the President has informed Congress of 21 violations. In his letter to the President, Symms has added another 43 other signifcant violations. Symms is also asking for an unclassified analysis of the military implcations of each violation in the President's upcoming arms report to Congress, now scheduled for delivery on Feb. 1.

"The attitude that a cover-up (of Soviet violations) is necessary, as advocated by some professionals with vested interest in the arms-control community is totally wrong," Symms said.

Among the serious violations listed by Symms include the large-scale jamming of electronic telemetry (signals from Soviet missile testing), the construction of a battle-management Anti-Ballasitic Missile Radar, and the illegal deployment of new types of intercontinental Ballistic Missiles. "This translates into a 6-to-1 advantage, considering Soviet accuracy and megatonnage."

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, January 4, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the new Congress convenes, we commend you for the two reports which you sent to the Senate last year detailing Soviet arms control treaty violations. The first of these, of course, was your report of January 23, 1984; the second was the report of the Presidential General Advisory Commission (the so-called GAC Report) which you transmitted on October 10, 1984. Between the two of these reports, you sent notice to Congress of 21 specific Soviet violations confirmed by the Administration.

Important as these two reports were, we nevertheless believe that there are at least 43 further Soviet SALT violations widely reported in the press which have yet to be confirmed by the Administration. These are detailed in an appendix to this letter. Since this would make a total of 64 Soviet violations, we believe that a review of all of the 43 violations ought to be included in your report to Congress which has been announced as forthcoming on February 1 if the meaning and spirit of current law is to be fulfilled.

Indeed, the necessity for a complete and authoritative review of all Soviet arms control violations was clearly underlined by the excellent letter of National Security Advisor Robert McFarlane to the Senate and House Armed Services Committees, dated November 30, 1984, on the status of further reporting on the Soviet SALT violations. It is gratifying that Mr. McFarlane quoted you as saying that we must take Soviet violations "very seriously" because they "call into question important security benefits from arms control and could create new security risks."

Although some have tried to minimize the importance of the GAC Report, Mr. McFarlane evidently does not. It is clear from his letter that the Administration considers both reports of equal authority. Indeed, Mr. McFarlane notes that both of these presidential reports "concluded that the Soviet

Union has, in fact, violated a number of important arms control commitments." In this, he echoes your own statement during your June 14, 1984 press conference that the GAC Report was "a report on out-right violations. . . . Yes, there have been those violations."

Of course, you yourself had commissioned the GAC Report on November 19, 1982. Moreover, the Report itself stated that "many of the compliance issues considered in the report have been reviewed by the U.S. Government." Indeed, the seven items in your January report are also mentioned in the GAC review. When the overlap in coverage of the two reports is taken into consideration, most analysts count at least 21 separate violations.

Mr. President, as you yourself have stated, "compliance with arms control agreements is fundamental to the arms control process." We therefore urge you to have Secretary of State George Shultz press upon Soviet Foreign Minister Andrei Gromyko in Geneva the absolute necessity of ending Soviet SALT violations as a precondition to serious negotiation.

Mr. President, such a course of action would be in accord with the expressed desires of the American people. For many years, public opinion polls have shown that the overwhelming majority of our citizens are convinced already that the Soviets have been violating the arms control treaties. (Copies of these polls are annexed to this letter.)

Moreover, such a course of action would be fully in accord with the promises of the Republican Party. The 1980 Republican Party Platform stated: "We pledge to end the Carter cover-up of Soviet violations of SALT I and II."

The 1984 Republican Party Platform stated: "Carter-Mondale efforts to cover-up Soviet violations of the 1972 Strategic Arms Limitations Agreement and Anti-Ballistic Missile Treaty emboldened the Soviets to strengthen their military posture. We condemn these violations. . . ."

Moreover, there is now important new evidence that this cover-up has interfered with the pursuit of fruitful and equal arms control negotiations. Former Secretary of State Henry Kissinger, the chief architect of detente and SALT in the 1970's, has recently written the following: "There is no doubt that the Soviets have often barely observed the letter of agreements; in some cases, they clearly seem to have violated them." (The Washington Post, December 16, 1984)

Previously, Dr. Kissinger had conceded that Soviet deployment of heavy SS-19 ICBMs to replace light SS-11s was "sharp practice" in SALT I, and that Soviet testing of surface-to-air missiles and radars in an ABM mode was an "actual violation" of the SALT I ABM Treaty. But now Dr. Kissinger has added a highly significant admission: "Successive administrations have been reluctant to make a formal charge of violation lest they undermine the domestic support for negotiation and because they did not know what to do about it."

But now, Mr. President, the cover-up is ending because of your forthright approach to the review of these violations. The attitude that a cover-up is necessary, as advocated by some professionals with vested interests in the arms control community, is totally wrong. On the contrary, we believe that straightforward discussion of these matters with the Soviets as part of the negotiating process will immeasurably strengthen the public's confidence in the arms control negotiations and is essential to securing public support and the Senate's support for any completed treaty.

That is why we urge you to include in your February 1 report a complete analysis and conclusions with regard to each of the 43 specific and long-standing compliance issues which we have annexed to this letter. We feel that the omission of even one of these issues would not be in accord with the McClure-Helms-Symms amendment which passed the Senate unanimously on September 22, 1983 on a 93-0 roll call vote. Moreover, Section 37 of the Arms Control and Disarmament Act (the Derwinski Amendment) requires reports not only on the detection and verification of violations, but also on the verifiability of U.S. and Soviet arms control proposals.

Mr. President, we believe that a forthright approach to Soviet SALT violations with Mr. Gromyko, and a full assessment of the additional 43 Soviet violations in your February 1 report to Congress will immeasurably strengthen U.S. national security and lead to confidence in real reductions of nuclear arms in the world.

Sincerely,

STEVE SYMMS,
JOHN P. EAST,
JESSE HELMS.

ANNEX: UNCLASSIFIED LIST OF 43 UNREPORTED AND UNCONFIRMED SOVIET ARMS CONTROL TREATY VIOLATIONS, IN ORDER OF MILITARY SIGNIFICANCE

THE U.S. UNILATERAL DISARMAMENT UNDER SALT II

1. Soviet failure to deactivate over 500 strategic nuclear delivery vehicles, in order to come down to the SALT II level of 2,250. The Carter Administration claimed this deactivation to be the principal U.S. military benefit from SALT II. This is the most obvious and the most militarily significant Soviet SALT II violation, yet it has never been reported to Congress in two successive Presidential violations reports. Even the London Economist has pointed this out as a clear-cut Soviet SALT II violation. The only way to explain this glaring omission is to postulate that your Administration has reached some secret agreement with the Soviets exempting them from this deactivation. If this is the case, the Senate should have been informed. Such an agreement would be contrary to the Constitution, Section 33 of the Arms Control Act, the Case Act, and the Jackson Amendment requirement for equal levels of forces. At the very least, this Soviet violation negates your Administration's "interim restraint" policy of "not undercutting" and in fact complying precisely with the unratified SALT II Treaty as long as the Soviets show "equal restraint." This Soviet failure to deactivate shows no restraint at all, because while the U.S. has unilaterally deactivated 292 strategic delivery vehicles, counted in SALT II, carrying over 500 warheads, the Soviets have in fact been adding Backfire and Bear H bombers with long range ALCM's, SS-16 mobile ICBM's, and now mobile SS-24 and SS-25 ICBM's, Typhoons, SS-N-18's, SS-N-23's, and even supersonic and other cruise missiles to their forces. Thus the U.S. is engaged in unilateral disarmament in the face of Soviet SALT II break-out.

George Will in The Washington Post of December 30, 1984 precisely described the State Department's appeasement of the Soviets while the U.S. unilaterally complies with SALT II. Will wrote:

Although the SALT II agreement, signed in 1979, will never be ratified, both sides have agreed not to 'undercut' it, including its provision limiting both sides to 2,250 long-range bombers and missiles. The Soviets have never adhered to that limit and in recent weeks have passed 2,500. But a U.S. official eager for continued U.S. unilateral compliance with SALT II, has come forth to say: 'We are not sure that the "no-undercut" provision (sic) is violated if the Soviets do not keep the 2,250 limit on missiles and bombers. It means not complying, but does it mean undercutting? The Soviet Union has a lot of people whose job is to violate agreements, and a lot of people whose job is to try to hide violations, and a third lot whose job is to try to explain away violations that are detected. Do we really need to employ, in the State Department, a lot of people to help with the rationalization by distinguishing the act of 'undercutting' agreements from the act of 'not complying with' agreements?

On June 24, 1982, a top State Department official was asked what the difference was between the Soviets abiding by SALT II or adhering to it. He answered: ". . . if one were to adhere to the treaty we would be requiring the Soviets to now have reduced and continuing to reduce, and we're not requiring that. So we're not requiring that they adhere to the treaty . . . They say they are not bound to it." The Soviets are not adhering to or abiding by SALT II, hence they are undercutting it.

THE KENNEDY-KHRUSHCHEV VIOLATIONS

2. Soviet violations of the 1962 Kennedy-Khrushchev Agreement by deployment of offensive nuclear delivery capable weapons in Cuba with twice the capability of the missiles and bombers there in 1962. This Soviet violation done in the early 1970s was partially reported in the GAC Report, but there is further evidence in the late 1970s and early 1980s. Moreover, this Soviet arms control violation is so important that it should be explicitly and fully treated. Finally, you yourself have publicly accused the Soviets of violating the Kennedy-Khrushchev Agreement twice, and you have been backed up by the Under Secretary of Defense, the CIA Director, and the Chairman of the Joint Chiefs of Staff. Even the State Department concedes that on several occasions, the Soviets have violated the "spirit" of the Kennedy-Khrushchev Agreement. If the Soviets are violating the agreement that ended the Cuban Missile Crisis in 1962, does this mean the U.S. is back into a nuclear crisis with the Soviets?

THE SOVIET VIOLATION OF ALL SALT II CEILINGS

3. Soviet announced intention to violate the 820, 1200, and 1320 SALT II ceilings on MIRVs and long-range ALCMs, and Soviet programmatic preparations to do so before SALT II expires at the end of 1985. These preparations include impending deployment of the MIRVed SS-24 and SS-25 ICBMs in both silo and mobile modes, continued production of Delta III and Typhoon submarines, and production of Backfire and TU-95 Bear H intercontinental bombers with long-range ALCMs. And all Bears should count in the 1320 ceilings, because they can carry the long-range AS-3 Kangaroo. Meanwhile, the U.S. plans to scrap 4 perfectly operational Poseidon submarines in order to comply unilaterally with the SALT II 1200 MIRV ceiling. Again, this is U.S. unilateral disarmament.

Thus the Soviets are violating all the MIRV/ALCM ceilings, in addition to violat-

ing the ceiling of 2,250 on total strategic nuclear delivery vehicles. The Soviets are also violating the Article IV SALT II constraint on developing no more than one new type ICBM, the key constraint of SALT II. In sum, the Soviets have succeeded in converting the SALT II Treaty into a hollow shell, with virtually no constraints on them, while the U.S. has committed itself to precise unilateral compliance with an unratified treaty. The Soviets have added over 200 intercontinental bombers and 200 ICBMs to their forces since 1979, when SALT II was signed, according to official Defense Department data.

SOVIET TRANSCENDENCE OF MX

4. Deploying 14 warheads on each SS-18, when SALT II allows only 10. This has allowed the Soviets to add over 2,200 warheads alone to their ICBM force during the year of 1984 alone, which is over 3 times the number of warheads the MX will add to the U.S. ICBM force between 1987 and 1990, if MX is ever deployed. This has resulted in a Soviet ICBM force carrying over 8,500 warheads, a 4 to 1 numerical advantage over the U.S., and a 6 to 1 advantage considering Soviet accuracy and megatonnage advantages. Meanwhile, the U.S. has reduced the MX payload from 14 warheads to 10, and has reduced MX throw-weight, in order to comply with SALT II. And the U.S. is gratuitously and unilaterally deactivating 54 Titan II ICBMs, one-third of our ICBM megatonnage. Morever, the MX program has been cut in half since the Carter Administration.

5. Soviet developing, testing, and exercising the SS-18 ICBM rapid reload and refire capability, to include stockpiling extra missiles and ground support equipment near launch sites, in violation of SALT II's prohibition on ICBM rapid reload capability. Indeed, the Soviets have even given their hot-launched SS-11 and SS-19 ICBMs a refire capability, in addition to their cold-launched SS-17.

SOVIET ABM BREAKOUT

6. Soviet developing, testing and deploying an ABM rapid reload and refire capability, prohibited by the SALT I ABM Treaty.

7. Soviet preparations for deployment of a nationwide ABM defense, involving ABM Battle Management Radars, plus ABM-mode mobile SAM interceptors and ABM-3 mobile radars, in violation of the SALT I ABM Treaty.

8. Soviet preparations for a second ABM complex defending ICBMs with SAM-5, SAM-10, and SAM-12 ABM interceptors, in the Krasnoyarsk region, in violation of the SALT I ABM Treaty. The Soviets are already circumventing the SALT I ABM Treaty by giving the modernized Moscow ABM system the capability to defend ICBMs.

9. Soviet testing of surface-to-air missiles in a prohibited ABM mode—SAM-5, SAM-10, and SAM-12. Former Defense Secretary Laird charges this is a violation of the SALT I ABM Treaty, and former Secretary of State Kissinger has also conceded that this was a "violation." This should be explicitly reported on, because it was regarded only as a "possible" violation in the GAC Report. But a Soviet defense expert has even admitted that the Soviets have tested SAMs in a prohibited ABM-mode.

SOVIETS INCREASE THE RISK OF NUCLEAR WAR

10. Soviet violation of the 1971 Agreement to Prevent the Risk of Nuclear War, by jamming U.S. early warning detection systems and failing to notify the U.S. of this jamming. As the 1984 edition of Soviet Military Power states on page 35: "The Soviets also have the technological capability to conduct electronic warfare against space systems." They are doing this. These are acts of electronic warfare in space, and at the very least should inhibit progress in further arms control negotiations until the jamming stops.

SOVIETS DEPLOY HEAVY SS-19 ICBM

11. Soviet circumvention of the object and purpose of the SALT I Interim Agreement by their deployment of their heavy SS-19 ICBM, to replace their light SS-11 ICBMs. This helped to give the Soviets a 6 to 1 counterforce first strike superiority. Although this violation was confirmed already in the GAC Report, it is of paramount military significance because it sextupled the warheads in the 360 converted single-warhead SS-11 silos. It therefore should be explicitly treated by the Administration. Former Defense Secretary Melvin Laird first charged Soviet SS-19 deployment as a SALT I violation in 1975. Henry Kissinger called it "sharp practice" in 1979.

12. Concealment of the existence and heavy throw-weight of the SS-19 heavy ICBM, during SALT I negotiations, and repeated denial of their intention to deploy such a missile to replace their light SS-11 ICBM. This is a related issue of Soviet negotiating deception on the most important issue of SALT I; heavy ICBM constraints. Again, Kissinger called the SS-19 deception "sharp practice."

SOVIET BACKFIRE BOMBER VIOLATIONS

13. As Under Secretary of Defense DeLauer has testified, production of 35 Backfire bombers per year for several years, in violation of Brezhnev's SALT II commitment not to produce more than 30 per year. The late Soviet Premier Kosygin on August 20, 1979, told U.S. Senators that this would be a violation, and that the U.S. could abrogate SALT II if the Soviets did this.

14. Arctic staging of the Backfire bomber, in violation of Brezhnev's pledge that as an integral part of SALT II, the Soviets would not give the Backfire an intercontinental radius capability.

15. Giving Backfire a refueling capability, in violation of Brezhnev's SALT II pledge not to give Backfire a refueling capability. All of these Backfire constraints were an integral part of SALT II, according to the Carter Administration.

16. Equipping Backfire with long-range ALCMs, causing it to count in the SALT II 1320 MIRV/ALCM ceiling and putting the USSR over this ceiling.

17. Deceiving the U.S. on the Backfire's inherent range of 8,900 to 11,000 kilometers, which is much more than the 8,000 kilometer range of the obsolete Bison bomber which did count in SALT II.

SOVIET HEAVY SLBM'S

18. Testing and preparation to deploy the SS-NX-23, a heavy SLMB, in violation of SALT II's prohibition on heavy SLBMs. Even the Joint Chiefs of Staff believe that this is a Soviet SALT II violation.

SOVIET STOCKPILED ICBM'S

19. Producing and deploying old stockpiled SS-11 ICBMs at MRBM and IRBM soft sites for covert soft launch, in circumvention of SALT I and SALT II ceilings. This was one of the GAC Report's "suspicious events," and it is an important Soviet violation.

20. Maintaining several thousand Soviet stockpiled ICBMs, SLBMs, and SLCMs, and thus circumventing all SALT II ceilings. The Soviets have made preparations not only to rapidly reload ICBM silos, but also to rapidly reload SLBM and SLCM submarines after firing their missiles at sea.

SOVIET SUBMARINE VIOLATIONS

21. Constructing "Stretch Y-Class" submarines with illegal missile bay sections, which are even longer than the original ballistic missile bay sections, and which have illegal missile tubes penetrating the pressure hull for a prohibited type of long-range supersonic SLCM launchers. This is a very dangerous Soviet violation of the SALT I Interim Agreement and the 1974 agreed SALT dismantling procedures, because it could greatly increase the surprise attack threat to U.S. bomber forces.

22. Construction of over 68 strategic submarines, when the SALT I Interim Agreement allowed only 62. Moreover, maintaining over 981 SLBMs, when SALT I allowed only 950.

SOVIET REUSE OF DEACTIVATED ICBM COMPLEXES

23. Bringing back ICBMs to deactivated ICBM complexes, such as the reported deployment of the mobile SS-25 ICBM at the Yurya complex where SS-20s are now also deployed.

SOVIETS HAVE 7 MX-EQUIVALENT ICBM'S

24. Soviet development of two more new type ICBMs, the SS-X-26, and SS-X-27, when only one new type ICBM is allowed by SALT II, and the Soviets are already deploying two other new type ICBMs, the SS-24 and SS-25.

SOVIETS DEVELOP POWERFUL NEW WARHEADS

25. Additional and recent Soviet violations of the Threshold Test Ban Treaty yield limit of 150 kilotons, such as one on October 27, 1984, and one on December 16, 1984. Another Soviet underground test registering 7.2 on the Richter scale was reported in late December. While the January 23, 1984 Presidential Report listed Soviet violations of the TTBT as "likely," these more recent violations provide more evidence allowing a stronger judgment.

SOVIETS RENEGE ON PLEDGE

26. Violating Brezhnev's SALT I pledge not to build mobile ICBMs, by building and deploying mobile SS-16 ICBMs during the time the SALT I Interim Agreement was in effect. Even President Carter conceded in 1977 that the Soviets had deployed mobile ICBMs.

SOVIETS HAVE CAPABILITY FOR NUCLEAR WEAPONS IN SPACE

27. Keeping 18 SS-9 Fractional Orbital Bombardment ICBMs operational at a test range, in circumvention of the SALT I Interim Agreement constraint on ICBM launchers and prohibition of operational launchers at test ranges. Even the Carter Administration conceded this SALT I violation in its analysis of the SALT II Treaty. This deployment also circumvents the 1967 U.S.-Soviet Treaty banning nuclear weapons in outer space.

SOVIETS ADMIT ONE VIOLATION

28. Failure to deactivate old ICBMs on time under the SALT I Interim Agreement, and the 1974 agreed SALT dismantling procedures, and continuous falsification of official deactivation reports. The Soviets actually admitted in March, 1976 that they had failed to deactivate the required number of ICBMs, and that therefore they were in violation. They remained in violation through 1982.

SOVIET SALT DECEPTIONS VIOLATE GOOD FAITH REQUIREMENT OF NEGOTIATIONS

29. Soviet withholding from their SALT II Data Exchange Reports of the fact that their AS-3 Air-to-Surface Missile deployable on over 100 Bear bombers has a range of 650 kilometers and therefore should be counted in the SALT II MIRV/ALCM ceiling. This violation was first revealed by the first edition of Soviet Military Power in 1981.

30. Soviet misrepresentation of Backfire range and refueling capabilities in SALT II negotiations. Even SALT-seller Strobe Talbott concedes this Soviet deception.

31. Soviet concealment of the full range of the SS-N-8 SLBM during SALT I negotiations.

32. Soviet falsification of their troop data in the Mutual Balanced Force Reductions negotiations.

33. Soviet withholding notification of their deployed SS-16 mobile ICBMs from their SALT II Data Exchange Reports.

34. Increasing Soviet use of large-scale and deliberate strategic camouflage, concealment, and deception, including telemetry encryption and jamming of U.S. telemetry collection capabilities. These activities violate both SALT I and SALT II, and have been increasing since SALT negotiations began in 1969. They are confirmed as deliberate by a Soviet military dictionary.

35. Creation of a new Soviet ABM test range in 1975 without the required prior notification, in violation of the ABM Treaty.

36. Soviet falsification of their deactivation of excess ABM test range launchers in 1974.

SOVIETS VIOLATE FIRST STRATEGIC ARMS AGREEMENT

37. Repeated Soviet violations of the 1963 Limited Test Ban Treaty since 1965, continuing through the present. The 1984 venting level was as high as the 1965 venting itself. This violation was partially reported in the GAC Report, but more evidence has since become available.

38. Soviet flight-testing of their SS-24 and SS-25 at night, with the mobile launchers continuously concealed by camouflage, thereby violating the SALT II provision that the U.S. must be able to determine the relationship between a new missile and its launcher.

39. Soviet deployment of the SS-20, having ICBM range capability, as a circumvention of both the SALT I and SALT II ceilings on ICBM launchers. In addition, the Soviets falsified their Data Exchange by not including all their SS-20s.

40. Soviet deployment of "IIIX silos" with a deceptive configuration similar to a missile launch silo, confusing the U.S. as to the number of Soviet ICBM silos between 1970 and 1973.

41. Soviet achievement of "unilateral advantages" through their circumvention and violations of SALT I and II. These unilateral advantages violate the 1972 Agreement on Basic Principles of U.S.-Soviet Relations, which is mentioned in the Preamble to the SALT II Treaty as a fundamental element of SALT II.

42. Soviet violation of the June 1973 Agreement on the Prevention of Nulcear War, through their actions in the October 1973 Middle East War.

43. Use of submarine berthing tunnels to hide Soviet SLBM submarines, in violation of the provisions of both SALT I and SALT II banning deliberate camouflage, concealment, and deception which impedes verification.

As the late Soviet leader, Nikita Khrushchev duplicitously prophesied, in regard to the first strategic arms limitation treaty, the 1963 Limited Test Ban Treaty: "If some side violates the assumed commitments, the initiators of this violation will cover themselves with shame, they will be branded by all the people of the world."

Mr. President, as you yourself stated so eloquently before the United Nations General Assembly on June 17, 1982: Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war.

As former Arms Control Director Rostow testified to Congress in July, 1981: No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms.

In 1935, prior to World War II, Sir Winston Churchill challenged the British Government over whether or not Hitler's Nazi Germany was complying with the arms control provisions of the Versailles Treaty. In the House of Commons, Churchill emphasized that: "The worst crime is not to tell the truth to the public . . ."

[From the Waltham (MA) News-Tribune, July 27, 1984]

POLL: WOMEN ARE BIGGER COLD WAR HAWKS

WASHINGTON.—A nationwide poll commissioned by a conservative think tank shows that Americans largely have a tough view of the Soviet Union and women take a harder line than men on key security issues.

The poll, released today by The Heritage Foundation, shows that of those questioned, 97 percent believe the Soviets are violating arms control and other International agreements.

The survey also showed that 73 percent of the women questioned, compared to 46 percent of the men, said the main reason for the deterioration of superpower relations was Soviet hostility toward democracy and the Western world.

The Heritage Foundation, a conservative research institute in Washington, D.C., commissioned Sindlinger & Co. of Media, Pa., to conduct the study of 2,258 people nationally between June 26 and July 9.

The poll asked questions about U.S. security issues and superpower relations. While there is a "gender gap" on these issues, the Foundation said, "The nature of the gap contradicts conventional wisdom. Rather than being softer or more dovish than men, women seem tougher and take a harder line on key issues."

Among its findings: 95 percent of all those polled believe the United States should not sign any arms accord with the Soviets until the United States is certain it can monitor and verify compliance 85 percent favored Reagan's "Star Wars" space defense program.

[From the Dubuque (IA) Telegraph Herald, July 27, 1984]

A NATIONWIDE POLL

WASHINGTON.—A nationwide poll commissioned by a conservative think tank shows that Americans largely have a tough view of the Soviet Union, and women take a harder line than men on key security issues.

The poll, released today by The Heritage Foundation, shows that of those questioned, 97 percent believe the Soviets are violating arms control and other international agreements.

TRACKING THE POLICY PROCESS IN WASHINGTON

New Poll on National Security Issues: During the two week period from June 26 to July 9 the Sindlinger national polling organization conducted a nationwide poll commissioned by the Heritage Foundation of 2,258 persons on U.S.-Soviet relations and other security issues. The results show that the public believes by a huge margin that the Soviets cannot be trusted. Also, a significant majority support a policy of countering the Soviet threat, including deployment of the anti-ballistic missile defense known as "Star Wars."

The gist of some of the questions and the results:

Do you believe that the USSR is violating its arms control agreements?

Yes, 96.8%; no, 5.% don't know, 2.7%.

Should the U.S. enter into an arms control treaty with the USSR that does not absolutely assure that the U.S. can verify that the USSR is observing the treaty?

Yes, 4.8%; no, 95.0%; don't know .2%.

Should the U.S. offer concessions to lure the Soviets back to negotiations or remain firm and only offer concessions if Moscow does?

U.S. Should offer concessions, 35.1%; offer concessions only if the Soviets do, 62.8%; don't know, 2.1%

Would you favor developing a system which would protect much, if not all, of the population from nuclear destruction, by a ballistic missile defense?

Yes, 82.6%; no, 15.2%; don't know, 2.2%.

Should the U.S. encourage or support dissidents and ethnic minorities in Eastern Europe and the USSR with the objective of political liberalization in these countries?

Yes, 72.0%; no, 19.9%; don't know, 8.1%.

Would you say that the situation in Central America is a threat to the security of the U.S.?

Yes, 66.5%; no, 32.6%; don't know, .9%.

State Department Bonuses: A list of 85 recipients of executive bonuses for senior career foreign service officers has been released by the State Department. It includes five bonuses of $20,000 each, 39 at $10,000 and 26 at lesser amounts. The recipients are selected by boards of fellow foreign service officers, who may be friends or even subordinates of the candidates. In the rest of the government, decisions on executive bonuses are made by management, i.e., by the President's appointees. But the foreign service has agreed with its labor unions to preclude management from participating in the decision making process, to prevent the "politicization" of the foreign service. Some contend that the real effect is to prevent the Administration from exercising its management responsibility.

The 1984 awards include $20,000 for Charles Bray, who was President Carter's deputy director of the U.S. Information Agency for four years, and $10,000 each for Thomas Enders, relieved earlier this year as Assistant Secretary of State for Latin America, and Michael Armacost, recently named Under Secretary for Political Affairs over conservative objections. Most surprising was a $20,000 top bonus for Ronald Spiers, who as Under Secretary for Management is in overall charge of the bonus program. Pity the poor board members—it *is* tough to vote against a bonus for the boss.

U.S. SENATE,
Washington, DC, January 26, 1984.

Hon. RONALD REAGAN,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We greatly appreciate your excellent recent President's Report to Congress on Soviet Noncompliance with Arms Control Agreements. We believe that the report has serious implications for national security, and we intend to cooperate with you fully in dealing with the increased threat to United States national security which Soviet SALT violations represent.

Your report states that there is "an expanding pattern of Soviet violations or possible violations of arms control agreements." It also states that "additional issues of concern are under active study." State Department policy guidance for public diplomacy has stated that "The Soviets are violating or probably violating certain provisions of other major agreements. There have been additional Soviet activities over the past year which have added to our concern."

We strongly agree with you. The legislative history in the Senate of the amendment requesting your report on Soviet SALT violations specified that all Soviet violations of both the letter and the spirit of all arms control treaties to which the Soviet Union is party should be provided in an unclassified report. In particular, therefore, we request a futher public report on some serious new Soviet violations of the SALT II Treaty reported recently in the press:

Production of more than 30 Backfire bombers per year;

Arctic staging of Backfire bombers;

The Intercontinental range of 8,900 kilometers and refueling capability of the Backfire bomber;

Continued production of TU-95H Bear bombers to be equipped with long range cruise missiles;

Development of a new heavy Submarine-Launched Ballistic Missile, the SS-NX-23;

Early deployment of 100 S5-X-24 Inter-Continental Ballistic Missiles carrying Multiple-Independently-Targetable Re-entry vehicles, in single warhead SS-11 ICBM silos;

Soviet admission in November 1983 at the SALT Standing Consultative Commission of the fact that their forces exceed all three SALT II ceilings on MIRVs and bombers equipped with long range cruise missiles, 820, 1200, and 1320;

The Soviet refusal to dismantle over 250 strategic delivery vehicles by the end of 1981 in order to comply with the SALT II ceiling of 2250 strategic delivery vehicles; and continued expansion of their forces since 1981;

The seriously increased and widespread pattern of Soviet camouflage, concealment, and deception.

Several additional well known Soviet violations of SALT II need to be reported upon:

SS-18 rapid reload refire capability as a violation of the SALT II prohibition on rapid reload and refire capabilities;

Deployment of AS-3 Kangaroo Air to Surface missiles with range of "650 Kilometers" (see Soviet Military Power) on 100 TU-95 Bear bombers, in further violation of the SALT II Data Exchange and the 1320 ceiling;

Deployment of new long range air-launched cruise missiles on Bear and Backfire bombers, in further violation of the 1320 ceiling.

In addition, there have been some recent press reports of Soviet violations of the SALT I ABM Treaty which also need to be reported on:

Soviet testing of Surface-to-air missiles in a prohibited ABM mode, such as SAM-5s, SAM-10s, and SAM-12s;

Deployment of five other prohibited Battle-Management radars, in addition to the Abalakovo radar;

Development and mass production of a prohibited mobile, rapidly deployable ABM, the ABM-3 and its SH-04 and SH-08 interceptor missiles and mobile radars;

Testing of a prohibited ABM rapid reload and refire capability;

Deployment of a prohibited nation-wide ABM defense;

Deployment of more than 100 ABM launchers around Moscow.

Mr. President, we strongly support your efforts to preserve the integrity of the arms control process by challenging Soviet SALT violations. We all are trying to safeguard world peace.

As you yourself said at the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

And as former Reagan Administration Arms Control Director Eugene Rostow testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

We thank you in advance for your prompt responsiveness to this request.

With warmest personal regards.

Sincerely,

Jesse Helms, Larry Pressler, Roger W. Jepsen, Steven Symms, James A. McClure, Jeremiah Denton, Orrin Hatch, Bob Kasten.

U.S. SENATE,
Washington, DC, January 27, 1984.

Hon. RONALD REAGAN,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We strongly congratulate you on your statesmanlike leadership in publishing The President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements. This was an excellent report. We look forward to working with you to strengthen United States national security in the face of the Soviet SALT violations.

Yet we respectfully suggest there is more to be done. We need not remind you that the July 1980 Republican Party Platform explicitly states:

"The Republican Party *deplores* the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements . . . We *pledge* to end the Carter cover-up of Soviet violations of SALT I and II." (Emphasis added.)

It has been widely discussed in the intelligence community that there were over 32 outstanding cases of Soviet SALT and other arms control violations which occurred under the Carter-Mondale Administration prior to July 1980, and which were covered up or explained away by the Carter-Mondale Administration. Intelligence information on some of these SALT violations was actually suppressed by the Carter-Mondale Administration, which issued a White Paper in February 1978 giving the Soviets a clean bill of health on SALT I compliance. Many of the multiple Soviet SALT I violations have been confirmed by former Secretary of State Kissinger and former Defense Secretary Laird.

We have carefully studied the seven violations in your recent report. We believe that it is reasonable to conclude that all seven Soviet SALT and arms control treaty violations cited in your report were either detected after the July 1980 Platform Statement or became conclusive after that time.

Your report states that there is "an expanding pattern of Soviet violations or possible violations of arms control agreements." It also states that "Additional issues of concern are under active study." State Department policy guidance for public diplomacy has stated that "The Soviets are violating or probably violating certain provisions of other major agreements. There have been additional Soviet activities over the past year which have added to our concern."

We strongly agree. The legislative history in the Senate of the amendment requesting your report on Soviet SALT violations specified that all Soviet violations of both the letter and the spirit of all arms control treaties to which the Soviets are party should be provided.

Accordingly, we respectfully request an additional Presidential report on all Soviet SALT I and II and other arms control treaty violations which occurred prior to July 1980. Some of these pre-1980 SALT I violations, such as Soviet deployment of the SS-19 ICBM and Soviet construction of ABM Battle-Management radars and ABM mode SAM tests, appear to be even more conclusive and serious than the seven cases in your report. Moreover, many of them have been confirmed by Dr. Kissinger and Secretary Laird. We therefore request that you update the Carter-Mondale White Paper of 1978.

We also request that you send to us a copy of the report of your Arms Control General Advisory Committee analyzing seventeen Soviet arms control violations since 1958.

Attached is an unclassified partial list of these Soviet SALT and other arms control treaty violations which were covered-up by the Carter-Mondale Administration.

Mr. President, we strongly support efforts to preserve the integrity of the arms control process by challenging Soviet SALT violations. We all are trying to safeguard world peace.

As you yourself said at the United Nations General Assembly on June 17, 1982:

"Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

And as former Reagan Administration Arms Control Director Eugene Rostow testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

With warmest personal regards,

Sincerely,

Jesse Helms, Jeremiah Denton, James A. McClure, Larry Pressler, Orrin Hatch, Roger W. Jepsen, Bob Kasten, Steven Symms.

SOVIET SALT I AND II VIOLATIONS COVERED-UP BY CARTER-MONDALE ADMINISTRATION

A. SALT I Anti-Ballistic Missile Treaty:

1. Soviet SAM testing in an ABM mode. Former Secretary of State Henry Kissinger

has conceded this is a Soviet SALT "violation" on September 12, 1982.

2. Soviet deployment of ABM Battle Management Radars.

3. Soviet ABM camouflage.

4. Soviet falsification of ABM deactivation.

5. Soviet creation of a new ABM Test Range without the required prior notification.

6. Soviet deployment of a rapidly deployable, mobile ABM.

B. SALT I Interim Agreement on Offensive weapons:

1. Soviet deployment of the heavy SS-19 ICBM as the replacement for the light SS-11 ICBM, which is the most dangerous of all Soviet SALT violations. On August 12, 1979, Dr. Henry Kissinger conceded that this deployment constituted "sharp practice" by the Soviets. In 1974, former Defense Secretary Melvin Laird termed SS-19 deployment a clearcut "violation".

2. Soviet failure to deactivate old ICBMs on time, and falsification of official reports.

3. Bringing back ICBM equipment to a deactivated ICBM complex.

4. Keeping 18 SS-9 ICBMs illegally operational at a test range, which was conceded in the explanation of the SALT II Treaty.

5. Soviet deployment of "III X" silos with a configuration similar to a missile launch silo.

6. Soviet massive use of deliberate camouflage, concealment, and deception which actually increased after 1972, and which constituted deliberate interference with United States National Technical Means of verification: encryption of missile telemetry; camouflage of ICBM testing, production, deployment; concealment of SLBM submarine construction, berthing, construction of dummy submarines and their concealment, construction of berthing tunnels,

7. Constructing over 68 strategic submarines, when only 62 were allowed.

8. SS-20 mobile missile deployment, which should count as mobile ICBM deployment.

9. Violation of Brezhnev's pledge not to build mobile ICBMs.

10. Deploying SS-11 ICBMs at SS-4 MRBM sites, probably having a covert soft launch capability.

11. Keeping about 1,300 to several thousand old ICBMs stockpiled for both covert soft launch and rapid reload of silos for refire.

C. SALT II Treaty

1. Soviet encryption of telemetry on SS-NX-20 "Typhoon" SLBM.

2. Soviet encryption of telemetry on SS-18 Mod X ICBM.

3. Soviet encryption of telemetry on SS-NX-19 SLCM.

4. Soviet encryption of telemetry on SS-20 IRBM.

5. Soviet camouflage of new submarines.

6. Soviet SS-20 deployment.

7. Soviet continued stockpiling of SS-16 mobile ICBMs.

8. Soviet AS-3 Kangaroo Air-to-Surface missiles with range of 650 kilometers on the TU-95 Bear bomber.

9. Soviet AS-6 Air to Surface missile with range of 1,000 kilometers on Backfire bombers.

10. Reported Soviet rapid reload and refire exercises for the SS-18 cold-launched ICBM.

D. Other Arms Control Treaty Violations Covered-up by Carter Adminstration

1. Over 30 unambiguous Soviet ventings of radioactive debris from underground nuclear tests in violation of the 1963 Limited Test Ban Treaty. These ventings are all unequivocal, and resulted in the spread of radio-active debris outside of Soviet borders.

2. Over eight Soviet underground nuclear weapons tests probably over 150 kilotons, in violation of the 1974 Thresh-hold test Ban Treaty.

3. Over six Soviet violations of the Kennedy-Khrushchev Agreement of 1962.

(a) Soviet Combat Brigade in Cuba.

(b) Golf and Echo Class submarines at Cienfuegos.

(c) Cienfuegos strategic submarine base with nuclear warhead storage facility.

(d) Nuclear delivery capable aircraft. 40 MIG-23 or 27 Floggers. 12 TU-95 Bear bombers with operable bomb-bays.

(e) Use of Cuba as a revolutionary base.

(f) Probable Biological and Chemical Warfare Facilities.

U.S. SENATE,
Washington, DC, July 8, 1982.

Dr. EUGENE ROSTOW,
Director, U.S. Arms Control and Disarmament Agency, Washington, DC.

DEAR DR. ROSTOW: The issue of verifiability is at the heart of the arms control process. There is a widespread sentiment in Congress that no significant progress in arms control can be made unless the people of the United States are assured of the verifiability of any agreement, or proposed agreement.

We are therefore concerned that ACDA has not taken the initiative to assure Congress and the American people that it is addressing the issue of verifiability in a forthright manner. We note that ACDA was very slow in recreating the Verification Bureau, and that even now, a year after you took office, the Bureau has not been fully staffed. In addition, there are key issues on verifiability which, to our knowledge, ACDA has neither examined nor reported on to Congress despite the intense public interest in their resolution. These issues include:

The verifiability of the unratified but not withdrawn Threshold Test Ban Treaty;

The verifiability of the various nuclear weapons freeze proposals;

The verifiability of the President's START proposal;

The presence of any significant degradations in the capacity of the United States to verify:

(a) The SALT II Treaty

(b) The Threshold Test Ban Treaty

(c) The Limited Test Ban Treaty

(d) The SALT I Interim Agreement.

We note that Section 37 of the Arms Control and Disarmament Act, the "Derwinski Amendment," provides ACDA with the authority to initiate such reports to Congress. To date, ACDA has not taken this initiative. In addition, Section 37 also allows the Congress to request the Director of ACDA to make such reports.

Accordingly, we would ask that you report as soon as possible to the Senate Intelligence, Foreign Relations, and Armed Services Committees and to the full Congress on an unclassified basis about the verifiability of the above arms control treaties and proposals and also, on any degradation of U.S. verification capacity. In addition, we request that you assess the effects of Soviet concealment measures and altered practices upon the verifiability of the above treaties and proposals. We further request that these reports should be received by the Congress before any new arms control treaties or proposals are voted on.

As you know, serious charges have been leveled in the press concerning recent Soviet violations of several arms control treaties or agreements. Given the urgency of the forthcoming floor debate on SALT II and other arms control proposals, it is crucial that the validity of these charges be aired and brought to the attention of the American public. Specifically, we request that you answer the following questions.

(1) Has classified U.S. intelligence data ever been revealed to the Soviets during the SALT process? If so, can it be made public? Has the SALT process jeopardized any U.S. intelligence sources and methods?

(2) Has the U.S. ever provided the Soviets photography of deactivated U.S. ABM sites and deactivated U.S. ICBM sites? Have the Soviets ever reciprocated with photography of any of their own installations?

(3) Has the U.S. ever provided the Soviets with classified U.S. data on new U.S. Early Warning radars, such as "Pave Paws"? Have the Soviets ever provided the U.S. with similar data?

(4) Have the Soviets ever charged the United States with *deliberate concealment*, which in effect is a violation of SALT I and SALT II?

(5) Given the well-known fact that the Soviets have expanded their strategic concealment, camouflage, and deception activites since 1972, despite the SALT I and II bans on *deliberate concealment;* and given U.S. recognition that the well-known Soviet camouflage net at a missile test range is acknowledged to have constituted *deliberate* concealment, has the U.S. ever charged the Soviets with deliberate concealment? Is it possible that the Soviets have charged the U.S. with deliberate concealment, whicle the U.S. has not similarly charged the Soviets?

(6) Since SALT began in 1969, has intelligence data related to SALT ever been embargoed from and within the intelligence community, either temporarily or permanently? Has any such data also been withheld from Congress? Is there an Executive Order which provides that CIA shall receive all intelligence data collected within the U.S. government?

(7) If the U.S. tried to ban a missile the size of the Soviet SS-19 in 1972 under SALT I, in an attempt to limit Soviet counterforce capabilities, does the SS-19's deployment allowed under SALT I and II result in a reduction in U.S. national security? Does the Administration nevertheless believe that the Soviet SALT I compliance record does not reduce U.S. national security?

(8) Have the Soviets ever falsified a report of the number of ABM or ICBM launchers they have deactivated? Were all of those launchers required to be deactivated ever properly deactivated?

(9) Have the Soviets ever claimed that "trust" was involved in SALT compliance?

(10) What was the time span between first U.S. detection of each possible Soviet SALT violation, and its final resolution in the SCC? Did the U.S. ever acquiesce in the Soviet position?

(11) Is there any classified evidence of Soviet negotiating deception in SALT? Was a classified study on Soviet SALT deception ever withheld or suppressed within the Executive Branch, or withheld from Congress?

(12) If Defense Department and military posture statements have recognized that during the 1969-1979 SALT decade the strategic balance has shifted against the U.S. and in Soviet favor, how has this shift in the balance affected U.S. leverage in enforcing Soviet compliance with SALT I?

(13) Has there been any evidence in the *past year* suggesting Soviet violations of the SALT I ABM Treaty, the Threshold Test Ban Treaty, the Limited Test Ban Treaty, the SALT I Interim Agreement, the BW Convention, the SALT II Treaty, and the Kennedy-Khrushchev Agreement of 1962?

(14) Has there been any diplomatic challenge in the *past year* to Soviet violations of these agreements?

(15) Precisely how many Soviet SS-7 and SS-8 ICBMs were fully dismantled according to the SCC procedures *each month* between October 1975 and the present? How many SS-7 SS-8 ICBMs were required to be in fully deactivated status *each month* between October 1975 and the present? Were Soviet reports on their deactivation ever at variance with U.S. intelligence data? Was former Secretary of State Vance's public statement that the Soviets were in full compliance on deactivations in June 1976 correct?

(16) Were there any Soviet tests of surface to air missiles or radars in an ABM mode since 1975?

(17) Were any Soviet SAM missiles ever tested against Soviet tactical or strategic ballistic missiles?

(18) How many Soviet nuclear weapons tests since 1963 have vented either solid or gaseous debris? How many U.S. diplomatic complaints have been made? What was their result?

(19) List all Soviet nuclear weapons tests and their yields since March 1976 which had a central value over 150 kilotons. Explain how our yield calculation methodology has changed since 1974. Explain the confidence levels in central values well above 150 kilotons.

(20) Have the Soviets introduced ICBM equipment into a deactivated old ICBM complex, in possible violation of the SALT I Interim Agreement? Have the Soviets introduced ICBM equipment at a medium range ballistic missile complex, also in possible violation of the SALT I Interim Agreement? Have the Soviets introduced mobile ICBM equipment into a deactivated old ICBM complex?

(21) Are the reports of Soviet construction of large phased array battle management radars correct? Has this issue been raised with the Soviets?

We would appreciate receiving complete answers to these questions as soon as reasonably possible.

Sincerely yours,

JESSE HELMS,
ROGER W. JEPSEN.

U.S. SENATE,
Washington, DC, January 3, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the new Congress convenes, I strongly commend you for your forthrightness last year in reporting twice to Congress and the American people on Soviet arms control treaty violations.

The Washington Post reported today that the U.S. will confront the Soviets with their treaty violations next Monday in Geneva. In particular the Post stated that Secretary of State Shultz would charge the Soviets with constructing a new large radar in violation of the SALT I Anti-Ballistic Missile Treaty, and encrypting the electronic telemetry from missile tests in violation of the SALT II Treaty. These are illustrative and conclusive cases from a list of 21 Presidentially confirmed violations.

I agree with your statement that "compliance with arms control agreements is fundamental to the arms control process."

I therefore hope that the reports are true, and that you will instruct Secretary Shultz to give the Soviet Foreign Minister a chance to demonstrate Soviet good faith by deeds—stopping at least these two conclusive violations. I believe that the Soviets should be given this opportunity to demonstrate their sincerity, good faith, and reciprocal interest in equitable arms control. I hope that they respond favorably.

I believe that frank and open discussion of these issues with the Soviets will immeasurably strengthen the public's confidence in the security benefits of arms control treaties by restoring full Soviet compliance.

With warmest personal regards,

Sincerely,

JAMES A. MCCLURE,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, January 4, 1985.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Your Presidential Report to Congress on Soviet SALT violations of October 10, 1984, stated: "The U.S. has never had a long-range, comprehensive strategy to *deter* and if necessary initiate measures to *offset* Soviet arms control noncompliance." We are urgently concerned that since your January 23 and October 10, 1984 Reports to Congress confirming 21 Soviet arms control treaty violations, *no action has been taken.*

In his famous 1961 *Foreign Affairs* article entitled "After Detection, What?", Dr. Fred Ikle stated that the U.S. reaction to detected and then verified Soviet arms control violations must be U.S. countervailing defense programs. Inevitably, these could require either increases in the defense budget, or alternatively, reprioritizing of allowed defense resources toward strategic programs. On October 20, 1980, former Defense Secretary Harold Brown stated: "To match the bigger Soviet force without SALT could cost us, over the next decade, an *additional* 30 to 100 billion dollars." Soviet SALT I and II break-out has brought on this situation. At the very least, further defense budget cuts must be prevented. As Defense Secretary Weinberger stated in a letter to us on April 5, 1984:

"The magnitude of the risks for the U.S., *the potential consequences of Soviet violations,* and the absolutely essential need to take actions that have a realistic chance of deterring future cheating compel me to take full account of Soviet actions, potential capabilities, and possible intentions in the development of defense requirements and *to urge full funding for the U.S. defense modernization program.*"

Assistant Defense Secretary Richard Perle testified to Congress on February 22, 1984: "We must, if we are not to face an expanding pattern of Soviet violations, see that such violations carry costs at least equal to the gains they derive from them." Defense Secretary Weinberger added on April 5, 1984: ". . . Since the Soviets have suffered practically *no penalty* for violating their current arms control commitments, they are unlikely to be deterred from more serious violations in the future." You yourself stated on January 16, 1984: "We must take the Soviet compliance record into account, both in the development of our defense program and in our approach to arms control." And as the 1984 Republican Party platform stated: "To deter Soviet violations of arms control agreements, the United States *must* . . . display a willingness to respond to Soviet violations which have military significance." Finally, the Scowcroft Commission on Strategic Forces stated that the essence of deterrence of nuclear war is U.S. political will. If the U.S. fails to have the political will to take action against Soviet SALT violations, deterrence will be gravely weakened.

On March 1, 1984, we wrote to Defense Secetary Weinberger asking for a detailed study of the military implications of the Soviet SALT violations. (letter enclosed) He answered on April 5, 1984 that "a study of the military implications of Soviet arms control violations is underway. . ." Almost a year has gone by since then, and we still have not seen the study. Accordingly, we respectfully *again* request as part of your FY1986 Budget Request that you provide a *detailed* analysis of the *military* and *budgetary* implications of *each* of the 21 Soviet arms control violations confirmed in your two 1984 Reports to Congress. In addition, we respectfully request that as soon as the analysis of the 43 violations which should be covered in your forthcoming February, 1985 report is completed, that you also immediately provide a detailed analysis of their military and budgetary implications. It would greatly assist our efforts in support of your defense programs if these reports were made available in both unclassified and classified forms.

We intend to request from the respective Chairmen a series of early hearings on the Military Implications of the Soviet SALT violations in the Senate Defense Appropriations Subcommittee, Armed Services Committee, foreign Relations Committee, and Budget Committee, and your reports will be the first order of business. We are hoping to be able to formulate and pass a Soviet SALT Violations Emergency Response Act which might at least earmark some contingency stand-by funds to deal with this serious problem.

We agree with your January, 1984 Presidential Report to Congress on Soviet SALT violations, which stated: "Soviet violations deprive us of the security benefits of arms control directly because of the military consequences of known violations, and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences."

As Dr. Henry Kissinger warned Senators and Congressmen on June 15, 1972:

"The possibility always exists that the Soviets will treat the Moscow (1972 SALT I) Agreements as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. If this happens, *the United States will have to respond* . . . If this agreement were being circumvented, obviously we would have to take *compensatory steps* in the strategic field."

During the decade since SALT I, the Soviets have circumvented and violated both SALT I and SALT II, as Henry Kissinger recently acknowledged, just as they violated all security treaties between 1917 and 1962. But the U.S. has yet to take compensatory countermeasures, as Dr. Kissinger foresaw would be necessary.

Dr. William Van Cleave testified to the Senate Defense Appropriations Subcommittee on March 28, 1984, that "Non-reaction to Soviet arms control violations will take on the character of appeasement. As Soviet

military power increases, so will the disincentives to challenge Soviet violations of international law. The Romans had a phrase for this: *Silent leges inter arms.* Or, the laws are silent in the presence of arms. They also had a phrase for those who followed the course of appeasement: *Vae victis;* or woe to the vanquished."

With warmest personal regards,

Sincerely,

STEVE SYMMS,

JESSE HELMS,

JOHN P. EAST.

Enclosure: Letter to Defense Secretary, March 1, 1984.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 1, 1984.

Hon. CASPAR WEINBERGER,
Secretary of Defense, Department of Defense, the Pentagon, Washington, DC.

DEAR CAP: We are concerned about the military implications of the Soviet SALT violations mentioned in the *President's Report to the Congress on Soviet Noncompliance with Arms Control Agreements.* Neither SALT I nor SALT II seem to be constraining the Soviet offensive and defensive threat. We seem to be witnessing apparent Soviet "break-out" from both the offensive and defensive constraints of SALT I and II. Since 1979, the Soviets have increased the number of nuclear warheads targeted on the United States by about 75 percent, according to Assistant Secretary of Defense Richard Perle.

As President Reagan stated in his speech of January 16, 1984: "We must take the Soviet compliance record into account, both in the development of our defense program and in our approach to arms control."

And as President Reagan stated in his Report to Congress on Soviet SALT violations: "Soviet violations of arms control agreements could create new security risks. Such violations deprive us of the security benefits of arms control directly because of the military consequences of known violations, and indirectly by inducing suspicion about the existence of undetected violations that might have additional military consequences."

We strongly agree with the President's statements. Accordingly, we urgently request that you prepared for us as soon as possible a precise study of the military implications of all nine of the Soviet SALT and other arms control violations in the President's report. We also urgently request a similar report on the military implications of all 40 of the old and the new Soviet SALT and other arms control violations not included in the President's report, including Soviet activities in Cuba violating the Kennedy-Khrushchev Agreement. These reports are a vital necessity for our deliberations on the FY 1985 Defense Authorization and Appropriations Bills.

The U.S. may need to consider accelerating the initial operational schedule for a space-based, layered Anti-Ballistic Missile Defense, and certain offensive "quick fix" options such as deployment of stockpiled Minuteman III ICBMs.

With warmest personal regards.

Sincerely,

Senators Jake Garn, Orrin Hatch, Robert Kasten, James A. McClure, Jesse Helms, Steve Symms.

U.S. SENATE,
Washington, DC, July 2, 1984.

The PRESIDENT,
The White House
Washington, DC.

DEAR MR. PRESIDENT: We remain adamantly opposed to the unratified SALT II Treaty. We agree with your statement in January 1980 that: "the Soviets only see weakness in a President (i.e. Carter) who clings to the unilateral observance of the fatally flawed SALT II Treaty."

As you know, the Bumpers-Leahy Amendment to the FY 1985 Defense Authorization Bill passed the Senate on June 19, 1984. Undoubtedly, there will be those who will seek to claim that the Bumpers-Leahy Amendment, should it eventually become law, would be further affirmative legislation authorizing U.S. compliance with the unratified SALT II Treaty. Both of us voted against the Bumpers-Leahy Amendment, because in the summer of 1982 we participated in hearings before the Judiciary Subcommittee on Separation of Powers demonstrating that a similar measure proposed then was unconstitutional. It attempted to circumvent the Treaty-making powers. A treaty can not be converted into an executive agreement by either the President or Congress. The Senate's debate on the Bumpers-Leahy Amendment was cursory, and did not even consider the 1982 hearing record. Moreover, the Senate was handicapped in the debate by having an incomplete understanding of the diplomatic, Constitutional, and legal status of the SALT II Treaty. The Senate needs more background in order to more knowledgeably debate SALT II.

More importantly, we remind you of the vote on June 20, 1984, in which the Senate affirmed 99 to 0 on a roll call vote that the U.S. had no obligation under international law to comply with any arms control agreement that the Soviets are violating. You yourself have already certified to Congress that the Soviets are violating SALT II in four ways. Accordingly, in light of your report on Soviet SALT violations and the 99 to 0 vote on the Symms amendment, we are writing to ask that you withdraw the SALT II Treaty from the Senate.

We do not understand why Secretary of State Shultz was authorized to state recently, in an unclassified cable to all American embassies abroad, that the United States will comply with SALT II through late 1985:

"Sea trials for the seventh Trident submarine are not scheduled to begin until *late 1985* . . . The issues this event raises regarding the SALT I and SALT II Agreements [sic] will be addressed at the appropriate time. . . . When the time comes for a decision, it will obviously be taken in the context of the international situation and U.S. national security requirements. Among other things, our assessment of the Soviet commitment to a corresponding policy will be relevant to our considerations." (Italic added.)

This statement means that the Executive Branch is planning to comply precisely with the expired SALT I Interim Agreement and with all of the provisions of the unratified SALT II Treaty until it also expires in late 1985, and the Secretary of State has taken that position despite your confirmation to Congress that the Soviet Union is clearly violating SALT II. In our judgement, the implications of an American policy of prolonged unilateral compliance with an unratified SALT II Treaty are serious.

Continuation of the position cabled by the Secretary of State could easily be interpreted as appeasement of the Soviet Union through open and official toleration of gross Soviet strategic superiority and violations. It is a position of pronounced weakness, it is not justified by circumstances, and it is dangerous to American security.

During the past several months, we have given careful study to your classified January 23, 1984 Report to Congress on Soviet Non-Compliance with Arms Control Agreements. Based on that material and other data made available to us, we have reluctantly concluded that the Department of State in late 1981 and early 1982 reached on behalf of the United States Government an unauthorized and undisclosed Executive Agreement with the Soviet Union pertaining to matters covered in the unratified SALT II Treaty.

Yet notwithstanding non-disclosure in the United States, Soviet Foreign Minister Gromyko commented in Bonn, Federal Republic of Germany, on January 19, 1983 about the secret Executive Agreement. Gromyko said:

"It should be borne in mind that the SALT II Treaty was not ratified by the United States of America. Consequently, the sides have no strict obligations to act in accordance with that treaty, though there was *an exchange of verbal statements* that the sides will abide in general by its provisions." (Emphasis added.)

This imprecise remark is the most authoritative public Soviet description of mutual obligations to comply with SALT II, and although omitting much, it does confirm the existence of the unauthorized secret Executive Agreement which is the principal subject of this letter.

The original terms of the Executive Agreement greatly alter the provisions and limits specified in the SALT II Treaty, and grant the Soviet Union significant strategic advantages in a mutual contract binding at international law, but contrary to the domestic law of the United States. The secret Executive Agreement allows the Soviets to declare obsolete their obligation to dismantle strategic nuclear forces to an equal level with the U.S., and in effect allows the Soviets instead to *increase* their forces. Fortunately, however, the secret Executive Agreement is voidable at international law because of Soviet breach, and voiding the Agreement is the action the United States must take to avoid putting American security at further risk.

As we presently understand the terms of the secret Executive Agreement (we are attaching a chronology and analysis), we believe that it formalizes United States acquiescence in a profound shift in the strategic balance in favor of the Soviet Union.

In that regard, Defense Secretary Weinberger's FY 1985 report to Congress confirms that the SALT II Treaty has been converted into an Executive Agreement, and further, that the agreement is disadvantageous to the U.S.

Secretary Weinberger stated: "The SALT II agreement would have codified that unilateral [Soviet] buildup and allowed additional growth in Soviet forces, thereby permitting even further deterioration of the military balance."

On May 26, 1982, Secretary Weinberger stated: ". . . SALT II would irreversibly seal the advantage the Soviets currently enjoy . . . and did not reduce arms or even limit their effectiveness."

But far worse than codifying the fatally flawed SALT II Treaty, the Executive Agreement also allows the Soviets to cancel the 2,250 ceiling of the SALT II Treaty on

total delivery vehicles and possibly also the 820, 1,200, and 1,320 ceilings on ICBM and SLBM Launchers with Multiple Independently-targetable Re-entry Vehicles and bombers with long range cruise missiles. Through these cancellations, the Soviet Union is already almost 1,000 strategic nuclear delivery vehicles and well over 1,000 warheads ahead of the U.S. Last year alone, the Soviets added 50 bombers to their forces, and they have added 3,850 warheads since 1979. These Soviet advantages ignore the effects of their SALT II violations. With these gross inequities, the existing agreement, besides putting our country at risk, also totally undermines any real prospects for mutual arms control and arms reductions.

On January 3, 1980, just after the brutal Soviet invasion of Afghanistan and the discovery of the Soviet Combat Brigade in Cuba, former President Carter wrote to Senator Robert Byrd asking that Senate consideration of the SALT II Treaty be delayed. President Carter stated that:

"The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that *the Congress and I as President can assess Soviet actions and intentions . . .*" (Italic added.)

Soviet actions since then have been to commit genocide in Afghanistan, foment revolution in Central America, and violate SALT and other arms control agreements, and their intentions to violate SALT can be traced all the way back to 1972. It is reasonable to conclude that your Presidential Report to Congress of January 23, 1984 on Soviet SALT Violations constitutes the required assessment of Soviet actions and intentions.

Finally, and as is more fully explained in the memorandum we are attaching, in our judgement the SALT II Executive Agreement may violate:

1. The Treaty-making provision of the Constitution;

2. Section 33 of the Arms Control and Disarmament Act, which specifies that no President can bind the United States to any arms control agreement except through the exercise of the Treaty-making power or pursuant to specific Congressional authorization by public law;

3. The Jackson Amendment to SALT I—Public Law 92-448, which specifies United States arms control objectives as not less than equality with the Soviet Union;

4. The Case Act, which requires the President to report promptly all Executive Agreements to Congress.

Accordingly, in presenting this letter to you, we respectfully ask why Congress, pursuant to the Case Act, was not advised by message of repeated actions converting and modifiying an unratified treaty into a wholly new secret Executive Agreement, which under United States law can not remain unreported to Congress nor, in the case of an arms control agreement, solely within the purview of the Executive Branch?

As you recall, Mr. President, on November 2, 1983, well over one third of those Senators present and voting—37 percent—rejected President Carter's unequal SALT II Treaty. That vote occurred before you confirmed the four Soviet SALT II violations, and also before we fully comprehended the terms of the undisclosed Agreement.

Mr. President, taking account of the proposal by Senators Bumpers and Leahy, we may at any time be obliged to take the initiative and seek another Senate vote, this time on the undisclosed Executive Agreement absolving the Soviet Union from compliance with the principal limits of SALT II. In short, the Executive Agreement your Administration has negotiated is far more disadvantageous to America than former President Carter's unequal SALT II Treaty. For that reason, we feel an obligation to the American people and to our States to address the issue.

We also feel a duty to ask you to end the delay in reporting to Congress, and for that matter to the citizens of the United States, on the other 40 or more Soviet SALT and other arms control violations. The law on that subject asked for a comprehensive public report but did not specify a deadline; however, its legislative history did specify that "all" Soviet arms control violations should be reported promptly in an unclassified message. That has not been done.

We respectfully suggest that the two volume, 275 page Arms Control General Advisory Committee report would be a good basis for this submission. But if some action is not taken soon, then Congress might reasonably conclude that there is need for further legislation with a specific reporting deadline, and even more specifically requiring a complete and unclassified report on Soviet arms control violations. Otherwise, our 1980 Republican Party campaign pledge to end the Carter-Mondale "cover-up" of Soviet violations of SALT I and II could go unfulfilled.

Mr. President, we have a series of recommendations which we respectfully offer:

First, we strongly urge that you declare the 1981-1982 secret SALT II Executive Agreement void, because of Soviet breach as already reported to Congress.

Second, we recommend that you ask the Senate to return the SALT II Treaty which you reportedly wanted done back in May, 1981. But even without a formal request, since the Soviet Union has been notified that the United States will not ratify the treaty, we urge your support for a Senate initiated resolution sending the treaty papers back to you.

Third, we recommend that you end the delay in the Department of Defense on reporting to Congress on the military implications of all 40 of the Soviet arms control violations.

Fourth, we recommend that you propose urgent strategic "quick fixes" in both the offensive and defensive areas, including the continued production and deployment of the ALCM-B, the Trident I, and the low-cost replacement of 100 Minuteman II with Minuteman III ICBMs, acceleration of the F-15 ASAT system, and a near-term, space based strategic defense against Soviet missiles.

Fifth, we recommend that you take decisive action to enforce the Monroe Doctrine in Central America and in Cuba, before the strategic balance becomes any more unfavorable and further constrains American action.

Sixth, in order to compensate for Soviet arms control violations, we recommend that you refuse any further cuts in the defense budget, which is already below what even former President Carter considered necessary and which without strong personal involvement by you will be even more drastically reduced.

Seventh, we recommend that you advise the Soviet Union that further progress in arms control negotiations is unlikely unless and until they undo their many violations of already existing arms control treaties.

Mr. President, we respecfully request also that you personally respond to this letter, our questions contained in the attached chronology and analysis, and our recommended actions as soon as possible within the next few weeks.

We assure you of our deep regard for your judgment. Our intentions in addressing this letter to you arises only out of our desire to insure that you are aware of these matters as we see them, to seek your advice and action, and finally to ensure that the lives and freedoms of the American people are being fully protected.

With warmest personal regards.

Sincerely,

STEVE SYMMS.
JOHN EAST.

ANNEX: CHRONOLOGY AND ANALYSIS

We are listing hereafter the relevant events pertaining to the SALT II Executive Agreement—as best at least we are able to determine them from the incomplete record available to us at present.

a. On June 18, 1979, former President Carter signed the proposed SALT II Treaty on behalf of the United States, and soon thereafter submitted the treaty papers to the Senate for advice and consent to ratification;

b. On January 3, 1980, former President Carter wrote to the Majority Leader Byrd, requesting that Senate consideration of the SALT II Treaty be indefinitely deferred, pending a joint Executive Branch—Congressional assessment of Soviet "actions and intentions" following their invasion of Afghanistan. Such an assessment was never made until your January 23, 1984 Presidential Report to Congress on Soviet SALT violations.

c. In March, 1980, President Carter ordered the Department of Defense to comply with the terms of the SALT II Treaty even though the treaty had neither been approved by two thirds of the Senate nor subsequently ratified by the President acting for the United States (and even though the Senate Committee on Armed Services found that the proposed treaty was "not in the national security interests of the United States");

d. In February, 1981, the Secretary of the Navy, The Honorable John Lehman, stated publicly that compliance by the United States with the unratified SALT II Treaty and the expired SALT I Interim Agreement was illegal and unconstitutional;

e. In May 1981, you are reported to have indicated in a National Security Council meeting that it was your desire that SALT II be withdrawn from further consideration in the Senate, that the treaty papers be returned to you by the Senate, and presumably that the illegal Carter directive to the Department of Defense be rescinded;

f. Sometime during 1981, the Department of State formally notified the Soviet Union that the United States would not ratify the SALT II Treaty—ratification being an executive action within the exclusive perogative of the President, subject to Senate advice and consent but not direction;

g. In June, 1981, you are reported to have reversed your underlying position and to have indicated to the National Security Council that perhaps the United States should comply with SALT II without ratification so long as the Soviet Union did likewise;

h. In September and October, 1981, Secretary of State Alexander Haig and Soviet Foreign Minister Andrei Gromyko appear to have engaged in a series of classified diplo-

matic exchanges in cable and other form which resulted in the secret Executive Agreement which is the subject of this letter (and there were further classified exchanges during Summer, 1982);

i. In late 1981 or 1982, during the negotiation of the Executive Agreement, the Soviet Union informed the United States that the Article XI provision of SALT II requiring the Soviets to dismantle strategic delivery vehicles in excess of 2,250 was "obsolete," and the U.S. acquiesced, thus allowing the Soviets an unlimited number of strategic nuclear delivery vehicles.

j. In late 1981 or early 1982, the Department of State declined a Soviet request that the parties define and enumerate precisely each provision of SALT II deemed "obsolete" in the Executive Agreement, but the Department did accept the general definition of that term as both stated and implied by the Soveit Union;

k. On May 30, 1982, you did not acknowledge the existence of the secret Executive SALT II Agreement, but did announce publicly, "As for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint.";

l. On October 27, 1983, the Soviet Union advised the United States in the Standing Consultative Commission that it did not consider it necessary to observe the MIRV limits of Article V of SALT II, Presumably because under the terms of the Executive Agreement the Soviet Union also deemed those limits also to be obsolete.

m. In November, 1983, the Soviet Union clarified its statement of October 27, which the Soviet General Starodubov claimed the U.S. had "misunderstood." Starodubov asserted that the Soviet Union had no obligation to "dismantle" systems under Article XI of SALT II in order to meet the Article V limits on MIRVed launchers. This revised statement amounted in practice to the same position as that taken on October 27—a voiding of the three MIRV ceilings;

n. In November or December 1983, the U.S. acquiesced in the Soviet position on MIRVed launchers (as "clarified"), thus modifying by conduct the underlying Executive Agreement to permit the Soviet Union to deploy new MIRVed launchers—the SS-24, SS-25, and the TU-95H with long range cruise missiles—at aggregate levels in excess of the 820, 1200, and 1320 MIRVed launcher limits of article V SALT II;

o. On Januray 23, 1984, the Senate was indirectly informed by message for the first time that the Executive Branch had formally notified the Soviet Union in 1981 that the United States would not ratify SALT II;

p. On January 23, 1984, the Senate was formally notified by message that the Soviet Union is clearly violating two provisions of the unratified SALT II Treaty and is probably violating two other provisions of the unratified SALT II Treaty. Yet in the same report you stated that the U.S. would continue to comply with SALT II. You omitted the previously used qualification (derived from the executive Agreement) "as long as the Soviets show equal restraint," thereby seeming to have converted SALT II first into an Executive Agreement worse than the unratified treaty and next simply into an exercise in American unilateral disarmament and limitation in the face of unrestrained Soviet growth.

q. On March 14, 1984, a senior member of your Administration stated at a hearing before the Senate Committee on Armed Services that the violations you formally reported to Congress were "illustrative only," and he mentioned "20 to 25" other possible Soviet arms control treaty violations. He also stated that since the signing of SALT II in 1979, the number of Russian nuclear warheads aimed at the people of the United States had increased by "3,500" or by "almost 75 percent."

Mr. President, as we understand the terms of the 1981-1982 Executive Agreement, the Soviet Union is explicitly exempted from dismantling over 500 strategic intercontinental delivery vehicles, and is allowed under the agreement over 898 more strategic nuclear delivery vehicles and 1000 more warheads than permitted the United States. And these numbers on the Soviet side are allowed unlimited growth.

We also understand that in November or December, 1983, we acquiesced in, and thus accepted by conduct, a modification of the Executive Agreement which permits the Soviet Union to disregard Article XI of the Treaty with respect to Article V, thereby permitting the Soviet Union to proceed in the deployment of additional new MIRVed launchers such as the SS-24, SS-25, and TU-95H with long range cruise missiles in excess of the three launcher limits on MIRVed systems—820, 1200, and 1320. Under the Executive Agreement interpretation in which the United States acquiesced, these new deployments of MIRVed launchers can continue until the MIRVed launcher limits of SALT II are reached by exclusively new systems, without a current obligation to dismantle any launchers from any "old" systems like the SS-18.

Thus, not only was just the total aggregate ceiling lifted by the original Executive Agreement, but all four of the SALT II ceilings can now be exceeded by the Soviets with U.S. acquiescence. The Soviets have been excused from dismantling any old delivery vehicles in order to reduce their forces down to 2250, and instead can deploy effectively unlimited numbers of SS-24s, SS-25s, Backfire bombers, and TU-95 Hs, until the original aggregate ceiling of 2250 may be reached by exclusively new systems. And, as noted, the same freedom applies to Soviet compliance with the 3 MIRV ceilings: 820 ICBM MIRVed launchers, 1200 MIRVed launchers for ICBMS and SLBMs and 1320 MIRVed ICBM and SLBM launchers and intercontinental bombers equipped with long range cruise missiles. In addition, the Soviets are violating the new type ICBM provision, the prohibition on SS-16 deployment, the encryption prohibition, and the Re-entry Vehicle to Throw-Weight ratio provision.

In sum, SALT II has been converted from an unequal treaty already "not in the national security interests of the U.S." into a mere hollow shell for the Soviet Union and into a constraining straight jacket for the United States. We repeat, the Soviets are permitted to exceed all four of the ceilings of SALT II, with apparent U.S. acquiescense, and they are violating all of SALT II's other major provisions. But the U.S. is still unilaterally and strictly complying with SALT II in every aspect of all of its original provisions. Thus SALT II has become an exercise in U.S. unilateral arms control bordering in practical effect on unilateral disarmament.

In 1979, the original SALT II Treaty was, as noted, judged "not in the national security interests of the United States" by the Senate Armed Services Committee. And as the fiscal year 1985 Defense Posture Statement explains with unusual lucidity:

"the SALT II Agreement would have codified that unilateral [Soviet] buildup and allowed additional growth in Soviet forces, thereby permitting even further deterioration of the military balance."

The Defense Department has also testified recently that "this Soviet buildup of strategic nuclear forces shows no sign of slowing." Under Secretary of Defense De Lauer has testified recently that: "We see no let-up in the rate of deployment of Soviet [strategic] systems over the next ten years." Defense Secretary Weinberger stated on May 26, 1982 that SALT II "would irreversibly seal the advantage the Soviets currently enjoy." Secretary Weinberger is correct.

But if SALT II was already unequal in 1979, then how much worse off are we in a situation in which all the four ceilings are in practical effect removed for the Soviets, who are building up their nuclear forces with no end in sight and as fast as their economy and resources will permit?

In our judgement, both the original Executive Agreement and the agreement as apparently modified in 1982 and 1983 are militarily unacceptable, fundamentally dangerous to the American people, and contrary to law.

We also believe that the attempt to characterize the agreement as simply a "political commitment" is at best inaccurate, and at worst a subterfuge invented by the Department of State to circumvent the Constitution, the Jackson Amendment (Public Law 92-448), Section 33 of the Arms Control and Disarmament Act, and the Case Act, a law of the United States which requires the President to report promptly to Congress all Executive Agreements.

The following analysis is the basis for our belief that the Executive Agreement does not satisfy the requirements of the Constitution or Public Law.

In the fact sheet which was provided to Congress along with your Report on Soviet SALT violations, the status of SALT II was defined as follows:

"SALT II was signed in June, 1979. It has not been ratified. In 1981 the United States made clear its intention not to ratify the Treaty. Prior to 1981 both nations were obligated under international law not to take actions which would 'defeat the object and purpose' of the signed but unratified treaty; such Soviet actions before 1981 are violations of legal obligations. Since 1981 the U.S. has observed a political commitment to refrain from actions that undercut SALT II as long as the Soviet Union does likewise. The Soviets have told us that they would abide by these provisions also. Soviet actions contrary to SALT II after 1981 are therefore violations of their political commitment."

To our knowledge, this statement was the first time that the Senate had been informed that "in 1981 the United States made clear its intention not to ratify the Treaty." Even though it was clear to most political observers that the Senate would never give its consent to you or to any President to ratify the treaty, we were not aware that the Administration had notified the Soviet Union that the United States would not ratify the proposed treaty.

We do not understand why the Senate was not also notified contemporaneously of that action, because the notification given the Soviet Union clearly relieved the United States of any possible obligation under international law (as perceived by the State Department) to take no action to "defeat

the object and purposes" of the proposed treaty. Moreover, a logical and usual consequence of giving such notice to the other party would have been a concurrent request from the Executive Branch to the Senate asking for the return of the treaty papers to the President, the only proper procedural action when the President does not intend to ratify a treaty and has so notified the other signatory.

But the Senate was not advised of the notification to the Soviets. Thus, at the time in 1981 we were understandably puzzled by the announcement that the United States would refrain from actions that "undercut" SALT II as long as the Soviets did likewise. And in that regard, we are now not unmindful of the unseemliness of the Senate having before it during three full years, for advice and consent to ratification, a proposed treaty that the Executive Branch had specifically and secretly notified the other contracting state that the Executive Branch had no intention of ratifying. One of our requests in this letter, therefore, is that you inform us when and under what circumstances the United States made clear its intention in 1981 not to ratify the treaty.

The Fact Sheet previously mentioned also attempts to exploit in domestic law an important new concept in the understanding of arms control, namely, the distinction between a "legal" international obligation and a "political" international obligation. According to this distinction in your report, violations of the terms of SALT II which occurred previous to 1981 were violations of a "legally" binding obligation, while those which occurred after 1981 were violations of a "politically" binding obligation. Candidly, we do not accept this distinction, and we believe that it is simply a contrived (and transparent) effort by the Department to State to justify circumvention of the Congressional approval requirements in Section 33 of the Arms Control and Disarmament Act and the reporting requirements of the Case Act.

In any event, the secret diplomatic record, at least insofar as we have been apprised of it, and the public record, amply support our conclusion that in 1981 and 1982 a secret Executive Agreement binding in international law but contrary to the domestic statutory and constitutional law of the United States, was negotiated by the Department of State and the Soviet Union. Again, your recent report on Soviet SALT violations is strong evidence for that conclusion:

"Since 1981, the United States has observed a political commitment to refrain from actions that undercut SALT II *as long as the Soviet Union does likewise.*" (Emphasis added.)

Putting aside the fact that you have reported to Congress the precise fact that the Soviet Union is not doing likewise, the foregoing statement is effectively an offer by the United States containing a conditional promise binding the conduct of the United States if accepted by the other contracting state, the Soviet Union. And apparently there was either conditional acceptance in 1981 and 1982 followed by a modification in 1983, or alternatively, simply a Soviet counter-offer in 1981 and 1982 which was eventually accepted by the United States and subsequently modified in 1983.

Here again, we know there was Soviet acceptance of our offer (or a Soviet counter-offer subsequently accepted by the United States), because we are advised by your report:

"the Soviets have told us they would abide by these *provisions* also." (Emphasis added.)

This statement brings us to the central point we are asserting, namely, the Soviet Union, in consideration of our conditional promise to abide by the provisions of SALT II, also promised to do likewise so long as the United States did the same, thus clearly creating a bilateral Executive Agreement between the two contracting states. And the Administration reached this Executive agreement with the Soviet Union by acquiesing in a higher level of strategic nuclear delivery vehicles and effectively an unrestrained rate of growth in total forces for the Soviet side under the agreement terms as finally accepted.

The Constitutional and statutory imperfections of the agreement are clear to us, and so are the national security implications. But as Senators, we need to weigh the precise effects of the agreement reached on future arms control negotiating prospects, as well as on the security of the United States.

We need to know, therefore, the full record of diplomatic exchange involved and the present form and status of the agreement, whether described euphemistically as mutually contingent "political commitments" or accurately, as an unreported bilateral Executive Agreement between contracting sovereign nations.

We need to know these details because the existence of significant alterations in a basic mutual commitment to observe the terms of SALT II has been implied in a series of press background briefings given by high Administration officials.

As early as May 23, 1982, former Secretary of State Haig stated on national television that the USSR continued to observe "some" of SALT II's constraints, and on June 24, 1982, another Department of State official stated: "We're not requiring that . . . the Soviets reduce their forces. . . ." The significance of that statement did not become clear until another such background briefing held this year, when a senior State Department official said that in June, 1982, the Soviet Union established that it had no obligation to dismantle:

"I might say that in one particular area, the Soviets made clear that they did not feel obliged to adhere to the SALT II Treaty, and that was on the obligation to *reduce down to 2250* strategic nuclear delivery vehicles which was meant to take place as we were observing the Protocol." (Emphasis added.)

The obligation not to exceed 2250 strategic delivery vehicles is a provision in the SALT II Treaty and is not linked to the Protocol. We find very puzzling, therefore, the fact that the United States would accept an apparent Soviet counter-offer containing a unilateral definition of a key—perhaps the Key—provision of the treaty as "obsolete." Yet on June 20, 1982, Soviet spokesman Zamiyatin suggested in Izvestia that there was a U.S.-Soviet agreement on complying with SALT II, and Zamiyatin was quoted in a similar statement in Time magazine about the same time. We therefore find it logical to assume that as early as September or October of 1981 (and later in the summer of 1982) the Soviet Union made clear that any agreement to observe the terms of SALT II was conditional on the United States observing those terms and on the United States accepting that Soviet Union would not observe certain terms it deemed obsolete among which was, incredibly, the central feature of the treaty—the overall aggregate limit on strategic delivery vehicles.

But, Mr. President, we do not have at this time the negotiating record of the Executive Agreement. Therefore, the status of the treaty, as well as the status of the agreement and underlying diplomatic interchange is crucial to understanding the signifance of the United States commitments under the agreement.

If we did indeed notify the Soviet Union in 1981 that we did not intend to ratify the treaty, then, under any interpretation of customary international law, all obligations on both sides, were finished and the treaty is irrelevant. But no notification was sent to the Senate at that time, and no request was sent forward for the Senate to return the treaty papers to the Executive Branch.

On the other hand, if we did not notify the Soviet Union of our intention not to ratify then, the Department of State, at least, continues in the belief that under customary international law, the parties are still bound not to undercut the treaty terms. Yet if we speak of a "political obligation" to respect the terms as long as the Soviets do likewise, that obligation is contractual and binding at international law since it depends on Soviet acceptance, both in the course of diplomatic interchange and in its conduct.

But the Soviet attitude towards obeying the provisions of SALT II is contradictory. Mr. President, you, yourself, pointed out in your report on Soviet arms control violations that the Soviet Union was guilty of violations of the unratified SALT II Treaty in at least four areas, namely, telemetry encryption, the rule on ICBM modernization, the prohibited "new type" SS-X-25, and clandestine deployment of the SS-16. But in addition to violation of terms which both sides have, it appears, mutually agreed to observe, there is the far more serious question of whether there is mutual agreement on the central term of SALT II, that is to say, whether there is any limit whatsoever on the number of Soviet strategic nuclear delivery vehicles and, after our conduct in the SCC during late 1983, on MIRVed launchers.

Against the background of fact, amusingly, there are repeated Soviet statements in diplomatic channels to the United States that the Soviet Union is strictly complying with the provisions of SALT II. For example, this curious dialogue:

"The Soviet Union has stated that if the U.S. observed the *provisions* of the unratified SALT II Treaty, the Soviet Union would abide by the *provisions.*" (Emphasis added.)

The Soviets then reportedly added:

The Soviet Union is not taking any actions that would run counter to the SALT accords that have been achieved."

Yet the Soviets have also stated in diplomatic channels that

"The sides have *no* strict obligation to act in accordance with the *provisions* of the SALT II Treaty, as would have been the case had it been ratified." (Emphasis added.)

Taken together, these statements suggest a Soviet posture indicating that they are complying in some fashion with SALT II in accordance with a mutually understood agreement, even though they have no strict treaty obligations to do so. Yet their indication that they are acting in accordance with a mutual agreement must be read in the light of their assertion that they consider "obsolete" the SALT II ceiling on strategic nuclear delivery vehicles and the MIRV ceilings.

The unratified SALT II Treaty specifies that neither side can have more than 2,250 strategic nuclear delivery vehicles. That

ceiling was the keystone, indeed, the foundation of the treaty. At the end of 1981, the Soviets had over 2,500 operational strategic delivery vehicles.

The Carter-Mondale Administration claimed that the Soviet obligation to dismantle at least 250 delivery vehicles was one of the principal U.S. benefits of the SALT II Treaty. Even so, the Senate refused to act on the treaty because, Mr. President, many agreed with you that it already greatly favored the Soviet Union and was "fatally flawed." The Senate Committee on Armed Services formally reported to the Senate that the treaty was not in the national security interest of the United States, because it was unequal and destabilizing. The Committee was right. You were right.

Yet under the unreported Executive Agreement concerning SALT II, the situation has grown far worse than we would have anticipated even if the Senate had consented to ratification and you had subsequently taken that unwise step. Under the Executive Agreement the Department of State has negotiated, at the present time the Soviets have reached well over 2,754 operational strategic nuclear delivery vehicles without counting several regiments of SS-16s and other systems which are almost certainly deployed.

Thus, just to meet the already unequal terms of SALT II, the Soviets would now have to dismantle over 500 strategic vehicles. Yet the question of meeting the 2,250 ceiling of SALT II is a central issue, not only in future arms control negotiations, but in whether, on military grounds alone, we can further risk American security by observing an agreement so clearly unequal, disadvantageous as well as unconstitutional and contrary to United States law.

And there can be no doubt that the military consequences of the secret Executive Agreement are enormously dangerous. While on our side of the agreement we have strictly adhered to the terms of SALT II as if it were a ratified treaty (and in fact have unilaterally dismantled strategic delivery vehicles well below the strict requirements of SALT II), the Soviet Union has increased the number of Soviet ICBM and SLBM nuclear warheads aimed at the people of the United States from about 6,000 to over 9,500.

As one senior member of your Administration, Richard Perle, has testified to the Senate, "Since SALT II was signed, the number of Soviet nuclear warheads aimed at the U.S. has increased by 75 percent." He later added that this number increased by 3,500 warheads, and that this did not even count Soviet refire missiles. Thus the Soviets now have over 898 more strategic delivery vehicles and over 1,000 more strategic warheads than the U.S., not even counting the advantages gained from their SALT II violations. The Soviets could have another 600 illegal strategic delivery vehicles carrying over 1,600 illegal warheads from their SALT II violations alone. And if all probable Soviet arms control violations are tabulated, the Soviets may have deployed over 4,000 more illegal delivery vehicles carrying over 10,000 more illegal warheads. Thus, including their advantages gained from SALT cheating, the Soviets have over an order of magnitude more forces than they are allowed by SALT II.

This continued increase is set against a background that is even more disturbing. During your Presidency the number of American operational strategic delivery vehicles has actually decreased from about 2,058 to about 1,814. In addition, the U.S. is planning to deactivate two Poseidon submarines carrying 32 SLBMs and 320 warheads, and 90 B-52D bombers carrying 1,080 ALCMs, all in order to continue complying with SALT II.

The Soviets have already seen the U.S. explicitly acquiesce in allowing them a still growing 2,754 to 2,250 superiority in permitted delivery vehicles under SALT II. They have also observed the gratuitous U.S. unilateral deactivation of 292 delivery vehicles carrying over 500 warheads. They are waiting for the U.S. to continue its plans to deactivate 32 Poseidon SLBMs carrying 320 warheads and 90 B-52D bombers carrying 1,080 ALCMs.

Thus, the Soviets have no incentives to agree to negotiated reductions at all, let alone to equal levels, when they already have a superiority acknowledged by the U.S. and can simply wait for the U.S. to continue its unilateral deactivations.

We, of course, recognize that when you took office the U.S aggregate number of strategic vehicles was already far lower than the comparable number in the Soviet Union. Indeed, the only way the Carter-Mondale Administration could preserve the illusion of U.S.-Soviet parity in SALT II was to count in the U.S. aggregate total 258 unflyable, moth-balled B-52 bombers abandoned and in storage. The Carter-Mondale Administration spent over $10 million trying to make our oldest, obsolete B-52 bombers appear operational to Soviet spy satellites, or perhaps to impede public discussions of their conditions. This program was called "Operation Crested Dove" and it lasted from 1977 to 1980. It was a serious impediment to rational public discussion of the SALT II Treaty.

Yet, bad as these conditions were, we believe they have grown unimaginably worse through a chain of events which has undermined the Constitution and public law. In March, 1980, President Carter issued a directive requiring the Defense Department to comply fully and precisely with all the provisions of the unratified SALT II treaty. This action constituted de facto Presidential ratification of the Treaty, without the advice and consent of the Senate. And bad led to worse because President Carter's unconstitutional action was the origin of the February 1981 statements concerning our obligation not to undercut the term of the treaty. And that action was in turn also the origin of the Executive Agreement based on a modified understanding of SALT II through which certain of its terms were deemed "obsolete".

President Carter's directive to the Defense Department to abide by the provisions of SALT II has never been rescinded. Under this order, the United States now has less than 1,900 operational strategic nuclear delivery vehicles compared to more than 2754 on the Soviet side. Moreover, the United States is in the process of unilaterally deactivating 292 strategic delivery vehicles; when this program of unilateral deactivation is completed, the United States will only have slightly above 1,800 operational strategic nuclear delivery vehicles. In addition, the United States is planning additional deactivation of 90 ALCM-equipped B-52 G bombers and 32 Poseidon MIRVed SLBMs in order to comply with the terms of SALT II which is apparently our part of the Executive Agreement.

The result of the Carter directives, your commitment not to undercut SALT II and the Executive Agreement accepting the Soviet determination of "obsolete" provisions in SALT II is that the United States is reducing strategic nuclear delivery vehicles to 1,800 out of a formely allowable 2,250 while the Soviets never reduced theirs at all and have, in fact, increased to 2,754 with every prospect of fielding even more systems either through violations of the Executive Agreement or in accordance with the apparent common understanding that insofar as concerns the Soviet Union there is no ceiling, even on MIRVed systems.

We believe that the proper response to the Soviet position effectively declaring the SALT II 2250 ceiling "obsolete" would have been to abandon publicly your 1981 commitment not to undercut SALT II and to rescind the 1980 Carter directive.

The SALT II Treaty itself was unequal and destabilizing; the Carter order to the Department of Defense was unwise and a usurpation of Senate power. The 1981 declarations were even worse since they bound us to obligations without the legal sanctions of treaty or of customary international law. But the 1981-1982 agreement was the worst of all since it constituted the acquiesence of the United States in a further degrading of the treaty's alleged benefits, without any quid pro quo return at all. Moreover, the Senate was not informed of this development, which would have cast the 1981 decision in an even worse light.

The Constitution requires that treaties be ratified by the President by and with the advice and consent of the Senate given by two-thirds of those present and voting. The SALT II treaty was sent to the Senate, but was not debated on the Senate floor since it was obvious even to the proponents that the necessary two-thirds support for a resolution of consent to ratification was not available. The decision of President Carter to require the Department of Defense to abide by the unratified treaty placed the Executive Branch in conflict with the requirements of the Constitution and under the domestic law of the United States was an illegal order—even though undoubtedly the lawyers at the Department of State would argue that such action was required by customary international law for a reasonable time during the pendency of the treaty.

If so, the Carter action placed international law above the Constitution.

But because the U.S. gave notification to the Soviet Union in 1981 (albeit in secret) that the United States did not intend to ratify the treaty, there was no longer any requirement even under certain interpretations of customary international law to abide by the Treaty restrictions. The eventual conclusion of the Executive Agreement, therefore, appears to be a further violation of the Constitution and, since the agreement has not been submitted to the Senate, is certainly contrary to statute. In addition, whatever appearance of propriety that certain interpretations of customary international law might have lent to the illegal Carter directive of March 1980, those already shaky underpinnings were removed by the 1981 notification to the Soviet Union that the Executive Branch did not intend to ratify the treaty.

In summary, the Executive Agreement appears to have embodied tacit acquiescence in the Soviet interpretation of SALT II eliminating one of the major purported achievements of the treaty. The effect of accepting that Soviet interpretation was to relieve the Soviet Union of the obligation of reducing its strategic nuclear delivery vehicles from 2,500 to 2,250 and to allow it to in-

crease the number further to over 2,754 without further apparent legal restraint until the original ceiling is reached by counting only new systems. The prudent reaction to this Soviet position, rather than accepting it as we did, would have been to reject the public commitments of 1981, which were unconstitutional anyway.

But we did not reject the 1981 commitments and we did accept the Soviet position; and we continued to respect SALT II and have continued to reduce our own strategic nuclear delivery vehicles to a planned level of about 1,800. Those actions aggravated the fundamental strategic inequality between the United States and the Soviet Union, giving the Soviet Union a superior level of operational intercontinental forces.

Yet, in 1972, the Jackson Amendment to SALT I mandated that:

"The Congress recognizes the principle of United States-Soviet Union *equality* reflected in the Anti-Ballistic Missile Treaty, and urges and requests the President to seek a future treaty that, *inter alia*, would not limit the United States to levels of intercontinental strategic forces *inferior* to the limits provided for the Soviet Union." (Public Law 92-448, Emphasis added.)

And even though the Executive Agreement was not in the form of a treaty, it has had the effect of a treaty, at least on the actions of the United States. Clearly, then, the Executive Agreement violates the intent of the Jackson Amendment.

Moreover, the Executive Agreement controls American strategic forces in over ten ways. Yet Section 33 of the Arms Control and Disarmament Act specifies that there are only two ways for the United States to become party to an arms control agreement: (1) through the treaty-making process of the Constitution, involving the advice and consent of the Senate; (2) or through further affirmative authorizing legislation, involving the agreement of both Houses of Congress.

The treaty-making power has been completely side-tracked, and there has been no authorizing or approving legislation from Congress or any request for approval as required by statute. Yet the Administration has achieved the practical results of a treaty de facto, by the Executive Agreement of 1981 and 1982, as apparently modified in 1983.

Although the 1981 public commitment was purportedly the result of a unilateral declaration on each side, the nature of the circumstances suggest that the declarations were mutual and mutually contingent (hence an agreement), as tacitly admitted by the 1984 Fact Sheet. We believe therefore the purported unilateral public declarations did not emerge spontaneously. We accordingly ask that you provide us with copies of any diplomatic correspondence, cables, memoranda of conversations, minutes of meetings, position papers, or talking points generated with regard to the 1981 mutual commitments described in the Fact Sheet as a "political agreement".

Similarly, it is clear from the available record that in 1981 or 1982 the United States accepted (either through acceptance of a counter offer or as a modification of an already existing agreement) the Soviet interpretation of SALT II eliminating the overall ceiling on the number of Soviet strategic nuclear delivery vehicles. That step was a major change, yet the United States has continued to maintain the policy of strict compliance with SALT II, and apparently because of prior agreements has not objected on the public record to the Soviet interpretation.

Also, apparently because of the Executive Agreement, clear Soviet violation of the aggregate ceiling in SALT II was not included in the 1984 report of Congress on arms control violations, we believe, precisely because it was, in fact, not a violation of the 1981-1982 accord. Therefore, we ask additionally cables, memoranda of conversations, minutes of meetings, position papers, or talking points generated with regard to the 1981 Soviet position on voiding the aggregate ceiling and on the 1983 Soviet position on avoiding MIRVed launcher limits.

We ask further that you specifically give your opinion as to whether the Executive Agreement has any force in international law, whether it is consonant with the Constitution and the intent of the Jackson Amendment, and whether it is in accord with Section 33 of the Arms Control and Disarmament Act. We also respectfully ask for an explanation of why it has not been reported under the Case Act.

We also ask you whether, in your opinion, we should continue to observe strictly the constraints of SALT II even through (a) it is our intention not to ratify the treaty, (b) the Soviet Union has succeeded in eliminating (with Department of State agreement) all of the ceilings of the treaty and violates many of the remaining provisions, including the most important remaining provisions, and (c) the result has been a rapidly increasing and dangerous inferiority in the U.S. position with regard to intercontinental strategic weapons. Specifically, we ask whether U.S. security is enhanced by a State Department policy which has beyond any reasonable doubt proven to be inherently destabilizing.

Mr. President, the future of arms control must be with massive reductions on both sides in an equal and effectively verified manner or with rapid deployment of high technology defensive systems. If arms reductions can not be achieved, then we must acknowledge that hard fact because our freedom is too precious to risk further in the slavish pursuit of goodwill and trustworthiness in an opponent who holds the United States in increasing contempt while remaining committed to the practice of deception and tyranny. The unwise Executive Agreement negotiated by the Department of State has undeniably resulted in a situation where the Russians feel free to increase their strategic nuclear delivery vehicles (including MIRVed systems) and to violate even the already unequal terms of the agreement at will, while we feel required to dismantle unilaterally and gratuitously our systems and to adhere precisely to all of the original provisions of the unratified treaty.

In short, we ask you, Mr. President, whether in truth any productive purpose is served by accepting these risks to national security and by continuing to speak of SALT II as an "agreement"—even as a "political agreement"—when there is absolutely no agreement with Russia whatsoever on fundamental disarmament?

Mr. President, we have just received authoritative testimony that twelve years ago in 1972, the Joint Chiefs of Staff and the U.S. Senate were not informed that the Soviet Union intended to violate the SALT I Treaty and Agreement even before they were signed. The Nixon Administration reportedly witheld this information from our military leaders and the Senate, and according to our reports actually lied to the Senate 1972. Thus it seems that the SALT I Treaty and Agreement were ratified under false pretenses. But a much worse situation has occurred with regard to the SALT II Treaty, which is an even greater affront to the Senate.

U.S. SENATE,
Washington, DC, July 25, 1984.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are your stalwart supporters and always will be. As you know, earlier this month, we reluctantly stated our view that the conduct of Administration officials had bound the United States at international law to an unauthorized Executive Agreement concerning the unapproved SALT II Treaty, and that the agreement was disadvantageous to the United States in that it permitted the Soviet Union to exceed ceilings specified in the SALT II Treaty which itself you had characterized as "fatally flawed." We still agree with your October 30, 1980 debate statement that "SALT II is illegal."

We now understand that the Administration asserts that there is no such Agreement involving SALT II, and although we believe there is a substantial basis for determining otherwise, we are gratified that the present position of the Administration is that no such agreement exists. Since our recent letter, various statements have appeared in the press from spokesmen for the Administration, denying that any Executive Agreement involving SALT II exists.

The statements from the spokesmen further confuse the difference between a "treaty" and an "Executive Agreement." For example, the New York Times of July 7, 1984, stated that "An Administration official said it was absurd to call the decision to comply with the Treaty an Executive Agreement with the Soviet Union." Further, Presidential spokesman Larry Speakes stated on July 11, 1984, that there was "no secret Executive Agreement . . . it did not exist."

It is ironic, however, that in denying the existence of a SALT II Executive Agreement, Larry Speakes went on to reaffirm the U.S. "interim restraint policy for existing strategic arms Agreement," including the SALT II Treaty. If there is no Existing Agreement, then how can we have a restraint policy based on Existing Agreements?

Unfortunately, the Bumpers-Leahy Amendment to the Defense Authorization Bill also refers repeatedly to the "SALT II Agreement" described in our letter. The Bumpers-Leahy Amendment would, therefore, if enacted into law, tend to give legislative authority for an Agreement which your Administration now insists was never made. Accordingly, we very respectfully urge you to take whatever steps may be appropriate to ensure that the Bumpers-Leahy Amendment is not enacted, since it would codify an international Agreement which under the analysis of your Administration was never consummated.

Even though, Mr. President, we still are of the firm belief that there is substantial evidence that there was a meeting of the minds between the Soviet Union and the U.S. concerning the applicability and non-applicability of the provisions of SALT II, we, of course, defer to your better knowledge of the surrounding circumstances of those discussions with the Soviet Union. We feel that in view of the present position of the Administration it is imperative that any legislation giving a contrary interpretation to

those events, such as the Bumpers-Leahy Amendment, be vetoed if necessary, to prevent an erroneous statement of fact in the laws of the United States.

Further, in our judgment, such action on your part would be particularly necessary to preserve the Constitutional doctrine of separation of powers. The Judiciary Subcommittee on Separation of Powers, when reviewing in 1982 a resolution similar in content to the Bumpers-Leahy Amendment, found that Congressional action affirming an Executive Agreement based on a pending treaty would be "an unconstitutional exercise in Congressional power." The 1982 resolution, S.J. 212, also referred to a "SALT II Agreement."

Moreover, we also urge that in clarifying the non-existence of any Executive Agreement involving the SALT II Treaty, you should direct Administration officials to cease referring to the proposed treaty in official communication as an "Agreement." We are enclosing as an example a copy of a cable sent by Secretary of State Shultz to all U.S. embassies worldwide in which such "agreement" is referenced as extant.

In sum, the original recommendation of the earlier letter concerning this matter still seems to us to be the best course of action to clarify fully the actual current status of the proposed SALT II Treaty. Since you have notified the Soviet Union that the Executive Branch will not ratify the Treaty, even if given consent to ratification by the Senate, the proper course now would be to request the return of the Treaty papers since continued consideration in the Senate is moot.

Moreover, we again renew our request for all aides memoire, memoranda of conversation, or other documents or records pertaining to commitments by the United States to abide by provisions of the unratified SALT II Treaty. We point out, in that connection, that these materials could be of far greater significance than they might appear, since they might reflect the incorporation by reference of complex terms and procedures embodied in SALT II even though the materials themselves may be brief and appear to lack formality.

Finally, we point out that the 1984 Democratic Party Platform states that: A Democratic President will pursue deep, stabilizing reductions in nuclear arsenals within the framework of SALT II, observing in the meantime the SALT II limits ourselves and insisting that the Soviets do likewise.

This provision is the same demagogic language that appears in the Bumpers-Leahy Amendment.

We hope that you will not support enacting as law the key Democratic Platform provision, which is based on wholly false premises. It is flawed in four respects:

(1) The Soviet Union refuses to reduce nuclear weapons and daily adds new nuclear forces;

(2) According to your spokesmen there is neither as SALT II Agreement, nor a Treaty intended for ratification, which in any event would be unequal and contrary to the national security interests of the United States;

(3) The United States has already scrapped 5 still serviceable missile submarines, deactivated 5 more, and even plans to scrap 2 perfectly operational Poseidon submarines in order to comply with the expired SALT I Interim Agreement and the nonexistent SALT II Treaty, while the Soviets have a still growing 50% strategic submarine superiority over the U.S. and are illegally converting some of their equivalent submarines into even more lethal missile carriers; and

(4) The Soviet Union is in blatant violation of the terms of every major arms control treaty, is not observing SALT II, and no amount of U.S. insistence will cause Russia to act otherwise.

After all, former President Carter portrayed the 1980 election as a national referendum on his SALT II Treaty, and he lost.

We consider this issue of such critically, both in a narrow political sense, and more importantly in terms of our viability as a free country in the future, that we urgently request a meeting with you as soon as possible to outline face to face why we believe these questions must be resolved without any further delay.

With very best personal regards,

We remain,

Very respectfully,

STEVE SYMMS,
U.S. Senator.
JOHN EAST,
U.S. Senator.

U.S. POLICY ON SALT INTERIM RESTRAINT

Interagency cleared guidance on U.S. Policy on SALT interim restraint follows. The Department released the first Q-and-A on March 29, the second on March 30.

TRIDENT AND SALT LIMITS

Question. When will continued trident submarine construction put the U.S. above the SALT II MIRV sub-ceiling of 1,208 launchers? When will the trident program cause us to exceed the SALT I interim agreement limits? What is the U.S. position on continuing to observe these limits? When would they have expired had SALT II been ratified?

Answer. U.S. policy on interim restraint was set by the President in 1982, when he stated that, "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint."

The U.S. is continuing to carry out its obligations and commitments under relevant agreements, including our no undercut policy on existing arms control agreements. In keeping with this policy, compensating dismantlements for new trident I launchers the excess of SALT I interim agreement limits have been completed or are programmed using polaris and TITAN II strategic ballistic missile launchers that have been deactivated, and we have programmed sufficient money through the end of fiscal year 1985 for continued dismantlement of these launchers in accordance with SALT I procedures.

The SALT II treaty as written would have expired in December 1983, had it been ratified. It is the seventh trident that will bring into play the possible applicability of both SALT I and SALT II limits. Morever, sea trials for the seventh trident submarine are not scheduled to begin until late 1985, i.e., during FY 1986. Thus, no decision need be taken at this time regarding compensation for the seventh trident. The U.S. will carefully evaluate both the international situation and our own national security requirements in reaching such a decision.

Question. Is it true that the U.S. is considering revoking its "no undercut" policy for SALT II?

Answer. The President's policy on interim restraint has not changed. We are continuing to implement this policy with respect to the SALT interim agreement and the unratified SALT II agreement, and we are proceeding to implement the President's strategic modernization program.

As the President stated on January 23, "the United States is continuing to carry out its own obligations and commitments under relevant agreements."

Sea trials for the seventh Trident submarine are not scheduled to begin until late 1985, that is, in fiscal year 1986. The issues this event raises regarding the SALT I and SALT II agreements will be addressed at the appropriate time.

It would be misleading to infer that the absence of a decision before one is required implies anything about what course of action will eventually be taken.

When the time comes for a decision it will, obviously, be taken in the context of the international situation and U.S. national security requirements. Among other things, our assessment of the Soviet commitment to a corresponding policy will be relevant to our considerations. Shultz.

THE WHITE HOUSE,
Washington, August 6, 1984.

The HONORABLE JOHN P. EAST,
U.S. Senate,
Washington, DC.

DEAR JOHN: This is in reply to your letters to me of July 2, and July 25, expressing concern about this Administration's policy of not undercutting the provisions of SALT II.

It is incorrect to say, as your letter states, that this Administration has turned SALT II into a mutually binding secret executive agreement with the Soviet Union. We have neither negotiated nor signed a secret agreement. What we have done is to adopt a policy of refraining from actions which would undercut SALT II so long as the Soviet Union shows equal restraint.

I have stated on many occasions that SALT II did not provide a sound basis for arms control and that a new treaty was necessary. On May 31, 1982, I publicly enunciated our no-undercut policy at the same time that I announced the beginning of the START negotiations. The confidential diplomatic exchanges referred to in the annex to your letter have been carried out solely for the purpose of informing the leaders of the Soviet Union of our policy and seeking an understanding of their policy with regard to SALT II. Nothing has been said to the Soviet Union that goes beyond this policy.

Since the Administration made clear that it did not intend to seek ratification of the SALT II Treaty, there has remained no legal obligation on either party to refrain from acts which would defeat the object and purpose of the agreement. Thus our policy statement with respect to SALT II represents a political commitment rather than a legal obligation. As such, SALT II is not an executive agreement and carries no legal obligations.

The intent of our policy has been to promote an atmosphere of mutual restraint which is conducive to strategic nuclear arms negotiations while not jeopardizing U.S. national security. This policy is compatible both with our START objectives and our defense modernization program.

Your letter takes note of the significant concerns that have arisen in recent years about Soviet adherence to a comparable policy of restraint. I indicated in my January 23, 1984, report to the Congress that we have determined that the USSR has violated or probably violated several provisions of existing arms control accords—both those which are in force, and those to which the

Soviet Union claims to be adhering as a matter of policy (as you note in your letter, the Soviets do not claim to be reducing to the 2400/2250 SNDV limits in SALT II). Additional studies of Soviet compliance behavior are in progress. Concurrently, we are endeavoring through diplomatic channels to resolve with the Soviet Union our concerns about such behavior and are seeking explanations, clarifications, and corrective actions. We have stressed that if we are to retain confidence in the continuing utility of our arms control agreements, compliance must be rigorous.

We have made clear to the leaders of the Soviet Union our unequivocal preference for an environment characterized by mutual restraint pending the accomplishment of significant mutual and effectively verifiable reductions in destablizing nuclear systems. We believe this is in our national security interest as well as theirs.

While we strive to realize this goal, however, we are continuing our policy of pursuing needed strategic force modernization while preserving all necessary options to ensure flexibility in our defense programs. This includes the steps, to which you referred, related to the deployment in the fall of 1985 of the seventh Trident submarine. We believe that if we are to succeed in accomplishing these objectives, full funding by the Congress of our defense modernization program is essential.

I hope this explanation of our policy is helpful. As I noted in my report to the Congress last January, the Executive and Legislative branches of our government have long had a shared interest in the arms control process. Finding effective ways to ensure compliance is central to that process. Continued Congressional understanding and support for our approach to arms control is essential.

Sincerely,

RONALD REAGAN.●

SUPPORT FOR TAFT INSTITUTE

● Mr. SASSER. Mr. President, each year, the Taft Institute of Government seminars brings together politicans, educators, and government officials with students, teachers, and members of the community. The chief purpose is to discuss and promote an understanding of the two-party system of government in the United States.

Since 1966, 17 Taft Institute of Government Seminars have been held in my State of Tennessee. I participate in three of them—in 1973, 1974, and 1975—when I was State Democratic Party chairman.

Similar sessions have enriched the understanding and knowledge of more than 12,000 teachers in all 50 States. In just 1 year, 12,000 teachers can affect the lives of 2 million students.

The real guarding of our free system of government are our strong, competitive two parties. Each party tries to gain or maintain power by offering the best solution to the problems confronting the country. The checks and balances of our two-party system are to be valued.

The realities of this system just can't be captured in the textbook. This traditional training is complimented by the opportunity to meet with practical politicans—such as lawmakers from every level of government, lobbyists, the mayor, the local newspaper publisher, the Chairs of the two State parties, and community activists. The Taft Institute provides the setting for these meetings.

I am a cosponsor of S. 434, legislation to reauthorize the Robert A. Taft Institute for Two Party Government for the years 1986 through 1988. The Institute was founded in 1961 as a tribute to the late Senator Robert A. Taft. The effort was dedicated to the principle that each citizen should have the opportunity to contribute to government and politics.

The money provided is matched by money from private contributions. This funding has enriched the educational experience of thousands teachers who then have shared what they have learned with millions of students throughout the country.

I am pleased to state my support for this worthwhile program to improve education.●

BREZHNEV DOCTRINE VERSUS MONROE DOCTRINE

● Mr. SYMMS. Mr. President, I ask that the following two excellent documents published by the Junta Patriotica Cubana be printed in the RECORD. The first is by Dr. Claudio Benedi, a good friend of mine and the Washington representative of the Junta Patriotica Cubana. It is entitled "The Brezhnev Doctrine Versus the Monroe Doctrine." The second document is signed by Dr. Claudio Benedi and by Dr. Manuel A. de Varona, chairman of the Junta Patriotica Cubana. This document attacks Castro's violations of human rights in Communist Cuba.

Mr. President, both of these documents were presented to the General Assembly of the Organization of American States last fall at the meeting in Brazil of the OAS. I think these are excellent statements. I agree with them, and I praise Claudio Benedi and Manuel de Varona for their efforts against Castro's Communist Cuba.

The articles follow:

THE BREZHNEV DOCTRINE VERSUS THE MONROE DOCTRINE

The Brezhnev doctrine of limited sovereignty applied in the Americas constitutes a flagrant violation of the OAS Charter , the Rio Treaty, the Monroe Doctrine, the Tlatelolco Treaty on the proscription of nuclear arms in Latin America, the Symms amendment and the doctrine and memories of the liberator, Simon Bolivar, by the Soviet Union.

We have denounced before the General Assembly of the Organization of American States that, in violation of all the treaties, agreements, covenants and resolutions in force within the inter-American system, especially the Rio Treaty, the Charter of the Organization of American States, the Monroe Doctrine, the Symms amendment, the Tlatelolco Treaty, and the doctrine and thought of the liberator, Simon Bolivar, the Brezhnev doctrine of limited sovereignty is presently being applied in Cuba by an extracontinental power, albeit differently as in Czechoslovakia, Poland, and Afghanistan.

In these countries, the Soviet Union sent in its troops and tanks when their peoples declared their will for liberation against the Soviet totalitarian neo-colonialism.

But, in Cuba, the most sophisticated weaponry of the Soviet arsenal has been sent in to prevent an uprising and to maintain the Cuban people and the armed forces simultaneously submitted to the Soviet rule.

The Soviet Union has sent in its troops in a sufficient number to Cuba, disregarding its sovereignty and interfering in the internal affairs of an American state, which is supposedly protected by the treaties, agreements, covenants and resolutions in force within the inter-American system.

It is evident that there is a Soviet combat brigade in Cuba. Besides, we have been able to obtain information from inside Cuba, proving the fact that there are many thousands of Soviet military personnel, of the highest technical and professional ranks, experienced and trained, who, disguised as technicians, diplomats, businessmen, cultural agents, journalists and professors, are actually military personnel, amounting to 25,000.

These military have taken over the political and military direction, as well as the Cuban intelligence, espionage and counterespionage apparatus.

The Soviet troops are equipped with the most modern and sophisticated weapons of the Soviet arsenal, conveniently located in strategic places. Neither Cuban military personnel, nor the members of the satellite government, are permitted to enter into the location where the most advanced weaponry is kept. Not even the own satellite, Castro, has access to any information concerning these weapons.

The Soviet troops in Cuba have prevented, in all these years, an uprise by the Cuban people against the communist and totalitarian tyranny. The attempts being made, have been suffocated from start, and in the case it would succeed, it would immediately be unmercifully drowned in blood, as was the case with the rebel guerrillas in the Escambray Hills. More than 8,000 Cuban patriots were sacrificed at that time, and 172,000 families in the area of Escambray, were massively displaced, having perpetrated genocide on them. Their houses and all of their belongings were destroyed, and the whole area became a desolated piece of land. The condemned from Condado, a small town near the Escambray, which served as place of tortures, martydom and suffering to the thousands of Cubans, young and old, men and women, children and ancients. Soviet technicians and Cuban myrmidons, went ahead with the orders coming from Moscow. And the Cuban holocaust was silenced. All this, is documented with irrefutable proofs, even by the people who took part in the perpetration and who later deserted; as well as by victims of the said tragedies, and by witnesses with authentic facts.

Any internal uprise of the Cuban people with the Soviet troops in territory of America (Cuba), would also end up drowned in blood.

The Cuban military, many of them tired of serving the Soviet neocolonialism, and hating Communism, cannot organize an uprise against the foreign domination, for several reasons:

(1) The Soviet troops dominate the Cuban stage and have better weapons and mobilization facilities.

(2) The Cuban troops are not granted the same weapons as the Soviets, and most of the time are disarmed or poorly equipped, to prevent an uprise.

(3) The Cuban troops are spread through the national territory, divided in cantons, sections and regions with no commuication among them, or coordinated command. They are all subjected to the Soviet central direction.

(4) The intelligence and espionage Soviet services inside the Cuban armed forces, direct all the troops, and they have all information regarding everybody's behavior, especially that of the officers.

(5) They are constantly indoctrinated about the Soviet superiority and the impossibility of an armed uprise.

Thus, neither the Cuban people, nor the armed forces have been able to carry out, up to the present time, an uprise against the Soviet neocolonialism which would lead to a certain degree of success.

Outside Cuba, the Cuban Exile has been handcuffed by the so-called Kennedy-Kruschev understanding, by which the United States committed themselves, together with the Latin American countries, to prevent the Cuban patriots from preparing a military attack on the Soviet bastion (a subversive military and terrorist base in America). This also explains why the Cuban patriots, in spite of having committed several sporadic heroic acts which have caused many casualties, have not been able to train the Cuban armed forces efficiently, in order to liberate their country.

This has never happened in America; it is an affront and an indignity which affects all the people in this Hemisphere, paralyzing and putting in crisis the Inter-Americans System and the Organization of American States Charter.

Not only Cuba is subdued and enslaved. All America is threatened and paralyzed.

The Soviet Union has introduced in Cuba, weapons with which all Latin America and the United States can be attacked successfully. There are proofs that the following Soviet weapons have been introduced in Cuba:

The Soviet Union uses Cuba and Nicaragua as subversive and terrorist bases against all the Americas which is a violation of the Treaty of Rio; the OAS Charter; the U.N. Charter and the treaties, convenes, agreements and resolutions which are in force in this Hemisphere. The Soviet Union has delivered to the Cuban Regime, 240 MIG Fighter planes (of the "Fishbed" and "Flogger" types), which are also bombers with a nuclear capability. It has taken to Cuba nuclear submarines (of the "Echo" and "Gulf"). We are informed that the Soviet Union keeps deployed in Cuba 6 medium-range SS-4 ballistic missiles, out of the 42 it had in Cuba during the so-called "Missile Crisis". It has kept in Cuba several TU-95 "Bear" anti-submarine bombers, as well as recognizing planes. It also maintains strategic-located installations to monitor communications inside the United States and between the U.S. and other Latin American nations.

It has been verified that the Soviet Union has shipped to Cuba an amount of 66,000 tons of military equipment during the last 3 years, over 4 times the amount in stock at the time of the "Missile Crisis". The Soviet Union has built in Cuba a base for nuclear submarines at Cienfuegos Base on the southern coast of Cuba. Nuclear submarines have already been repaired there and there are also wharfs for nuclear weapons and underground locations.

This is why we have told all people in America that, in compliance with all the values and principals of the Inter-American System and the Organization of American States, the Organization of American States Charter, the Rio Treaty, the Monroe Doctrine, the thought and doctrine of the Liberator Simon Bolivar, it is demanded, by the means considered pertinent:

(1) The departure of the Soviet Combat Brigade of the Territory of the America (Cuba).

(2) The departure of all the Soviet military personnel, disguised as diplomats, technicians, businessmen, journalists, cultural agents, etc.

(3) The dismantlement of the nuclear submarine base, established by the Soviets in Cienfuegos, Cuba, which has already been utilized in the repair of damaged Soviet submarines.

(4) That the Soviets will take out of the Territory of the America, all offensive weaponry introduced in Cuba.

(5) That the so-called Kennedy-Khruschev understanding be declared publicly ineffective.

Thus, the peace and security of America will be guaranteed and Cuban patriots will be able to fight, inside and outside of Cuba, in order to liberate their Country from the Soviet neocolonialism.

Information from trustworthy sources confirm that the Brezhnev doctrine, not only is being applied inside Cuba, but that very soon it is going to be applied in Nicaragua. The Russian troops in Cuba will be carried over there, and gather with the Soviet military, whom, also disguised as diplomats, technicians, businessmen, agricultural advisors, journalists, will be part of the armed forces that will fight the Nicaraguan patriots who struggle for their country's freedom in the fields and in the cities. The Russian Troops could eventually fight the American, as well as other Latin American forces, whom, according to the above mentioned treaties, will be forced to carry out a collective action in order to eliminate the Soviet Base from Nicaragua and expel the agents of the Soviet neocolonialism from this Hemisphere.

The memories of the illustrious men of America demand it.

The sovereignty of our peoples demand it.

The effectiveness of the Inter-American System demands it.

The Rio Treaty and the Symms Amendment demand it.

The Organization of American States Charter demands it.

The Tlatelolco Treaty on nuclear arms in Latin America demands it.

The honor and dignity of America demands it.

Either Cuba is saved or America is lost.

"PACTA SUNT SERVANDA"—"ONE AGREES FREELY, BUT IS BOUND BY THE AGREEMENT"

(P. Francisco de Vitoria)

CUBA IS ON A WAR PATH, BOTH IN AFRICA AND LATIN AMERICA

Honorable Chairman of the Fourteenth Regular Period of Sessions of the General Assembly, Organization of American States.

Honorable Ministers of Foreign Affairs.

Honorable Ambassadors & Representatives of the American States

DISTINGUISHED REPRESENTATIVES OF THE AMERICAS: It is a high honor for us and, at the same time, a historical obligation, to address you and, though your intercession the peoples and governments of the Americas, in order to reiterate to you, in our condition of participants of the Inter-American System, who have been born in Cuba, the position of the Cuban people and their rights in the conjunction of American nations.

The Cuban State, whence we derive, is a part of the Inter-American System and a member of the Organization of American States (OAS). What is excluded is the Marxist-Leninist government headed by CASTRO, because of its being incompatible with the Inter-American System.

The Cuban State has signed with the American States which you represent those treaties, covenants, agreements and resolutions in force in the Inter-American System, the oldest and most representative of regional systems existing in the world. "And we have obligated ourselves to the agreements."

If the Cuban State is a member of that organization, as it is written in its convenants and was reiterated by the Eighth Consulation Meeting of the Foreign Affairs Ministers, that State must have some form of representation. "We are the voice of those who have no voice . . ."

The Cuban State is one and indivisible, and its rights must be protected by the other States, members of the OAS, as it is stipulated in the treaties and covenants in force. Cuba is a part of the Americas and is united to their destiny.

The present totalitarian regime in Cuba is a true satellite which represents the Soviet neo-colonialism; it is not representative of the Cuban people, with which it is even more incompatible than with the Inter-American System, because it runs counter to the Cuban history, traditions, culture, morals and due to its own totalitarian and foreign structure. That regime is an instrument for intrusion by an extra-continental power (the Soviet Union) in the internal affairs of the Americas.

Human rights are universal values and intrinsic to the human being, indivisible in their existence, maintenance and defense, and there cannot be any discrimination in the denouncement of violations committed against them. Because of that, this General Assembly is competent to learn and denounce the violations against human rights in Cuba, both institutional violations and de facto violations.

The Inter-American Commission for Human Rights has stated that "the application of cruel, inhuman and degrading treatment against persons deprived of freedom must be radically suppressed." That statement is completely in force to day regarding Cuba, and thus it must be stated by this Honorable General Assembly.

During the Sixth Consultation Meeting of Foreign Affairs Ministers of the Americas, the Marxist-Leninist doctrine was declared incompatible with the Inter-American System, because of which the present government of Cuba was ipso facto separated from the Inter-American System.

The Seventh Consultation Meeting of Foreign Affairs Ministers of the Americas stated:

"1. The intervention or threat of intervention, including a conditioned one, by any extra-continental power, in the internal affairs of any American Republic is hereby condemned, and we underline that acceptation of the threat of intervention by an extra-continental power, on the part of any

American State, endangers the solidarity & security of the Americas, which obliges the Organization of American States to condemn and reject it also with an equal emphasis."

Nobody doubts that the Castro's totalitarian satellite government has "accepted the threat of intervention of an extra-continental power (the Soviet Union)" and that it has "endangered the solidarity and security of the Americas." Such "acceptance" and "threat", as well as the intervention of an extra-continental power, are now much greater than at the time the statement and condemnation were issued.

The Soviet Union uses Cuba and Nicaragua as subversive & terrorist bases against all of the Americas, which is a violation of the Treaty of Rio, the OAS Charter, the UN Charter and treaties, convenants, agreements and resolutions which are in force in this Hemisphere. The Soviet Union has delivered to the Cuban regime 240 MiG fighter planes (of the "Fishbed" and "Flogger" types), which are also bombers with a nuclear capability. It has taken to Cuba nuclear submarines (of the "Echo" and Golf types). We are informed that the Soviet Union keeps deployed in Cuba six medium-range, SS-4 type, ballistic missiles, out of the 42 it had in Cuba during the so-called "missile crisis." It has kept in Cuba several TU-95 "Bear" anti-submarine bombers, as well as recomnnaissance planes. It also maintains strategically-located installations to monitor communications between the United States and the other American nations.

It has been verified that the Soviet Union has shipped to Cuba an amount of 66,000 tons of military equipment during the last three years, over four times the amount in stock at the time of the "missile crisis."

The Soviet Union has built in Cuba a base for nuclear submarines, at Cienfuegos Bay, on the southern coast of Cuba. Nuclear submarines have already been repaired there, and there are also warehouses for nuclear weapons in underground locations.

The KGB (Soviet political secret police) has taken over the intelligence and espionage services in both Cuba and Nicaragua.

The Soviet Union has violated the Treaty of Tlatelolco, in its II Protocol, which it subscribed and ratified. In the meantime it has ordered its satellite government in Cuba not to subscribe nor ratify said treaty, in order to be able to introduce bombers, submarines and nuclear weapons in Cuba, thus endangering peace and security in the Americas.

We have also been informed that the Soviet Union has introduced in Cuba chemical and bacteriological weapons and materiel, in violation of the 1975 Treaty on Bacteriological & Chemical Weapons, and the Geneva, Convention on Chemical Weapons of 1925. All of this violates the Rio Treaty, the OAS Charter and the UN Charter, as well as other treaties and convenants in force in the Americas.

The economic and social development of the peoples of the Americas is threatened and disrupted by the terrorist and subversive activities performed by military, paramilitary and guerrilla groups sponsored by the Soviet Union, through forces trained and supported by Cuba, Nicaragua and the Soviet Bloc nations. While this situation of subversion will exist, the economic and social development much needed by our people becomes nullified or minimized.

The participation of the Cuban and Nicaraguan governments in the illegal drug traffic in this Hemisphere has been proven, in coordination with guerrilla groups that obtain weapons and financial resources through channels established by illegal drug traffickers.

The Soviet Union and Soviet Bloc nations have sent massive shipments of armaments to Nicaragua. Among these are one hundred T-54 & T-55 tanks, 20 light amphibious tanks, 120 anti-aircraft missiles and over 700 ground-to-air missiles.

Cuba and Nicaragua serve as bases for the use of offensive weapons by the Soviet Union, whose range cover all of the Caribbean, Central-America, Panama, Mexico and even the United States, posing a veritable threat to peace and security in all of this Hemisphere.

The Cuban regime has trained and armed guerrilla movement members from Colombia (M-19), Guatemala, El Salvador, Nicaraguan Marxist-Leninists and urban & rural guerrillas from other Latin-American countries. What is our response to this, which is a violation of treaties in force?

There are in Cuba 37 schools for guerrilla indoctrination and training, as well as terrorist training camps.

The "Brezhnev Doctrine" of Limited Sovereignty, that has already been applied in Czechoslovakia, Poland, Afghanistan and other communist-subjugated nations, is also intended for application in Cuba, albeit in a different variation. The Soviet Union has sent to Cuba the necessary troops to suffocate with blood any uprising, either from the Cuban people or from the communist armed forces, both tired of totalitarianism and the sacrifice of their brethren, who have been serving as shock troops for Soviet expansionism.

Both Cuba and Nicaragua have introduced in the Americas terrorist groups, from the Basque ETA and the PLO.

Internation communist brigades are already operating in several Latin-American countries, with a common strategy. In the face of that undeniable reality, the Inter-American System and the Organization of American States are obligated to adopt pertinent measures, that will have to be implemented sooner or later.

The OAS has created, and they are in force, adequate instruments for the defense of the Inter-American System and to confront the communist danger that is spreading throughout the Americas to implement Soviet neo-colonialism. Simon Bolivar, the Liberator, and the other eminent patriots from our American States eliminated, in the last century, European colonialism from this Hemisphere. What are we doing to prevent our nations to fall under that neo-colonialism, and to liberate those nations that have already fallen under it, such as Cuba and Nicaragua?

In the Ninth Consultation Meeting of Foreign Relations Ministers of the Americas, it was agreed: "1. That the present government of Cuba, since its installation in 1959, has developed, supported and conducted in various manners a policy of intervention in the American Continent, with methods, propaganda, supply of funds, training in sabotage and guerrilla operations, supply of weapons and assistance to the movements which tend to the subversion of national institutions through the use of force, in order to install communist regimes. . ."

"2. That support for subversion takes, generally, the form of a political aggression. . ."

"The Ninth Consultation Meeting thus resolves:

"A) To condemn the present government of Cuba as an aggressor and because of its intervention in the internal affairs of other states, violating their territories and sovereignties."

That judgement and condemnation against the present government of Cuba is in force yet, and since the Ninth Consulation Meeting to date, the government of Cuba has continued to implement the same policy of intervention and violation of sovereignties. The present government of Nicaragua has joined it, because all of that is part and parcel of the expansionist strategy of Soviet neo-colonialism into the Americas.

It is incumbent upon you to apply the treaties and covenants which are in force, in order to confront that subversive, terrorist & military aggression in our Hemisphere. The "policy of the ostrich", that is, sticking our heads into the sand and carrying on Munich-type negotiations of appeasement, have not rendered any positive results. If we continue to follow that suicidal attitude, the nations of the Americas shall fall, one by one, within the Soviet orbit. If we get together, the Americas will be saved; if we are separated, they will be lost. This was said, with a prophetic foresight, by the illustrious Cuban and American journalist and patriot, Guillermo Martinez Marquez: "Either Cuba is saved or the Americas are lost." Cancer must be eradicated down to its roots and sources. Now there is not only Cuba, but also Nicaragua, and the same will happen to other nations in the Americas, such as Surinam and Guyana, if we do not help them to liberate themselves, as the Caribbean nations and the United States helped to liberate Grenda.

The American nations liberated themselves from European colonialism, in the last century, through the helpd of some countries to others, Thus did Simon Bolivar in South-America. Thus was Mexico liberated with the assistance of the United States, and thus was the United States liberated, with assistance from Cubans, Spaniards, French, Venezuelans, etc. Now, more than ever, that same American patriotic behavior is needed. All for one and one for all. For that purpose, among others, the Inter-American System was established, as well as the OAS, the Rio Treaty, Condeca, the Eastern Caribbean Treaty (OECO), the Treaty of Tlatelolco and rest of the agreements and resolutions in force in the Americas. It is incumbent upon all of us to implement then, before it may be too late.

The goal of the Soviet Union, through its satellites in Cuba and Nicaragua, is to take over all of the American nations. And there cannot be any agreement or compromise regarding that goal. Because of their tactical convenience, they might agree on a "deceitful peace" in Central America, or Colombia, or Peru, or El Salvador, in the same manner that Hitler agreed at Munich; and imitators for Chamberlain will not be lacking in the Americas, ready to let themselves be deceived and to betray the destinies of their nations and the future of the Americas.

Jose Marti, the Apostle of Cuban Independence, said: "To witness a crime in silence is tantamount to commit a crime."

In this American struggle for its freedom and independence, and for the dignity of the American person, "not even the stars can be neutral."

We declare to this honorable general assembly and request from same:

1. That we are entitled to the right to have the voice of the CUBAN STATE heard, "the voice of those who have no voice."

2. That those treaties, covenants, agreements and resolutions in force within the Inter-American System and the OAS, must be enforced.

3. That all Cubans, those inside Cuba and one million Cubans who are in exile, are one and make up the democratic Cuban nation, where we have been born and that, together, based upon the experiences of the past, shall build our future with the present as our foundation, without looking back, but only forward.

4. That we reject any kind of coexistence or "détente", negotiation or agreement with the satellite Marxist-Leninist regime of Cuba, the armed instrument and subversive, terrorist and military base of Soviet neo-colonialism.

5. That, while we struggle for the independence and liberation of Cuba, we denounce before the Americas and the world the blatant violations of human rights in Cuba, the violations against the American Declaration of Human Rights and Duties and the Universal Declaration of Human Rights, as well as the "cruel, inhuman and degrading treatment that is being endured by Cuban political prisoners, male and female, especially the "plantados", who are kept in walled-up cells and the so-called "drawers", subjected to physical and psychological tortures.

6. That freedom is a natural and inalienable right of men and women of all nations, and there cannot be freedom in the Americas while there is no freedom in Cuba, Nicaragua, Suriname and Guyana, submitted to communist totalitarianism.

7. We demand cooperation from all of the American nations, to enforce the Joint Resolution accorded by the United States Congress, known as "Symms Amendment", approved in 1982 and ratified in 1984, which is based upon the Joint Resolutions of 1898 and especially that of 1962, in which the United States obliged itself to struggle jointly with freedom-loving Cubans and the OAS to attain self-determination for the Cuban people, which is equivalent to freedom and independence for the Cuban people.

8. The Inter-American System, the Organization of American States and each one of the nations and governments of the Americas, have the moral and legal obligation to help the Cuban & Nicaraguan peoples to liberate themselves from the Soviet neo-colonialism, maintained there by force and terror, through the Soviet Union's satellite regimes. We Cubans, as well as Nicaraguans, both inside and outside of our respective nations, are in the forefront of the fight, but as in the last century, we need the cooperation of our brother countries in the Americas.

9. That the Soviet Union has announced, upon celebrating the 67th anniversary of the so-called Bolshevik Revolution, that it has made an appeal to intervene in the internal affairs of the Americas, to "liberate" Grenada and consolidate the communist regimes in Nicaragua and Cuba.

10. That the so-called "Kennedy-Khrushchev Understanding" always ran counter to the Treaty of Rio, the OAS Charter and those covenants, treaties, agreements and resolutions that are in force in the Americas, and that it has been repeatedly violated by the Soviet Union itself and through the satellite Cuban regime, because of which it is null & void, as President Ronald W. Reagan, of the United States of America, has stated in response to questioning by Cuban journalist Tomas Regalado, Jr. recently, and several Senators have reiterated, such as Steve Symms, John McClure, Jesse Helms and other members of the U.S. Congress, and it has been proven by Cubans.

11. That the Treaty of Rio be enforced regarding the Marxist-Leninist satellite regime of Cuba.

12. That the Marxist-Leninist satellite regime of Nicaragua has mocked the OAS, which in 1979 passed a Resolution that brought about the Sandinistas' access to power, with the obligation to install a pluralistic government with all democratic organizations, to respect human rights and to hold free and democratic elections.

13. That recognition be given us as the representatives of the Cuban State, since the present Cuban regime is excluded from the Inter-American System and the OAS, due to its incompatibility with said system because of its Marxist-Leninist nature.

14. That condemnation be stated against the Institutional Violation of Human Rights in Cuba, in fact and through law, in the light of the American Declaration of Human Rights and Duties and the principles and values of our Judeo-Christian civilization.

15. That the OAS would designate from its midst a decolonization committee, to liberate Cuba and Nicaragua from Soviet neo-colonialism.

16. That Cuban political prisoners in American nations, who have been fighting for the liberation of Cuba, be released.

17. That the Soviet Union be forced to withdraw its occupation troops from the territory of an American State (Cuba) and to take away the armaments it has introduced in Cuba, Nicaragua, El Salvador & other American Nations, especially those weapons with a nuclear capability, in violation of the Treaty of Tlatelolco, whose Protocol II it has signed and ratified.

18. That this Fourteenth General Assembly would approve the establishment of a Commissioner for Political Refugees, which problem is already affecting millions of persons in the Americas.

19. That the Cuban and Nicaraguan satellite regimes be cited as participants and culprits in the illegal drug traffic in the Americas.

20. That this General Assembly cite the Cuban and Nicaraguan regimes as aligned and alienated to the Soviet Union.

21. That assistance be given to Cuban, Nicaraguan & Afghan Freedom Fighters, inside and outside of their respective nations.

22. That our belligerence as Freedom Fighters for the liberation of Cuba and Nicaragua be established and recognized, although we shall continue to fight with or without that recognition, as we have been doing thus far.

23. That assistance be given us to dismantle the military, subversive, terrorist, ideological and political bases installed by the Soviet Union in Cuba and Nicaragua, presently used to establish the Soviet neo-colonialism in this Hemisphere.

24. That Great Britain be forced to negotiate with the Republic of Argentina, and to recognize that the Malvinas are part of Argentina.

25. We salute and support the policies implemented by the President of the United States of America, Ronald W. Reagan, in this Hemisphere, stated in his historical speech on February 24, 1982, before the Organization of American States.

26. We support collective action, recognized and in force in the treaties and covenants of the Inter-American System and the OAS, to implement same against the Soviet Union's intervention through its satellites in Cuba, Nicaragua and any other country in the Americas.

27. We state that, had collective action been practiced in Cuba, as it was in the Dominican Republic and Grenada, there would be security, solidarity and peace in the Americas, which shall not exist until all of us, together, shall implement counter-intervention against Soviet Union intervention, an extra-continental interference against which the Liberator Simon Bolivar and the illustrious patriots of the Americas who preceded us, always fought.

28. That this document be circulated among member nations attending this Fourteenth General Assembly meeting of the OAS, since the Cuban state continues to be a member of the Inter-American System and the OAS.

Messrs. Ministers of Foreign Affairs, Ambassadors & Representatives of the American States: We are facing a peculiar historical process, in which none of us is allowed to delegate our responsibilities. History shall judge us all for which we do or fail to do in this fight for freedom and independence in the Americas, for the dignity of American men and women, and for our Judeo-Christian civilization.

Yours with our highest consideration and respect,

DR. MANUEL A. DE VARONA,
Chairman of the Cuban Patriotic Board, ex-Chairman of the Cuban Senate and ex-Prime Minister of Cuba.

DR. CLAUDIO F. BENEDI BERUFF,
Washington Area Representative, Cuban Patriotic Board.●

SUPERFUND EXPANSION AND IMPROVEMENT ACT OF 1985

● Mr. LAUTENBERG. Mr. President, on February 21, I introduced the Superfund Expansion and Improvement Act of 1985. I neglected at that time to request that the bill be printed as introduced in the CONGRESSIONAL RECORD. I insert at this time the bill in the RECORD.

The bill follows:

S. 493

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Superfund Extension and Improvement Act of 1985".

TITLE I

INDIAN TRIBES

SEC. 101. (a) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by striking "and" at the end of paragraph (31), striking the period at the end of paragraph (32) and adding a new paragraph as follows:

"(33) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and";

(2) in paragraph (16) by striking "or" the last time it appears and by inserting before the semicolon at the end thereof the following: ", any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe;".

(b) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following: "In the case of remedial action to be taken on land or water held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe (if such land or water is subject to a trust restriction on alienation), or otherwise within the borders of an Indian reservation, the requirements of this paragraph for assurances regarding future maintenance and cost-sharing shall not apply and the President shall provide the assurance required by this paragraph regarding the availability of a hazardous waste disposal facility.".

(c) Section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "or Indian tribe" after the phrase "political subdivision thereof" both times that phrase occurs, and by inserting "or Indian tribe" after the phrase "political subdivision" both times that phrase occurs.

(d) Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in subsection (a) by inserting "or an Indian tribe" after "State";

(2) in subsection (f) by inserting after "State" the third time that word appears the following: "and to any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation:"; by inserting "or Indian tribe" after "State" the fourth time that word appears; by adding before the period at the end of the first sentence the following: ", so long as, in the case of damages to an Indian tribe occurring pursuant to a Federal permit or license, the issuance of that permit or license was not inconsistent with the fiduciary duty of the United States with respect to such Indian tribe"; and by inserting "or the Indian tribe" after "State government";

(3) in subsection (i) by inserting "or Indian tribe" after "State" the first time it appears; and

(4) in subsection (j) by inserting "or Indian tribe" after "State" the first time it appears.

(e) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in subsection (b) by inserting before the period at the end thereof the following: ", or by any Indian tribe or by the United States acting on behalf of any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation";

(2) in subsection (c)(2) by inserting "or Indian tribe" after "State";

(3) in subsection (f) by inserting "or Indian tribe" after "State"; and

(4) in subsection (i) by inserting after "State," the following: "and by the governing body of any Indian tribe having sustained damage to natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation,".

(f) Section 112(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as written by section 116 of this Act) is amended by adding before the period at the end of the proviso the following: ", nor against an Indian tribe until the United States, in its capacity as trustee for the tribe, gives written notice to the governing body of the tribe that it will not present a claim or commence an action on behalf of the tribe or fails to present a claim or commence an action within the time limitations specified in this subsection".

(g) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new section:

"INDIAN TRIBES

"SEC. 116. The governing body of an Indian tribe shall be afforded substantially the same treatment as a State with respect to the provisions of section 103(a) (regarding notification of releases), section 104(c)(2) (regarding consultation on remedial actions), section 104(e) (regarding access to information), section 104(f) (regarding cooperation in establishing and maintaining national registries), and section 105 (regarding roles and responsibilities under the national contingency plan and submittal of priorities for remedial action, but not including the provision regarding the inclusion of at least one facility per State on the national priority list).".

ALTERNATIVE WATER SUPPLIES

SEC. 102. Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, is amended by striking the period at the end of paragraph (30) and inserting in lieu thereof a semicolon; and by adding after new paragraph (33) the following new paragraph:

"(34) 'alternative water supplies' includes, but is not limited to, drinking water and household water supplies.".

STATE CREDIT

SEC. 103. (a) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "The President shall grant the State a credit against the share" and all that follows down through the end of such section 104(c)(3) and inserting in lieu thereof the following: "In determining the portion of the costs referred to in this section which is required to be paid by a participating State, the President shall grant the State a credit for amounts expended or obligated by such State or by a political subdivision thereof after January 1, 1978, and before December 11, 1980, for any response action costs which are covered by section 111(a) (1) or (2) and which were incurred at a facility or release listed pursuant to section 105(8). Such credit shall have the effect of reducing the amount which the State would otherwise be required to pay in connection with assistance under this section.".

(b)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new sentence: "For the purposes of the last sentence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such State will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions.".

(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding the following sentence: "The President shall grant the State a credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out-of-pocket non-Federal funds expended or obligated by the State under a contract agreement under the last sentence of subsection (d)(1).".

SELECTION OF REMEDIAL ACTIONS

SEC. 104. Section 104(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(4)(A) The President shall select appropriate remedial actions determined to be necessary to carry out this section which, to the extent practicable, are in accordance with the national contingency plan and which provide for cost-effective response. In evaluating the cost-effectiveness of proposed alternative remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

"(B) Remedial actions in which treatment which significantly reduces the volume, toxicity or mobility of the hazardous substances is a principal element, are to be preferred over remedial actions not involving such treatment. The off-site transport and disposal of hazardous substances or contaminated materials without such treatment should be the least favored alternative remedial action, where practicable treatment technologies are available.

"(C) Remedial actions selected under this paragraph or otherwise required or agreed to by the President under this Act shall attain a degree of cleanup of hazardous substances, pollutants and contaminants from the environment and of control of further release at a minimum which assures protection of human health and the environment. To the extent practicable, such remedial actions shall completely remove released hazardous substances, pollutants and contaminants from the environment.

"(D) No permit shall be required under subtitle C of the Solid Waste Disposal Act for the portion of any removal or remedial action conducted pursuant to this Act entirely onsite: *Provided*, That any onsite treatment, storage, or disposal of hazardous substances, pollutants or contaminants shall comply with the requirements of subparagraph (C).

"(E) Subject to the requirements of this paragraph, the President shall select the appropriate remedial action which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of such threats.".

STATE AND FEDERAL CONTRIBUTIONS TO OPERATION AND MAINTENANCE

SEC. 105. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs:

"(5) For the purposes of paragraph (3) of this subsection, in the case of ground or surface water contamination, completed remedial action includes the completion of treatment or other measures, whether taken onsite or offsite, necessary to restore ground and surface water quality to a level that assures protection of human health and the environment. With respect to such measures, the operation of such measures for a period up to five years after the construction or installation and commencement of operation shall be considered remedial action. Activities required to maintain the effectiveness of such measures following such period or the completion of remedial action, whichever is earlier, shall be considered operation or maintenance.

"(6) During any period after the availability of funds received by the Trust Fund under sections 4611 and 4661 of the Internal Revenue Code of 1954 or section 221(b)(2) of this Act, the Federal share of the payment of costs for operation and maintenance pursuant to paragraph (3)(C)(i) or paragraph (5) of this subsection shall be from funds received by the Trust Fund under section 221(b)(1)(B).".

SITING OF HAZARDOUS WASTE FACILITIES

SEC. 106. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraph:

"(7) Effective four years after the date of enactment of this paragraph, the President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that the State will assure the availability of hazardous waste treatment or disposal facilities acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act with adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the State during the twenty-year period following the date of such contract or cooperative agreement and to be disposed of, treated, or destroyed.".

COOPERATIVE AGREEMENTS

SEC. 107. Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking all of the existing paragraph (other than that added by section 103(b) of this Act) and substituting the following:

"(d)(1) Where the President determines that a State or political subdivision has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement and combine any existing cooperative agreements with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to Section 105(8) of this title and to be reimbursed from the Fund for the reasonable response costs and related activities associated with the overall implementation, coordination, enforcement, training, community relations, site inventory and assessment efforts, and administration of remedial activities authorized by this Act. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section.".

HEALTH-RELATED AUTHORITIES

SEC. 108. (a) Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(i)", by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), and by adding the following new paragraphs:

"(2) The Agency for Toxic Substances and Disease Registry shall provide consultations upon request on health issues relating to exposure to hazardous or toxic substances, on the basis of available information, to the Environmental Protection Agency, State officials, and local officials. Such consultations to individuals may be provided by States under cooperative agreements established under this Act.

"(3)(A) The Administrator shall perform a health assessment for each release, threatened release or facility on the National Priority List established under section 105. Such health assessment shall be completed not later than two years after the date of enactment of the Superfund Amendments of 1984 for each release, threatened release or facility proposed for inclusion on such list prior to such date of enactment or not later than one year after the date of proposal for inclusion on such list for each release, threatened release or facility proposed for inclusion on such list after such date of enactment. The Administrator shall also perform a health assessment for each facility for which one is required under section 3005(j) of the Solid Waste Disposal Act and, upon request of the Administrator of the Environmental Protection Agency or a State, for each facility subject to this Act or subtitle C of the Solid Waste Disposal Act, where there is sufficient data as to what hazardous substances are present in such facility.

"(B) The Administrator may perform health assessments for releases or facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Administrator providing such information and requesting a health assessment. If such a petition is submitted and the Administrator does not initiate a health assessment, the Administrator shall provide a written explanation of why a health assessment is not appropriate.

"(C) In determining sites at which to conduct health assessments under this paragraph, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous substances, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment data is inadequate to assess the potential risk to human health as provided in subparagraph (E).

"(D) Any State or political subdivision carrying out an assessment shall report the results of the assessment to the Administrator of such Agency, and shall include recommendations with respect to further activities which need to be carried out under this section. The Administrator of such Agency shall include the same recommendation in a report on the results of any assessment carried out directly by the Agency, and shall issue periodic reports which include the results of all the assessments carried out under this paragraph.

"(E) For the purposes of this subsection and section 111(c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(F) At the completion of each health assessment the Administrator shall provide the Administrator of the Environmental Protection Agency and each affected State with the results of such assessment, together with any recommendations for further action under this subsection or otherwise under this Act.

"(G) In any case in which a health assessment performed under this paragraph (including one required by section 3005(j) of the Solid Waste Disposal Act) discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of this Act from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such releases.

"(4) Whenever, in the judgment of the Administrator, it is appropriate on the basis of the results of a health assessment, the Administrator shall conduct a pilot study of health effects for selected groups of exposed individuals, in order to determine the desirability of conducting full scale epidemiological or other health studies of the entire exposed population. Whenever in the judgment of the Administrator it is appropriate on the basis of the results of such pilot study, the Administrator shall conduct such full scale epidemiological or other health studies as may be necessary to determine the health effects for the population exposed to hazardous substances in a release or suspected release.

"(5) In any case in which the results of a health assessment indicate a potential significant risk to human health, the Administrator shall consider whether the establishment of a registry of exposed persons would contribute to accomplishing the purposes of this subsection, taking into account circumstances bearing on the usefulness of such a registry, including the seriousness or unique character of identified diseases or the likeli-

hood of population migration from the affected area.

"(6) The Administrator shall conduct a study, and report to the Congress within two years after the date of enactment of the Superfund Amendments of 1984, on the usefulness, costs, and potential implications of medical surveillance programs as a part of the health studies authorized by this section. Such study shall include, at a minimum, programs which identify diseases for which an exposed population is at excess risk, provide periodic medical testing to screen for such diseases in subgroups of the exposed population at highest risk, and provide for a mechanism to refer for treatment individuals who are diagnosed as having such diseases.

"(7) If a health assessment or other study carried out under this subsection contains a finding that the exposure concerned presents a significant risk to human health, the President shall take such steps as may be necessary to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. Such steps may include the use of any authority under this Act, including, but not limited to—

"(1) provision of alternative water supplies, and

"(2) permanent or temporary relocation of individuals.

"(8) In any case which is the subject of a petition, a health assessment or study, or a research program under this subsection, nothing in this subsection shall be construed to delay or otherwise affect or impair the authority of the President or the Administrator of the Environmental Protection Agency to exercise any authority vested in the President or such Administrator under any other provision of law (including but not limited to the imminent hazard authority of section 7003 of the Solid Waste Disposal Act) or the response and abatement authorities of this Act.

"(9)(A) The Administrator shall, within six months after the date of enactment of the Superfund Amendments of 1984, prepare a list of at least one hundred hazardous substances which the Administrator, in his sole discretion, determines are those posing the most significant potential threat to human health due to their common presence at the location of responses under section 104 or at facilities on the National Priority List or in releases to which a response under section 104 is under consideration. Within twenty-four months after enactment, the Administrator shall prepare a list of an additional one hundred or more such hazardous substances. The Administrator shall not less often than once every year thereafter add to such list other substances which are frequently so found or otherwise pose a potentially significant threat to human health by reason of their physical, chemical, or biological nature.

"(B) For each such hazardous substance listed pursuant to subparagraph (A), the Administrator shall assess whether adequate information on the health effects of such substance is available. For any such substance for which adequate information is not available (or under development), the Administrator shall assure the initiation of a program of research designed to determine the health effects (and techniques for development of methods to determine such health effects) of such substance. Where feasible, such program shall seek to develop methods to determine the health effects of such substance in combination with other substances with which it is commonly found. Such program shall include, but not be limited to—

"(i) laboratory and other studies to determine short, intermediate, and long-term health effects;

"(ii) laboratory and other studies to determine organ-specific, site-specific, and system-specific acute and chronic toxicity;

"(iii) laboratory and other studies to determine the manner in which such substances are metabolized or to otherwise develop an understanding of the biokinetics of such substances; and

"(iv) where there is a possibility of obtaining human data, the collection of such information.

"(C) In assessing the need to perform laboratory and other studies, as required by subparagraph (B), the Administrator shall consider—

"(i) the availability and quality of existing test data concerning the substance on the suspected health effect in question;

"(ii) the extent to which testing already in progress will, in a timely fashion, provide data that will be adequate to support the preparation of toxicological profiles as required by subparagraph (F) of this subsection; and

"(iii) such other scientific and technical factors as the Administrator may determine are necessary for the effective implementation of this subsection.

"(D) In the development and implementation of any research program under this paragraph, the Administrator of the Agency for Toxic Substances and Disease Registry and the Administrator of the Environmental Protection Agency shall coordinate such research program implemented under this paragraph with programs of toxicological testing established under the Toxic Substances Control Act and the Federal Insecticide, Fungicide and Rodenticide Act. The purpose of such coordination shall be to avoid duplication of effort and to assure that the hazardous substances listed pursuant to this subsection are tested thoroughly at the earliest practicable date. Where appropriate in the discretion of the Administrator and consistent with such purpose, a research program under this paragraph may be carried out using such programs of toxicological testing.

"(E) It is the sense of the Congress that the costs of research programs under this paragraph be borne by the manufacturers of the hazardous substance in question, as required in programs of toxicological testing under the Toxic Substances Control Act. Where this is not practical, the costs of such research programs should be borne by parties responsible for the release of the hazardous substance in question. To carry out such intention, the costs of conducting such a research program under this paragraph shall be deemed a cost of response for the purposes of recovery under section 107 of such costs from a party responsible for a release of such hazardous substance.

"(F) Based on all available information, including data developed and collected on the health effects of hazardous substances under this paragraph, the Administrator shall prepare toxicological profiles sufficient to establish the likely effect on human health of each of the substances listed pursuant to subparagraph (A). Such profiles shall be revised and republished as necessary, but no less often than once every five years. Such profiles shall be provided to the States and made available to other interested parties.

"(10) All studies and results of research conducted under this subsection (other than health assessments) shall be reported or adopted only after appropriate peer review. Such peer review shall be conducted by panels consisting of no less than three nor more than seven members, who shall be disinterested scientific experts selected for such purpose by the Administrator on the basis of their reputation for scientific objectivity and the lack of institutional ties with any person involved in the conduct of the study or research under review. Support services for such panels shall be provided by the Agency for Toxic Substances and Disease Registry.

"(11) In the implementation of this subsection and other health-related authorities of this Act, the Administrator is authorized to establish a program for the education of physicians and other health professionals on methods of diagnosis and treatment of injury or disease related to exposure to toxic substances, through such means as the Administrator deems appropriate. Not later than one year after the date of enactment of the Superfund Amendments of 1984, the Administrator shall report to the Congress on the implementation of this paragraph.

"(12) For the purpose of implementing this subsection and other health-related authorities of this Act, the President shall provide adequate personnel to the Agency for Toxic Substances and Disease Registry, which shall be no fewer than one hundred full time equivalent employees.

"(13) The activities described in this subsection and section 111(c)(4) shall be carried out by the Agency for Toxic Substances and Disease Registry established by paragraph (1), either directly, or through cooperative agreements with States (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such Agency determines are capable of carrying out such activities. Such activities shall include the provision of consultations on health information, and the conduct of health assessments, including those required under section 3005(j) of the Solid Waste Disposal Act, health studies and registries.".

(b) Section 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (n) of this section and section 104(i)," after "(4)"; and

(2) by striking "epidemiologic studies" and inserting in lieu thereof "epidemiologic and laboratory studies and health assessments".

(c) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(n)(1) For fiscal year 1985, not less than $18,000,000 and, for each fiscal year thereafter, not less than 5 per centum of all sums appropriated from the Trust Fund or $50,000,000, whichever is less, shall be directly available to the Agency for Toxic Substances and Diseases Registry and used for the purpose of carrying out activities described in subsection (c)(4) and section 104(i), including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3005 of the Solid Waste Disposal Act. Any funds so made available which are not obligated by the beginning of the fourth quarter of the fiscal year in which made available shall be made available in the Trust Fund for other purposes.".

(d) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(j) EXPOSURE INFORMATION AND HEALTH ASSESSMENTS.—(1) Beginning on the date nine months after the enactment of the Solid Waste Disposal Act Amendments of 1984, each completed application for a permit under subsection (c) for a landfill or surface impoundment shall be accompanied by information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address—

"(A) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

"(B) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subparagraph (A); and

"(C) the potential magnitude and nature of the human exposure resulting from such releases.

The owner or operator of a landfill or surface impoundment for which a completed application for a permit under subsection (c) has been submitted prior to such date shall submit the information required by this paragraph to the Administrator (or the State, in the case of a State with an authorized program) no later than the date nine months after such date of enactment.

"(2) The Administrator (or the State, in the case of a State with an authorized program) shall make the information required by paragraph (1), together with other relevant information, available to the Agency for Toxic Substances and Diseases Registry established by section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Whenever in the judgment of the Administrator of such Agency, the Administrator, or the State (in the case of a State with an authorized program), a landfill or a surface impoundment poses a substantial potential risk to human health, due to the existence of releases of hazardous constituents, the magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination, the Administrator of the Agency for Toxic Substances and Diseases Registry shall conduct a health assessment in connection with such facility in accordance with section 104(i)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and take other appropriate action with respect to such risks as authorized by section 104 (b) and (i) of such Act.

"(3) Any member of the public may submit evidence of releases of or exposure to hazardous constituents from such a facility, or as to the risks or health effects associated with such releases or exposure, to the Administrator of the Agency for Toxic Substances and Diseases Registry, the Administrator, or the State (in the case of a State with an authorized program).".

(e) Section 104(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) striking "the Surgeon General of the United States" and inserting in lieu thereof "the Secretary of Health and Human Services";

(2) inserting in the second sentence thereof after "of said Agency" the following: "(hereinafter in this subsection referred to as "the Administrator")";

(3) striking "chromosomal testing" in subparagraph (D) and inserting in lieu thereof "appropriate testing".

PUBLIC PARTICIPATION

SEC. 109. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(j) Before selection of appropriate remedial action to be undertaken by the United States or a State or before entering into a covenant not to sue or to forebear from suit or otherwise settle or dispose of a claim arising under this Act, notice of such proposed action and an opportunity for a public meeting in the affected area, as well as a reasonable opportunity to comment, shall be afforded to the public prior to final adoption or entry. Notice shall be accompanied by a discussion and analysis sufficient to provide a reasonable explanation of the proposal and alternative proposals considered.".

LOVE CANAL PROPERTY ACQUISITION

SEC. 110. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection as follows:

"(k) In determining priorities among releases and threatened releases under the National Contingency Plan and in carrying out remedial action under this section, the Administrator shall establish a high priority for the acquisition of all properties (including nonowner occupied residential, commercial, public, religious, and vacant properties) in the area in which, before May 22, 1980, the President determined an emergency to exist because of the release of hazardous substances and in which owner occupied residences have been acquired pursuant to such determination.".

NATIONAL CONTINGENCY PLAN—HAZARD RANKING SYSTEM

SEC. 111. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" immediately following "105." and by adding the following at the end thereof:

"(b) Not later than twelve months after the date of enactment of the Superfund Amendments of 1984, the President shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such Plan known as "the National Hazardous Substance Response Plan" shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this Act which are consistent with amendments made by the Superfund Amendments of 1984 relating to the selection of remedial action.

"(c) Not later than twelve months after the date of enactment of the Superfund Amendments of 1984 and after publication of notice and opportunity for submission of comments in accordance with section 553 of title 5, United States Code, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than eighteen months after the date of enactment of the Superfund Amendments of 1984 and such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priority List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue in full force and effect.".

STATE AND LOCAL GOVERNMENT LIABILITY

SEC. 112. Section 107(d) of the Comprehensive Environmental Response, Compensation, and Liability Act to 1980 is amended by inserting "(1) after "(d) and adding the following new language:

"(2) No State or local government shall be liable under this title for costs or damages as a result of nonnegligent actions taken in response to an emergency created by the release of a hazardous substance, pollutant, or contaminant generated by or from a facility owned by another person.".

CONTRACTOR INDEMNIFICATION

SEC. 113. Section 107(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after paragraph (1) the following new paragraph and redesignating the succeeding paragraph accordingly:

"(2) The Administrator may, in contracting or arranging for response action to be undertaken under this Act, agree to hold harmless and indemnify a contracting party against claims, including the expenses of litigation or settlement, by third persons for death, bodily injury or loss or damage to property arising out of performance of a cleanup agreement to the extent that such claim does not arise out of the negligence of the contracting party.".

VICTIM ASSISTANCE DEMONSTRATION PROGRAM

SEC. 114. (a) Section 111(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "and" at the end of the paragraph (5); by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and by adding the following new paragraph:

"(7) the costs of grants, to each of five States selected by the Administrator, not to exceed a total of $30,000,000 per year, to establish and operate a program of assistance to individuals suffering injury resulting from exposure to the release of hazardous substances, as authorized under subsection (m).".

(b) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(m)(1) The Administrator shall, upon application pursuant to procedures established by the Administrator, select by no later than July 1, 1985, five States to each establish and operate for not less than a five-year period a program of assistance to individuals suffering injury resulting from exposure to hazardous substances. Each grant shall be in an amount of not less than $3,000,000 and not more than $18,000,000 for each of the fiscal years of 1986, 1987, 1988, 1989, and 1990. States shall be selected in the sole discretion of the Administrator on the basis of the following criteria:

"(A) the experience of State and local governments in administering programs which deal with the regulation of toxic chemicals;

"(B) the existence of and experience with a statutory scheme of response and liability of breadth similar to that of this Act; and

"(C) the representative nature of the hazardous substance releases and exposures in

terms of the identities and toxic characteristics of the substances found, the manner and degree of exposures, and the seriousness and duration of the diseases or illnesses caused.

"(2) Programs funded pursuant to this section shall, at a minimum, provide the following:

"(A) In the case of the population of any area or class of individuals in which a solvent responsible party who may be liable under section 107 is not paying compensation for claims or providing assistance, comparable to assistance under this subsection, or has not accepted liability for such claims or assistance, and where the State determines, based on available information (including that submitted by members of such population or class or developed under section 104(i)), that—

"(i) exposure to a hazardous substance in a release has caused injury, illness, or disease;

"(ii) the population or class has been exposed to a hazardous substance in a release and a peer-reviewed epidemiological or other health study demonstrates a positive correlation between such exposure and an adverse health effect in such population or class;

"(iii) the population or class has been exposed to a hazardous substance in a release and there is evidence that members of the population or class have adverse health effects that enter remission when exposure is temporarily eliminated; or

"(iv) members of the population or class have an injury, illness, or disease which is only associated with exposure to a particular hazardous substance (where such injury, illness, or disease cannot be attributed to exposure in the workplace),

such population, or class shall be eligible for the assistance provided in subparagraph (B).

"(B) Subject to subparagraph (C), the State shall provide each member of an eligible population or class under paragraph (1) with the following assistance:

"(i) a group insurance policy providing burial benefits, where death is reasonably related to injury, illness, or disease associated with exposure to a hazardous substance in a release;

"(ii) a group medical benefits insurance policy providing the reasonable costs of all medical and surgical treatment and hospitalization, excluding treatment of hospitalization solely arising from accidental injury, routine pregnancy, and well baby care, and subject to an annual deductible of $500, with no copayment requirement or annual or lifetime limitation on expenditures; and

"(iii) a group disability insurance policy, for those members of the population or class currently employed or with a history of employment.

"(C) Such policies provided under subparagraph (B) shall be secondary to, and provide for nonduplication of benefits with, any other policy in favor of such individual. The benefits of such other policy shall be those determined to be in force as of the date the State initiates proceedings toward a determination under subparagraph (A).

"(D) Assistance under this subsection shall be provided on the condition that the costs thereof in connection with any individual pursuing a claim against a potentially responsible party shall be repaid to the Fund out of the proceeds of any award or settlement of such claim.".

FUND USE OUTSIDE FEDERAL PROPERTY BOUNDARIES

SEC. 115. Section 111(e)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting before the period a colon and the following: *"Provided,* That money in the Fund shall be available for the provision of alternative water supplies (including the reimbursement of costs incurred by a municipality) in any case involving groundwater contamination outside the boundaries of a federally owned facility in which the federally owned facility is not the only potentially responsible party.".

STATUTE OF LIMITATIONS

SEC. 116. (a) Section 112(d) is amended to read as follows:

"(d)(1) Except as provided in paragraph (3), no claim may be presented, nor may an action be commenced for damages, as defined in section 101(6), under this Act, unless that claim is presented or action commenced within three years after the later of: (A) the date of the discovery of the loss, (B) the date on which regulations are promulgated under section 301(c), or (C) the date on which regulations are promulgated establishing procedures for the filing of such claims.

"(2) No claim may be presented nor may an action be commenced under this subsection for recovery of the costs referred to in section 107(a) after the date six years after the date of completion of the response action.

"(3) The time limitations contained herein shall not begin to run—

"(A) against a minor until the earlier of the date when he reaches eighteen years of age or the date on which a legal representative is duly appointed for him, or

"(B) against an incompetent person until the earlier of the date on which his incompetency ends or the date on which a legal representative is duly appointed for him.".

(b) Section 301(c)(1) is amended by striking out "two years after the enactment of this Act" and substituting "six months after the enactment of the Superfund Expansion and Protection Act of 1984".

JUDICIAL REVIEW

SEC. 117. Section 113(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"SEC. 113. (a)(1) Review of any regulation promulgated under this Act may be had upon application by any interested person in the Circuit Court of Appeals of the United States for the District of Columbia or in any United States Court of Appeals for a circuit in which the applicant resides or transacts business which is directly affected by such regulations. Any such application shall be made within one hundred and twenty days from the date of promulgation of such regulation, or after such date only if such application is based solely on grounds which arose after such one hundred and twentieth day. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

"(2)(A) If applications for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of the first such application more than thirty days before receiving written notice of the filing of the second application, then the record shall be filed in that court in which the first application was filed. If applications for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of one or more applications within thirty days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in two or more United States Courts of Appeals, and shall identify each court for which he has written notice that such applications have been filed within thirty days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, and within three business days after receiving such notice from the Administrator, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the United States Court of Appeals which remanded such action.

"(B) Where applications have been filed in two or more United States Courts of Appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to subparagraph (A), the other courts in which such applications have been filed shall promptly transfer such applications to the United States Court of Appeals in which the record has been filed. Pending selection of a court pursuant to subparagraph (A), any court in which an application has been filed may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which an application with respect to any agency action has been filed, including any court selected pursuant to subparagraph (A), may transfer such application to any other United States Court of Appeals for the convenience of the parties or otherwise in the interest of justice.".

CLARIFICATION OF PREEMPTION LANGUAGE

SEC. 118. Section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after the first sentence thereof the following: "Nothing in this section shall preclude any State from requiring any person to contribute to a fund to pay (1) the costs of the non-Federal share or other State responsibilities under section 104(c)(3), or (2) the direct and indirect costs of response actions at facilities or locations where the President has not responded under this Act or in addition to response actions taken under this Act, or, (3) any other management, enforcement, or administration activities related to response actions or other cleanup of hazardous substances or hazardous wastes.".

PUBLICLY OWNED AND OPERATED FACILITIES

SEC. 119. (a) Section 104(c)(3)(C)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of

responsibility of the State or political subdivision for the release) of the capital, future operation, and future maintenance costs of the response action relating to a release at a facility, primarily used for treatment, storage, or disposal, that was owned and operated by the State or a political subdivision thereof at the time of any disposal of hazardous substances in such facility. For the purpose of subparagraph (c)(ii) of this paragraph, the term 'facility' does not include navigable waters or the beds underlying those waters.".

(b) Section 104(c)(3) of the Comprehensive Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following:

"In the case of any State which has paid, at any time after the date of the enactment of the Superfund Amendments of 1984, in excess of 10 per centum of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

SECTION 104 ORDER AUTHORITY

SEC. 120. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(j)(1) Where the President determines that one or more responsible parties will properly carry out a response action under subsections (a) or (b) of this section, the President may enter into a consent order with such party or parties for that purpose.

"(2) Any person who violates or fails or refuses to comply with any order under this subsection may, in an action brought in the appropriate United States District Court to enforce such order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.".

MANDATORY SCHEDULE

SEC. 121. Section 104 is amended by adding the following at the end thereof:

"(k)(1) The Administrator shall insure commencement of remedial investigations and feasibility studies for all facilities which are listed, as of the date of the enactment of this subsection, on the National Priorities List in accordance with the following schedule:

"(A) One-third of such facilities within eight months after such date of enactment.

"(B) Two-thirds of such facilities within 16 months after such date of enactment.

"(C) All of such facilities within 24 months after such date of enactment.

"(2) The Administrator shall list not fewer than 1,600 facilities on the National Priorities List by January 1, 1988. Beginning 24 months after the date of the enactment of the Superfund Extension and Improvement Act of 1985, the Administrator shall insure commencement of remedial investigations and feasibility studies for each facility which is added to the National Priorities List after the date of the enactment of such Act. Such remedial investigations and feasibility studies shall be commenced in accordance with a schedule which provides for such commencement at 175 facilities during the first 12 months after such 24-month period, at 225 facilities during the next 12 months, and at 275 facilities during the third 12 months.

"(3) The Administrator shall take such steps as may be necessary to ensure that substantial and continuous physical on-site remedial action commences at facilities on the National Priorities List at a rate of not fewer than 150 facilities per year beginning on October 1, 1986.

"(4) Not later than January 1, 1987, the Administrator shall complete preliminary assessments of all facilities which are listed, as of the date of the enactment of this subsection, on the ERRIS (Emergency and Remedial Response Information System) list.

"(5) The Administrator shall take such steps as may be necessary to ensure that remedial action is completed, to the maximum extent practicable, for all facilities listed, as of the date of enactment of this subsection, on the National Priorities List within 5 years after the date of the enactment of this subsection. If remedial action is not completed at such facilities within such 5-year period, the Administrator shall publish an explanation of why such remedial action could not be completed within such period.

"(6) In determining priorities among releases and threatened releases under the National Contingency Plan and in carrying out remedial action under this section, the Administrator shall establish a high priority for the acquisition of all properties (including nonowner occupied residential, commercial, public, religious, and vacant properties) in the area in which, before May 22, 1980, the President determined an emergency to exist because of the release of hazardous substances and in which owner occupied residences have been acquired pursuant to such determination.".

FEDERAL FACILITIES

SEC. 122. The following section is inserted immediately after section 115:

"FEDERAL FACILITIES

"Sec. 116. (a)(1) Not later than 6 months after the date of the enactment of this section, each department, agency, and instrumentality of the United States shall transmit to the Administrator a notice regarding each facility at which any hazardous substance has been treated, stored pending disposal, or disposed of and which, as of the date of the enactment of this section, is owned or operated by the department, agency, or instrumentality.

"(2) In each year after the date of the enactment of this section, each such department, agency, or instrumentality shall submit such a notice regarding each such facility which is owned or operated by the department, agency, or instrumentality at any time after the date of the enactment of this section and which was not the subject of a notice transmitted under paragraph (1).

"(b) The notice under subsection (a) shall contain the following information, to the extent available—

"(1) the location of each facility, and where any hazardous substance has been disposed of, a description of hydrogeology of the facility and the location of withdrawal wells and surface water within one mile of the facility;

"(2) such information relating to the amount, nature, and toxicity of the hazardous substance in each facility as may be necessary to determine the extent of any health hazard which may be associated with any facility;

"(3) information on the known nature and extent of environmental contamination at each facility, including a description of the monitoring data obtained;

"(4) a list of facilities at which any hazardous substance has been disposed of and environmental monitoring data has not been obtained, and the reasons for the lack of monitoring data at each facility;

"(5) a description of response actions undertaken or contemplated at contaminated facilities; and

"(6) an identification of the types of techniques of treatment or disposal which have been used at each facility.

"(c) The Administrator shall establish a special Federal Agency Hazardous Waste Compliance Docket which shall contain each notice transmitted under subsection (a) regarding any facility and notice of each subsequent action taken under this Act with respect to the facility. Such docket shall be available for public inspection at reasonable times. Three months after establishment of the Docket and every three months thereafter, the Administrator shall publish in the Federal Register a list of the Federal facilities which have been included in the Docket during the immediately preceding three-month period and a list of each facility included in the Docket at which subsequent action has been taken under this Act during the immediately preceding three-month period. Such publication shall also indicate where in the appropriate regional office of the Environmental Protection Agency additional information may be obtained with respect to any facility on the Docket. The Administrator shall establish a program to provide information to the public with respect to facilities which are included in the Docket under this subsection.

"(d) Not later than one year after the date of the enactment of this subsection, the Administrator shall take steps to assure that a preliminary assessment is conducted for each facility for which a notice is required to be transmitted under subsection (a). Following such preliminary assessment, the Administrator shall where appropriate—

"(1) evaluate such facilities in accordance with the criteria established in accordance with section 105 under the National Contingency Plan for determining priorities among releases; and

"(2) include such facilities on the National Priorities List maintained under such Plan.

Such evaluation and listing shall be completed not later than fourteen months after the date of the enactment of this section.

"(e)(1) Within six months after the inclusion of any facility on the National Priorities List, the department, agency, or instrumentality which owns or operates such facility shall, in consultation with the Administrator, commence a remedial investigation and feasibility study for such facility.

"(2) Within ninety days after completion of each such remedial investigation and feasibility study, the Administrator shall review the results of such investigation and study and shall enter into an interagency agreement with the head of the department, agency, or instrumentality concerned for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility. All such interagency agreements shall comply with the requirements of section 104(j). Such agreement shall require that substantial continuous physical onsite remedial action is commenced at each facility which is the subject of such an agreement within six months after the agreement is entered into.

"(B) Each interagency agreement under this paragraph shall include, but shall not be limited to: (i) a review of alternative remedial actions and selection of construction design by the Administrator; (ii) a schedule for the completion of each such remedial

action; and (iii) arrangements for long-term operation and maintenance of the facility.

"(3) To the maximum extent practicable, remedial actions at facilities subject to interagency agreements under this section shall be completed within two years from the date the interagency agreement was entered into. If not completed within such period, the department, agency, or instrumentality shall transmit to the Administrator an explanation of why such action was not completed. Such explanations shall be included in the Federal Hazardous Facility Compliance Docket and in the annual report made by the department, agency, or instrumentality under paragraph (4) to the Congress.

"(4) Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to the Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but shall not be limited to—

"(A) a report on the progress in reaching interagency agreements under this section;

"(B) the specific cost estimates and budgetary proposals involved in each interagency agreement;

"(C) a brief summary of the public comments regarding each proposed interagency agreement; and

"(D) a description of the instances in which no agreement was reached.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached.

"(f) Except as provided in section 111(e)(3), money in the Hazardous Substances Response Trust Fund shall not be available for actions implementing any interagency agreement under this section.

"(g) The Administrator (represented by the Attorney General as provided in section 107(g)) shall bring an action under section 106 against the head of any department, agency, or instrumentality which fails or refuses to comply with any requirement of this section.

"(h) Except for authorities which are delegated by the Administrator to an officer or employee of the Environmental Protection Agency, no authority vested in the Administrator under this section may be transferred, by executive order of the President or otherwise, to any other officer or employee of the United States or to any other person.

"(i) All guidelines, rules, regulations, procedures, and criteria which are applicable to preliminary assessments carried out under this Act for facilities at which hazardous substances are located, applicable to evaluations of such facilities under the National Contingency Plan, applicable to inclusion on the National Priorities List, or applicable to remedial actions at such facilities shall also be applicable to facilities which are owned and operated by a department, agency, or instrumentality of the United States in the same manner and to the same extent as such guidelines, rules, regulations, and criteria are applicable to other facilities, except for any requirements relating to bonding, insurance, or financial responsibility. No department, agency, or instrumentality of the United States may adopt or utilize any such guidelines, rules, regulations, procedures, or criteria which are inconsistent with the guidelines, rules, regulations, and criteria established by the Administrator under this Act.

"(j) The facilities required to be listed on the National Priorities List under this section shall be in addition to the facilities required to be listed under section 111(k). The schedules and timetables provided under section 111(k) applicable to commencement of remedial investigations and feasibility studies, preliminary assessments, and remedial action shall not apply to facilities which are owned or operated by a department, agency, or instrumentality of the United States.".

SEC. 123. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" immediately following "105." and by adding the following at the end thereof:

"(b) Not later than twelve months after the date of enactment of the Superfund Amendments of 1984, the Administrator shall revise the National Contingency Plan to reflect the requirements of such amendments. The portion of such Plan known as "the National Hazardous Substance Response Plan" shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this Act which are consistent with amendments made by the Superfund Amendments of 1984 relating to the selection of remedial action.

"(c) Not later than twelve months after the date of enactment of the Superfund amendments of 1984, the Administrator shall propose amendments to the hazard ranking system in effect on July 1, 1984. Such proposed amendments shall be published in the Federal Register and otherwise made available for public review and comment to the same manner and extent as regulations promulgated pursuant to the Administrative Procedures Act. Until the effective date of any proposed changes, the hazard ranking system in effect on July 1, 1984, shall continue in full force and effect.".

INJUNCTIVE RELIEF

SEC. 124. Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection as follows:

"(d)(1) Except as provided herein a person may commence a civil action on his own behalf—

"(A) against any person, including the United States and any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution, and including any past or present generator, past or present transporter, or past or present owner or operator who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any hazardous substance which may present an imminent and substantial endangerment to health or the environment; or

"(B) against the Administrator of the EPA or the Administrator of the Agency for Toxic Substances and Disease Registry where there is alleged a failure to perform any act or duty under this Act which is not discretionary.

Any action under this subsection shall be brought in the district court for the district in which the alleged violation occurred or the alleged endangerment may occur, or in the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to restrain any person who has contributed or who is contributing to the past or present handling, storage, treatment, transportation, or disposal of any hazardous substance, to order such person to take such other action as may be necessary, or to order the Administrator to perform the act or duty, as the case may be, and to apply any appropriate civil penalties.

"(2) ACTIONS PROHIBITED.—No action may be commenced under paragraph (1) of this subsection—

"(A) prior to one hundred and twenty days after the plaintiff has given notice of the endangerment (i) to the Administrator; (ii) to the State in which the alleged endangerment may occur; and (iii) to any alleged violator or any person alleged to have contributed or to be contributing to the past or present handling, storage, treatment, transportation, or disposal of any hazardous substance referred to; or

"(B) with respect to an action under paragraph (1)(A) of this subsection, if the Administrator or a State has commenced and is diligently prosecuting a civil or criminal action in a court of the United States or a State to require compliance or has settled such action to restrain or abate acts or conditions which may have contributed or are contributing to the activities which may present the endangerment: *Provided, however,* That in any such action in a court of the United States, any person may intervene as a matter of right when the applicant claims an interest relating to the subject of the action and he is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest, unless the Administrator or the State shows that the applicant's interest is adequately represented by existing parties. No action may be commenced under subsection (1)(A) by any person (other than a State or local government) with respect to the siting of a hazardous waste treatment, storage, or a disposal facility, nor to restrain or enjoin the issuance of a permit for such facility".

"(3) COSTS.—The court in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.".

ADMINISTRATIVE CONFERENCE RECOMMENDATIONS

SEC. 125. The Congress finds that Recommendation 84-4 of the Administrative Conference of the United States (Adopted June 29, 1984) is generally consistent with the goals and purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and that the Administrator should consider such Recommendation and implement it to the extent that the Administrator determines that such implementation will expedite the cleanup of hazardous substances which have been released into the environment.

ABATEMENT ACTIONS

SEC. 126. (a) Section 106(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following at the end thereof: "Within eighteen months after the date of enactment of the Superfund Amendments of 1984, the Administrator shall, after con-

sultation with the Attorney General, revise and republish the guidelines published under this subsection to effectuate the responsibilities and powers created by such Amendments.".

(b) Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection at the end thereof:

"(d) Notwithstanding any other provision of law or rule of law, the Administrator shall establish such administrative procedures as the Administrator deems advisable regarding the opportunity for any person to object to an order issued under subsection (a).".

TRANSPORTATION INCIDENT RESPONSE

SEC. 127. Section 306 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsection:

"(d) As expeditiously as practicable, the Secretary of Transportation shall develop and establish a centralized computer based system enabling law enforcement officers, fire and safety officers, and other appropriate officers of Federal, State, and local government access while in the field and through remote communications equipment to information regarding the identity and nature of the appropriate means of response, the type of threat posed and other suitable information regarding any shipment regulated by the Hazardous Materials Transportation Act.".

AUTHORIZATION OF APPROPRIATIONS; EXTENSION OF SUNSET PROVISION

SEC. 128. (a) Section 303 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1990"; and

(2) by striking out "$1,380,000,000" and inserting in lieu thereof "$8,750,000,000".

(b) Section 221(b)(2) of such Act is amended by striking out subparagraphs (A) through (E) and inserting in lieu thereof the following:

"(A) 1981, $44,000,000,
"(B) 1982, $44,000,000,
"(C) 1983, $44,000,000,
"(D) 1984, $44,000,000,
"(E) 1985, $44,000,000,
"(F) 1986, $250,000,000,
"(G) 1987, $250,000,000,
"(H) 1988, $250,000,000,
"(I) 1989, $250,000,000, and
"(J) 1990, $250,000,000,

plus for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A) through (I) as has not been appropriated before the beginning of the fiscal year involved.".●

ESTONIAN INDEPENDENCE

● Mr. SIMON. Mr. President, I am pleased to ask to have included in the RECORD today the statement prepared by the Estonian American National Council on the occasion of the 67th anniversary of the proclamation of Estonian independence. The Republic of Estonia was forcibly incorporated into the Soviet Union in 1940 in direct violation of the accords outlined in the Atlantic Charter. The second provision of the charter, signed in 1941, calls for the "application of the principle of self-determination in all territorial changes." The Soviet Union continues to defy the treaty.

I join with all Estonian-Americans in commemoration of Estonian independence.

The statement follows:

STATEMENT BY THE ESTONIAN AMERICAN NATIONAL COUNCIL

"Never in the course of centuries have the Estonian people lost their ardent desire for independence. From generation to generation, Estonians have kept alive the . . . hope that in spite of enslavement and oppression by other nations, the time will come in Estonia . . . when Kalev will come home to bring his children happiness."

With such timeless conviction begins Estonia's Declaration of Independence, proclaiming Estonia a free democratic republic on February 24th, 1918. On that day, Kalevipoeg, the hero of the Estonian national epic, did come home to bring his people freedom and happiness. An unwavering desire for self-determination and freedom from foreign oppression gave the Estonian people the strength to fight for independence simultaneously against two invaders—Bolshevik Russia and the German Landeswehr. Estonian soldiers overcame these overwhelming obstacles and defeated both enemies.

During the brief period of political independence, Estonians enjoyed cultural progress, agricultural and economic development. In 1925 the young republic, appreciating the importance of ethnic identity, became the first country in the world to grant its minorities—Russians, Jews, Germans and Latvians—cultural autonomy through government subsidized ethnic schools, theaters and libraries.

World War II, however, brought alternate Soviet and Nazi invasions ending in the forcible incorporation of Estonia into the Soviet Union, an illegal takeover not recognized by the United States to this day. Brutal deportations took over one tenth of the population into Russian slave labor camps, while scores of others lost their lives fighting the enemy. In defiance of enormous obstables, tens of thousands managed to flee to freedom in the West in 1944. Now, scattered all over the world, Estonians derive knowledge and experience from the past; they are determined not to allow their heritage to fade away.

However, this month, the 67th anniversary of the Republic of Estonia's Declaration of Independence finds its people in the West and in Soviet-occupied Estonia gravely concerned about their future. In Estonia, a systematic Soviet policy of russification and national genocide is being carried on. The percentage of Estonians in the population is being reduced drastically by forced relocation of Estonians, colonization by Russians and other immigrants, and increases in troops stationed in Estonia. The Soviets are increasingly eliminating the Estonian language and ethnic traditions and establishing Russian as the official language in government employment, in place names, and in schools. Traditional mores and values are being eroded; many places of worship have been closed. Mart Niklus, Enn Tarto, Lagle Parek, many other Estonian dissidents and religious believers continue to be imprisoned for courageously bringing these violations of national and human rights to the attention of the West.

While participating actively in mainstream America, Estonians in the United States are, understandably, very much concerned about the national genocide taking place in Sovet-occupied Estonia. Thus, the apparent weakening, currently, of the United States' long-term and steadfast policy of non-recognition of the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union—through possible deportation of Baltic nationals to the Soviet Union—is a cause for great dismay. The Estonian American National Council asks you to reaffirm the long-standing United States' policy which supports the Baltic peoples' right to determine their own national destiny. Self-determination is the only hope for the very survival of these three countries, since they are most vulnerable to the Soviet goal of "social homogeneity".

We applaud all efforts by the United States to reinforce the distinctive national identities of Estonia and the other Baltic States. An important step in this direction was the recent transfer of the Baltic radio divisions from Radio Liberty to Radio Free Europe; increased funding for all the radios would make this move even more significant.

Finally, we ask you to give wide prominence to specific instances of human rights abuse in Estonia. Western support has incalculable importance for the human rights movement there. The Congressional activities on behalf of Mart Niklus on his 50th birthday were of great significance. Other opportunities to help in the moral struggle for liberty against oppression are presented by upcoming CSCE meetings: the Human Rights Experts Meeting in Ottawa, the 10th anniversary of signing of the Helsinki Accords on August 1st, and the Cultural Forum in Budapest, Hungary.

As a nation dedicated to the principles of independence and the protection of human rights, the United States appropriately speaks out against the continued Soviet hegemony in the Baltic States. We hope that the United States will continue to hold high the beacon of freedom as inspiration for those whose struggle has not yet ended.●

AUTO QUOTAS

● Mr. CHAFEE. Mr. President, for 4 years now, American consumers have been paying a heavy "tax" on the cars they buy—in the form of premium prices caused by restrictions on Japanese auto imports. It is time to end those quotas and eliminate that "tax."

Anyone who has visited an auto showroom knows what has happened to prices, not only on foreign cars but on domestic cars as well, protected as they are from foreign competition. How many consumers on moderate incomes can afford the $13,000 average price of a General Motors car?

Meanwhile, the auto industry is piling up record profits of $10 to $11 billion in 1984, rebounding from a loss of $4.2 billion in 1980, and is looking to another banner year in 1985. This is not an industry that needs indefinite protection. If we do not get rid of the auto quotas now, while the economy is prospering and the auto industry booming, when will we?

Quotas could easily become permanent. This would be harmful not only for the hard-pressed consumer but for

the auto industry as well. As the sad state of our steel industry shows, an industry that enjoys protected markets too long will fail to take the measures needed to stay competitive.

We still hear the argument that quotas must be extended to allow U.S. automakers to become "competitive" with the Japanese. This is an old protectionist refrain refuted by the facts. History shows that trade protection removes the incentives for companies to make the difficult decisions needed to become cost competitive. It is doubtful, for example, that the recent wage settlements and executive bonuses at U.S. auto companies would have been quite as generous had the quotas not protected U.S. automakers from the Japanese.

Last year, the U.S. auto industry signed a labor agreement that will raise total wages and fringe benefits for the average auto worker to about $50,000 a year. This is for workers who are already earning 60 percent more than the average manufacturing worker in the United States. During the period of the import restraints, the average hourly wage of America auto workers increased by nearly 50 percent, rising to $15.33—excluding benefits—during the first 6 months of 1984. That wage was about two-thirds higher than the average for all manufacturing workers in 1984. Why should workers in my State of Rhode Island, who earn half the salary of auto workers in Detroit, pay $1,000 to $2,000 more for their cars because the competition is kept at bay?

The quotas have been especially hard on low-income people looking for economical smaller cars. The Japanese automakers, limited in the number of cars they could sell, naturally shifted exports to the larger, more expensive models. For Detroit, the reduced competition in the low-cost end of the market helped keep prices up.

The quotas were adopted "voluntarily" by the Japanese, under pressure from the United States, in the spring of 1981 when the U.S. industry was on its knees. Caught with large, fuel-guzzling cars when oil prices skyrocketed, the American auto producers said they needed "breathing space" to gear up for a new era in automobiles. Fair enough. But the quotas were intended to last only 3 years—the amount of time Detroit said it needed. They have lasted nearly 4, surely enough breathing space.

These quotas have not come cheap. Profits per vehicle are twice the level they were 10 years ago. Last year alone, it is estimated that Americans paid an extra $5 billion because of the import limits. The International Trade Commission, in a report released February 9 reviewing recent developments in the U.S. automobile industry, estimated that voluntary restraints cost American consumers $15.7 billion over the last 4 years. Despite these costs, auto industry employment was only 44,000 higher in 1984 than it would have been without the import restraints.

The good times are rolling again for Detroit. Last year, the U.S. auto industry had its best sales year since 1979—earning a record $10 billion profit. At the same time, the industry was able to pay its executives record bonuses—an average $30,000 for each of 5,807 executives at GM, for instance. And Chrysler recently announced plans to recall the last of its laid-off hourly workers and hire new workers as well.

Some will argue that now is not the time, when the U.S. trade deficit is soaring, to lift the quotas. In my view, we should look at causes, not symptoms. The Japanese share of the U.S. auto market has shrunk to 17.4 percent as American auto production expanded. The trade deficit during the same time has grown worse and worse less because of "cheap" imports than because a record-high dollar makes many American exports uncompetitive in world markets.

The answer to our trade deficit is not more protectionism. The answer is getting our incredible budget deficits under control, which would lower interest rates and bring the dollar down to realistic levels. At the same time, we must do all we can to accelerate the rate of economic growth in Europe and elsewhere. Protecting U.S. industries and closing our markets is hardly the way to encourage worldwide recovery. We should not be looking for scapegoats abroad; we should be looking to put our own house in order. The more our markets are "protected," the less we will have the incentive and the political will to do so.

We should not ask the Japanese to extend the quotas again. Nor should we allow them to make the offer. Implicit in such a dubious "favor" would surely be a mistaken understanding that the United States would not demand that Japan open its fastest-growing markets: telecommunications and other high-tech equipment, software, agricultural, and other products. That would be no "bargain."

Retaining auto quotas contributes to the dangerous overall trend towards trade protectionism. Equally dangerous is the "threat" of restricted access to our market if some opening of Japanese markets is not forthcoming. It is hardly a threat to certain Japanese automakers who have reaped great benefits from those voluntary quotas and who would surely be happy to see them continued.

If auto quotas are extended, they threaten to become permanent. They would become a permanent "tax" levied by automobile companies on the U.S. consumer. If the American auto industry is to be competitive, then competition must be allowed. Notes GM Chairman Roger B. Smith, in a recent Washington Post column: "The discipline of worldwide competition * * * speeds up the pace of technological innovation and industrial modernization, which means growth and more and better jobs." The case is clear. Auto quotas should go. Consumers deserve the protection that comes from free competition in the marketplace.

Three recent opinions, two in the Washington Post, another in the New York Times, address the argument admirably. I request that these articles, along with the executive summary of International Trade Commission Report, be printed at this point in the RECORD.

The material follows:

[From the Washington Post, Feb. 24, 1985]

GOOD RIDDANCE TO THE CAR QUOTAS

(By Hobart Rowen)

The so-called voluntary restraint agreements (VRA) on Japanese cars—which in reality represented a nonvoluntary deal worked out by Washington and Tokyo to protect the American industry—will end on March 31, after four years of milking consumers.

Good riddance! The "voluntary" quotas were a bad idea in the first place, justified by the Reagan administration back in 1981 as necessary to buy time for the industry and its workers to adjust to competition from Japan. This created an artificial scarcity of Japanese cars, fattened corporate profits here and in Japan, and touched off a bonanza for American dealers of Japanese cars.

The Reagan administration apparently has decided that enough is enough, despite howls from industry apologists such as Rep. John D. Dingell (D-Mich.), who begs for the quotas to be extended "until at least March 1987."

Although the Japanese yen depreciated by about 20 percent against the dollar from 1981 through 1984, the Japanese did not lower their sticker prices. As City University of New York professor Yoshi Tsurmi told a congressional committee last week, "The VRA has forced American consumers who earned $10 an hour to subsidize $30-an-hour auto workers and their expensive executives."

Tsurmi, an expert on U.S.-Japanese problems, was trained at Harvard and Keio universities. He concludes that, apart from the harm to consumers, the VRA is hurting the U.S. economy because it has retarded "the U.S. auto industry's ability and willingness to adapt itself to the ever-changing markets and technological environment at home and abroad."

Shielded from competition, the companies didn't use the time or the vast cash surpluses they built up to turn out better small cars. As Tsurmi points out, General Motors Corp.'s well-advertised Saturn project (a mere 200,000-car potential) will cost only $450 million, whereas GM spent five times that sum—$2.5 billion—to acquire Electronic Data Systems Corp., among other nonauto investments.

Detroit also was caught napping by the surge in demand last year for European-styled, sporty luxury cars, and the void is being filled by European and Japanese sellers. "The VRA has once again dulled Detroit's sense to stay alert to the changing

market and technological environment conditions in the U.S. and abroad," he says.

Various studies indicate that only 26,000 to 44,000 additional auto industry jobs can be attributed to the quotas. By dividing these job numbers into the increased costs for cars in this period, it can be demonstrated that each such "preserved job" had a price tag of between $150,000 and $300,000.

But even these figures must be put in perspective, as did the International Trade Commission in a report to Congress last week. The ITC pointed out that the quotas, by limiting the supply of dollars "entering the foreign exchange market [had] tended to strengthen the U.S. dollar." As a result, probably as many jobs were lost in exporting and import-competing industries as were gained in autos.

Yet, the American industry did almost nothing to make itself competitive with producers of small Japanese cars. The VRA never was linked to specific investment decisions or wage concessions. Now, if the major Japanese companies choose to do so, they probably could flood the United States with the small, cheap cars on which they made their reputation, and collar the entire U.S. small-car market: American companies have yet to turn out a compact that matches the dollar-for-dollar quality of the best Japanese models.

The Japanese are probably too clever to inundate the American market with inexpensive compacts. They are likely to show truly "voluntary" restraint, for the first time.

The Nakasone government is fully aware that, should the $35 billion trade surplus with the United States swell, it could bring fast and ugly retaliatory action. There is pressure on Capitol Hill for the Reagan administration to extract from Japan, in exchange for abandoning the VRA, some new Japanese commitment to increase imports of American high-tech and other equipment.

So the likelihood is that the Japanese authorities will put a ceiling on car exports, again squeezing the smaller companies such as Mitsubishi and Suzuki: A totally free and unrestrained market for cars isn't likely to return overnight.

Nonetheless, elimination of the VRA quotas is likely to result in some substantial increase in the number of Japanese cars imported here.

The ITC estimated that, without the VRA, an additional 1 million Japanese cars might have been sold here last year, jumping their share of the market from 18.4 to 28 percent. Meanwhile, Korean companies have begun successfully to introduce cheaper cars into the North American market, especially in Canada. And other exporters will try to get a piece of the action here.

As for Detroit, the first result of the new competition should be a reduction in those fat sticker prices—there's plenty of room for that. The average price of a new car sold in this country rose to $11,254 last year, a 48 percent increase from $7,591 in 1980. The profits for the American Big Three, as just reported for 1984, amounted to a cool $10 billion, topping the 1983 record of $6.2 billion.

Tsurmi calculates that, in 1984 alone, the VRA cost American buyers of new cars about $13 billion by boosting their average effective price by $1,500. The booty was split this way: $6 billion in windfall profits to GM, Ford Motor Co., Chrysler Corp. and American Motors Corp.; $3 billion in overtime to United Auto Workers union workers (although some of this could have been used to rehire laid-off workers at straight time); and $4 billion to Japanese auto makers and their U.S. dealers, some of whom ripped off their customers for over-sticker premiums of $1,000, $2,000 and more per car.

As Tsurmi points out, the VRA probably persuaded Toyota and Nissan to move up their starting dates for producing subcompacts here. The combined annual production of Toyota, Nissan and Honda in the United States eventually will reach 700,000 units a year, and Mazda will add 200,000 by the end of 1986.

But the U.S. Big Three have de-emphasized production of subcompacts, switching their concentration to larger cars. Instead of head-on competition with the Japanese, their small-car strategy has been to make deals to increase subcompact imports from Japanese affiliates and to put some money into "the Korean connection."

Add it all up, and the Reagan administration correctly concluded that, after four years of coddling, no case could be made that an industry with such dazzling profits should get a 1985 crutch—although Ford and Chrysler and the UAW did their very best to stick it to all of us once more. If U.S. firms want to hold their share of the market, they'll have to fight for it by returning to innovation, skill and their native genius.

[From the Washington Post, Feb. 21, 1985]

CAR QUOTAS ISSUE STICKY

(By Peter Behr)

That we live in a global economy is by now a truism, obvious to anyone who thinks about it for a moment—70 percent of all American-made products now face import competition.

The greater that global interdependence becomes, the more often presidents and Congress will have to choose between consumers on the one hand, and U.S. manufacturing companies and their employes on the other.

That is the choice that faces President Reagan. By March 31, Reagan will have to decide whether to continue the so-called "voluntary restraints" that are limiting Japanese auto imports to 1.96 million cars for the year ending in March (1.85 million is the official limit—the rest enter through various backdoor channels).

His chief advisers on the issue, the members of the Cabinet Council on Commerce and Trade, have concluded that the import restraints should not be extended after April 1.

That decision would almost certainly lead to a surge in Japanese imports, but not necessarily led by Japan's big three, Toyota, Honda and Nissan. It is the manufacturers of other Japanese models—Mazda, Subaru, Isuzu and Suzuki—that are likely to try the hardest to stake claims in the American market, since they are now restricted to minuscule shares under the voluntary agreement.

Lifting the agreement April 1 would give them a precious opportunity to establish a presence here in case the door begins to close again.

The way these lesser-known Japanese cars would compete is by cost, dropping the price of subcompact cars to a point the U.S. producers could not begin to match and make a profit.

The immediate break for consumers would be a larger supply of less expensive cars. They would come not only from Japan companies, but also from General Motors Corp., Ford Motor Co. and Chrysler Corp., which would step up their imports from Japan, Korea and Mexico to keep pace with the Japanese competitors.

Unquestionably, stepped-up imports would cut more deeply into the ranks of American autoworkers, although the magnitude of the job losses are hard to gauge. That spells more hardship for autoworkers, their families, and the plant towns where American cars are built.

It is a trend that General Motors, Ford and Chrysler—and the United Auto Workers' leadership—have already accepted, however reluctantly.

The relentless pressure from low-cost imported cars compels the American auto makers to automate wherever they can, reducing the costs of human labor as much as possible. GM hopes to build the small car of its future—the Saturn—with just 60 worker-hours per car, less than half the current 130 worker-hours required to build a car in Detroit.

There is no chance of arresting the decline in the ranks of U.S. autoworkers or in stopping the erosion of the U.S. companies' market share, just as there was no way that the older plants in the U.S. steel industry could withstand the onslaughts from foreign producers whose technology matched or exceeded the American steel-making techniques, and whose labor costs are one-quarter to one-tenth of U.S. levels.

The question is how fast and how far that erosion in the auto industry proceeds and whether it is worth it for the economy as a whole to reduce the damage by keeping out Japanese cars.

Stated that way, the arithmetic favors an end to restraints and an open door to lower cost imports.

What makes Reagan's decision so fearsome politically is a growing view that the U.S. side is not just losing a fair fight over costs and technology, but also is being victimized by the economic policies of this administration and Congress, and by unfair, predatory trade practices by its foreign rivals.

There is a deepening conviction among business leaders as well as union chiefs that the U.S. manufacturing losses are attributable in large part to foreign government subsidies that lower import costs and to unfair trade restrictions that keep competitive American products out of foreign markets. Trade barriers are keeping $10 billion in American products out of the Japanese market every year, the administration estimates.

More devastating than the trade restrictions are the effects of an overvalued dollar. According to U.S. Trade Representative William Brock, "The explosion in the price of the dollar has made life more difficult than all the trade barriers in all the countries of the world put together."

There is no relief in sight for the dollar. And that means that the only outlet for the anger and frustration of U.S. manufacturers and their employes is the issue of fair trade.

If Reagan does allow the auto import limits to end next month, he will somehow have to use that decision as leverage to persuade the world's other trading nations that they risk a destructive political backlash if they ignore the fairness issue.

[From the New York Times, Dec. 16, 1984]

THE ECONOMICS OF CAR QUOTAS: THEY'RE MERELY A SUBSIDY FOR DETROIT

(By Yoshi Tsurumi)

After its remarkable rebound, the American auto industry hailed Lee A. Iacocca of Chrysler as a national hero who had single-handedly driven out the villainous Japanese auto invaders. Business and labor leaders from the machine-tool, electronics and steel industries were quick to jump on the Iacocca bandwagon to spread a dubious message: All the United States has to do to be a winner in international economic competition is restrict Japanese and other imports.

Despite his professed commitment to open trade, President Reagan in September imposed new import restrictions on iron and steel products to appease domestic steelmakers. In reality, decades of protectionism have sapped this industry of its strength—but Big Steel pressed hard for extended import barriers, citing its declining international competitiveness. This is the industry equivalent of the proverbial parent-killer who pleads for mercy because he is an orphan. A similar irony prevails in the quota agreement between the United States and Japan to limit Japanese auto exports here, the "voluntary export restraint," or V.E.R., adopted in 1981.

Under the voluntary restraints, Japan agreed to restrict sales of its cars in the United States to 1.68 million annually. The limit was raised to 1.85 million units this year, and the agreement extended through March 1985. If the Reagan Administration is serious about promoting free trade to give consumers a choice, and serious about helping Detroit shape up, it should not press for renewal but let the quota agreement expire next spring.

From the time the voluntary export restraints were put in place, American car buyers have been the losers. Discounts and rebate deals on American autos vanished. Since they could ship only limited numbers of cars, Japanese auto makers started to export high-markup luxury vehicles instead of the sturdy no-frills models that first appealed to American consumers. Dealers for both American and foreign cars began loading them with costly options.

In this sellers' market, American car makers also marked up their wares. Today, a customer must pay about $1,500 more for any new car due to price increases resulting from the export restraints. In 1984 alone, the additional costs of the V.E.R. to American consumers are conservatively estimated at around $13 billion was divided among three groups in proportion to their respective power in the marketplace: $6 billion went to General Motors, Ford, Chrysler and American Motors in the form of windfall profits; $3 billion went to the autoworkers in the form of overtime benefits—although the sum could have been used to rehire at least 35,000 of their permanently laid-off coworkers, and $4 billion went to American dealers in Japanese cars and Japanese automakers.

Unfortunately, the Government has yet to learn the elementary lesson of carefully linking any kind of aid to desired concessions from the aid recipient. The export agreement has produced $10 billion to $13 billion annually in hidden subsidies to the car industry, but the Administration demanded no price, wage or investment concessions in return from Big Auto.

The protected auto companies have not used their V.E.R. based profits to improve their productivity, but to reward themselves. In February, for example, General Motors' management helped itself to hefty special bonuses—reportedly $250 million worth. This amount would have been sufficient to build a new factory cabable of producing 200,000 compact cars a year and employing at least 3,000.

The recent wage settlements at General Motors and Ford were applauded as "historic and moderate." However, behind a smoke screen of creative cost accounting, auto workers have in fact bloated their total benefit packages by 7 percent to 8 percent for the first year of the contract alone, well above the productivity increases we can expect for the industry. Chrysler workers are now demanding that their wage contract be reopened lest they be left far behind. The familiar rising spiral of wage and production costs has returned to the American auto industry, again weakening its ability to compete internationally.

Moreover, in the shelter of Japan's export restraint agreement, American car manufacturers have grown complacent to the needs of their customers. In the early 1980's, many American consumers shifted their preference from subcompacts to sportier and more luxurious models. But Detroit was caught unawares by the change. Nissan and Toyota quickly jumped in to fill the void, followed closely by Volvo, BMW, Mercedes-Benz and Audi. Honda will field a new fleet of luxury models in 1985.

Meanwhile, Detroit is trying to convince customers of its increased commitment to quality. But this month, Chrysler was forced to recall its newly-designed 2,200 c.c. auto engines when they were found to be catching fire and exploding in operation. The Government has asked General Motors to recall 1.1 million X-cars because of brake defects, while Ford recalled 500,000 new cars to correct possible problems with rear-wheel alignment.

As American auto companies posted ever-increasing profits under the export restraint agreement, they scrambled to find a compelling argument for its continuation. Now they are promoting the import quota as a necessary measure to combat the imagined conspiracy of the fabled "Japan Inc." Their press releases suggest that the $1,400 production cost advantage of a Japanese subcompact over its American counterpart is due to export subsidies and an artificially undervalued yen.

In fact, Japan grants no export subsidies. And the Treasury Department completely exonerated Japan from charges of manipulating the yen downward after a 1983 investigation made at President Reagan's request. Rather, the celebrated $1,400 production cost advantage is deeply rooted in the flexible manufacturing systems that Japanese auto companies have refined for more than two decades. Japanese manufacturers need 30 labor hours to produce a subcompact while American makers require 60 labor hours.

The export restraints have dubious political and economic merits for the United States when they were instituted in 1981. Now they force car buyers to pay a fat tax to maintain high profits and wages in the auto industry. Detroit, is riding high and no longer needs the quotas that were intended to be a temporary crutch.

Today, the effect of the V.E.R. is to retard the American auto industry's ability and willingness to adapt itself to changing technological and market conditions. As steel and other industries exact similar concession-free protection, an unadaptive rigidity sets in. This industrial rigidity not only dooms the future international competitiveness of America but will precipitate a recurrence of the Reagan Depression of 1981-82.

(Yoshi Tsurumi is a professor of international business at Baruch College, City University of New York and the author of "Multinational Business.")

A REVIEW OF RECENT DEVELOPMENTS IN THE U.S. AUTOMOBILE INDUSTRY INCLUDING AN ASSESSMENT OF THE JAPANESE VOLUNTARY RESTRAINT AGREEMENTS

EXECUTIVE SUMMARY

During 1979-80, a significant shift occurred in the domestic and foreign shares of the U.S. auto market. Sales of domestic autos in the United States fell 21 percent from 8.0 million units in 1979 to 6.3 million units in 1980, beginning a four year downward trend. Employment followed, dropping from 929,000 workers in 1979, to 740,000 in 1980, or by 20.3 percent. Sales of autos imported from Japan, conversely, rose to 1.88 million units in 1980 from 1.75 million units in 1979. As a result of these developments, the U.S. auto industry began to implement a number of measures to improve U.S. sales and to recapture the market share lost to imports. These measures included retooling and redesigning existing production and assembly facilities, building new facilities, downsizing most autos (model lines), increasing productivity, cutting fixed and variable costs, using less expensive and lighter materials, and using computer-aided design and manufacturing techniques.

On April 1, 1981, the Japanese began voluntarily restraining exports of autos to the United States to provide the U.S. auto industry with a period of time to make the necessary adjustments to become more competitive with imports. The Japanese renewed their voluntary restraints in each subsequent year through 1984. The most recent agreement is scheduled to expire on March 31, 1985, and, at the time of the transmittal of this paper, no decision has been announced by the Japanese regarding voluntary export restraints of autos to the United States during April 1, 1985-March 31, 1986.

The major highlights of this paper are provided below:

1. Developments in the U.S. automobile industry, 1979-84

U.S. auto production dropped from 8.4 million units in 1979 to 5.1 million units in 1982 but then rebounded to 7.8 million units in 1984.

Subcompact car production remained relatively constant during 1979-81 at about 1.5 million units, before dropping to 920,000 units in 1982, and then increasing to about 1.2 million in 1984. Production of compact models declined from 2.5 million in 1979 to 1.8 million in 1983, and then rose to almost 2.3 million in 1984. Standard and luxury car production declined from 2.2 million in 1979 to a low of 1.0 million in 1982, and then increased to 1.9 million in 1984.

After the rapid increase in the price of gasoline during 1979-80, consumers changed their purchases of mostly large autos to that of smaller, more fuel-efficient models. As the price of gasoline leveled and the general economy improved in late 1982, many consumers switched from smaller domestic models (subcompact and compact) to larger models (intermediate, standard, and luxury).

U.S. industry's capacity to produce autos declined between 1979 and 1984.

Capacity for the U.S. production of autos decreased from 10.1 million units in 1979 to 8.6 million in 1983 before rising to 9.0 million in 1984. Capacity utilization in the United States, however, increased from 68 percent in 1981, the first year of the VRA, to almost 87 percent in 1984. The industry capacity declined, principally because of the permanent closings of many older, inefficient assembly plants, while other plants were temporarily shut down to facilitate retooling and renovation.

The U.S. auto industry employed 720,000 in 1984, down from 930,000 in 1979, but wage levels increased during the period.

Employment by the six domestic auto producers dropped each year during 1979 to 1982, from 930,000 to 623,000 employees, respectively. Employment rebounded by mid-1984 (according to the latest available data) by almost 100,000 employers; however, it is still almost 200,000 fewer employees from peak-year 1979 employment. Employment trends in the U.S. auto industry generally followed industry production trends, declining from 1979 to 1982, and then increasing in both 1983 and 1984. Average hourly wages increased from $10.52 in 1979 to $15.33 during January-June 1984, and gross earnings increased from $18.7 billion in 1979 to an estimated $22.6 billion in 1984.

The industry has dramatically reduced many of its fixed and variable costs since 1979, and in doing so has substantially reduced its breakeven level.

By cutting both the salaried and hourly work force, and at the same time increasing productivity, the auto industry has managed to substantially reduce labor costs. In addition to employee reductions, the industry has lowered inventory carrying costs, reorganized major divisions so that they are more efficient, closed many other plants, increased component outsourcing, and made significant gains in quality control.

Through major cost reductions, the 3 major U.S. automakers substantially lowered their breakeven points during 1979-84. General Motors' breakeven level, based on worldwide vehicle sales, has fallen from 8.4 million units in 1980 to about 5.6 million units in 1984; Ford's North American operations' breakeven point fell to 2.1 million units from 3.6 million units, and Chrysler's fell to 1.1 million units from 2.3 million units.

The Japanese enjoy an estimated $1,000 to $1,500 per auto cost advantage over U.S. producers.

There is a general consensus by auto analysts as to the existence of a production cost advantage in favor of Japanese producers; however, the estimates of the advantage range between $200 and $2,000 per unit. According to a comparison of the Ohio-built Honda and a similar Honda built in Japan, the actual cost advantage of Japanese production is probably between $1,000 to $1,500 per auto. Most analysts attribute the cost advantage to such factors as lower wages and higher productivity of Japanese workers, better management, and the imbalance in currency valuations of the dollar and the yen.

The four U.S.-based auto producers reported combined losses on U.S. operations of $4.7 billion in 1980, but it is estimated that they will post in excess of $10 billion in profits in 1984.

Profits of the U.S. auto industry on U.S. operations jumped to $5.3 billion in 1983 after losses of $400 million in 1979, $4.7 billion in 1980, $2.3 billion in 1981, and $553 million in 1982. It is estimated that profits in 1984 will exceed $10 billion. During the period of the VRA, the 4 domestic auto companies registered total net profits of almost $13.0 billion on their U.S. operations.

2. Changes in the U.S. market during the period of the VRA

U.S. consumption of autos dropped from 10.5 million units in 1979 to 7.6 million units in 1982 before rising to 10.7 million units in 1984

U.S. consumption of automobiles generally followed the trend of the U.S. economy during 1979-84. U.S. consumption declined from 10.5 million units in 1979 to a low of 7.6 million units in 1982. As the U.S. economy began recovering in late 1982, consumption of new autos also increased, rising to 8.6 million in 1983 and 10.7 million in 1984.

While U.S. production and exports followed the trends of the U.S. economy, imports remained relatively stable during 1979-83. This caused an increase in the import-to-consumption ratio from 27.6 percent in 1979 to a high of 38.5 percent in 1982 (when U.S. production and exports were at their lowest levels). The imports-to-consumption ratio then declined in each succeeding year, dropping to 36.6 percent in 1983 and 33.8 percent in 1984.

U.S. imports remained at about 3 million units during 1979-83, before rising to 3.6 million units in 1984.

U.S. imports fluctuated little during 1979-83 due in large part to the VRA, which held Japanese imports constant during the latter part of this period. However, in 1984, U.S. imports rose to 3.6 million units owing to increased demand for automobiles produced by U.S. subsidiaries in Canada and West German automobiles, and an increase in the level of the Japanese VRA from 1.68 million units to 1.85 million units.

The product mix of U.S.-built autos has changed because of a change in consumer demand resulting from the price of gasoline and other economic factors, but the change in the product mix of imports from Japan is a result principally of the VRA.

As the price (in constant dollars) of gasoline dropped and the U.S. economy improved in late 1982, demand for larger U.S.-produced autos increased, causing a drop in demand for smaller, more fuel-efficient models. The compact segment of the domestic market registered the greatest decrease, from 24 percent of the U.S.-built models in 1982 to 13.6 percent in 1983. The product mix of Japanese models also changed owing primarily to the VRA. Since the demand for Japanese models was greater than the constrained supply, Japanese importers were able to sell the more expensive models in place of the lower priced models.

U.S. retail prices of eight popular Japanese automobiles increased from 17 percent to 35 percent since April 1, 1981.

Smaller Japanese model prices increased by approximately 21 percent but prices of the more luxurious models increased by an average of 33 percent during the VRA period. Imports from Japan have moved upscale towards the more expensive models, and retail dealers frequently add on optional equipment and extra markups.

U.S. retail prices of domestic subcompacts increased from 5.7 percent to 8.5 percent during 1981-85, and those for domestic large models increased from 30.1 to 35 percent.

U.S. manufacturers' suggested retail prices of some popular U.S. subcompacts (Chevette, Escort, and Horizon) increased by an average of about 7.2 percent from April 1981 to January 1985, but retail prices of larger models increased during the same period by almost 33 percent. These price changes were due to the fact that the demand for small U.S.-produced autos has declined, principally because of declining gasoline prices and a general upturn in the U.S. economy after 1982. The increased demand for larger cars (primarily because of lower gasoline prices) has allowed the industry to increase retail prices of these models at a more rapid rate than for smaller cars.

3. Probable effects of the VRA

Elements of econometric modeling were used to develop a hypothetical picture of the U.S. auto industry and market during 1981-84 in the absence of the VRA. Review of the results indicates that the VRA has most likely affected both domestic and Japanese auto sales and prices in the U.S. market, U.S. employment levels, and U.S. consumer costs.

The VRA is estimated to have increased prices of Japanese autos in the United States.

Transaction prices of Japanese automobiles sold in the United States in 1984 are estimated to have averaged $1,300 more per auto as a result of the VRA than they would otherwise have been. The estimated VRA-induced price increase of Japanese autos in the United States rose from $185 per auto in 1981 (the first year of the voluntary quota) to $359 in 1982, and to $831 more per auto by 1983. By restricting the supply of imported autos while demand was growing, the VRA appears to have resulted in higher prices each year for U.S. consumers of Japanese cars. Part of this increase was because the Japanese began selling more expensive models during the VRA.

The VRA may have caused increases in prices of both new domestic and used domestic and foreign autos in the United States.

Transaction prices of domestically produced new autos may have increased by about $78 in 1981 and by almost $660 in 1984 owing to the VRA. It is also likely that the VRA caused an increase in used car prices of both domestic and Japanese models. Many buyers turned to the used car market because of reduced availability and higher prices of new Japanese autos.

The total estimated cost to the U.S. consumer as a result of the VRA during 1981-84 was $15.7 billion.

The VRA cost U.S. consumers an additional $835 million in 1981, $1.65 billion in 1982, $4.68 billion in 1983, and $8.52 billion in 1984, for a combined total of $15.7 billion during 1981-84, based on USITC staff estimates. The higher prices on Japanese autos alone increased consumer costs by about $3.3 billion in 1984 and the remainder of the increase was because of the price increases on domestic autos.

In the absence of the VRA it is estimated that an additional 1 million Japanese autos may have been sold in the United States in 1984.

Japan's share of the U.S. market would likely have been approximately 28 percent instead of the 18.4 percent actually recorded in 1984, had the VRA not been in effect. The Japanese were constrained to 1.68 million units during FY 1981-83, and 1.85 million during FY 1984, and it is estimated that consumers would have purchased as many as 1 million more Japanese autos in 1984 if they would have been available.

The VRA most likely resulted in an additional 44,000 U.S. jobs and additional sales of 618,000 domestically produced autos in 1984.

It is likely that the VRA added about 5,400 jobs to U.S. automobile industry employment in 1981, and by 1984, the VRA was responsible for a total of 44,000 additional jobs in the domestic industry. If the employment gains in the steel industry and in other supplier industries are added to these numbers, the gains in employment would be significantly higher. If the VRA has strengthened the U.S. dollar, it may have caused a loss of employment in exporting industries and in import-competing industries. This would tend to offset the job gains in the auto industry and its suppliers. The VRA also caused a gain in sales of domestically produced autos. It is believed that although the effect of the VRA was minimal in 1981 (an increase in sales of 75,000 domestic units), the estimated increase in retail sales of U.S. autos brought about by the VRA was approximately 620,000 units in 1984. This was an amount that was about 8 percent higher than the level which would have prevailed absent the Japanese export restraints.

Although the inventory and days' supply of U.S.-built autos fluctuated during 1981-84, inventory and days' supply of Japanese imports practically disappeared.

Inventories of domestic autos held by U.S. dealers during 1981-84 were at their lowest point in January 1983 (1.1 million units), but generally increased through January 1985 (1.4 million units). Days' supply of domestic models peaked in January 1982 and generally remained at about 50 to 60 day levels through 1984. Inventories and days' supply of Japanese imports, however, remained below 30 days' supply from July 1983 to January 1985 (averaging about 150,000 units). Because the domestic industry was better able to control its level of dealer inventory to meet market conditions, the domestic inventory and days' supply did not drop significantly. The Japanese inventories, however, declined to less than a 30 days' supply after July 1983 owing to the restraints, causing shortages of most models and resulting higher prices because demand exceeded supply. Auto dealers normally carry a 50 to 60 days' supply of autos in order to allow consumers a choice of auto models.

In the absence of the VRA, it is estimated that the U.S.-Japan trade deficit in autos would have been nearly $2 billion greater in 1983 and almost $4 billion higher in 1984.

The total U.S. merchandise trade deficit with Japan was $19.3 billion in 1983 and $33.9 billion in 1984. It appears that the total U.S. merchandise trade deficit with Japan might have been even greater if the auto restrictions had not been in effect. In the absence of the VRA, it is estimated that the deficit solely in auto trade would have been $2 billion greater in 1983 and almost $4 billion more in 1984.●

WORLD AGRICULTURAL TRADE

● Mr. BOSCHWITZ. Mr. President, recent discussions I have had about agricultural issues have made it apparent to me that many people are not fully aware of the tremendous difficulties farmers face in trying to export their commodities. The world market presents several challenges which make it harder than it was a few years ago for our farmers to compete with those in other countries.

The Soviet grain embargo shattered confidence in the reliability of the United States as a food supplier. The global recession crimped the purchases of many of our best customers. High interest rates hurt farmers directly by substantially increasing their debt servicing costs and also indirectly by compounding the economic difficulties of heavily leveraged Third World agricultural customers.

To cap it all off, the value of the dollar has risen some 30 to 40 percent against major world currencies. This has resulted in price increases (in local currency) to countries that buy from us even while our own farmers have been faced with generally declining prices. In some instance, U.S. price support levels have now become higher than prices in other countries.

Thus, U.S. grains often sit in Government controlled storage while other countries sell to export markets at prices lower than our exporters can offer. As a consequence, our current Government farm programs may be providing far more benefits to farmers in other exporting countries than the programs provide to farmers here in the United States.

To illustrate the problems our farmers face, I ask that an article from the Journal of Commerce of January 24, 1985, be printed in the RECORD.

The article follows:

[From the Journal of Commerce, Jan. 24, 1985]

U.S. LOSING SHARE OF ASIAN WHEAT MART

HONOLULU.—The U.S market share of wheat shipments to Asia has dropped nearly 15 percentage points to 50 percent since 1980, Robert Kohlmeyer of Cargill Inc. told members of the National Association of Wheat Growers.

That share could drop an additional 15 points by 1990 if current trends continue, Mr. Kohlmeyer said at the NAWG annual meeting.

He said the strong U.S. dollar not only had made it more expensive for foreign customers to buy U.S. grains and other products, it also had encouraged competitors, such as Canada, Australia, Argentina and the European Community, to boost production.

That new production is designed entirely for export, he said.

Domestic farm programs were originally conceived in expectation of ever-increasing world demand and continued high inflation, he said. "However, the rate of inflation has shrunk to a low level and the worldwide economic downtrend has caused demand to stagnate," he said.

U.S. agriculture has been left to face increased competition from abroad with a domestic farm policy that encourages high production while setting support prices at levels that prevent any clearing of surpluses, Mr. Kohlmeyer said.

In 1980 the United States accounted for 64 percent of wheat shipments to Asia. That market share has dropped to about 50 percent, Mr. Kohlmeyer said, with Asian countries recently buying wheat from the EC and Argentina.

Argentine wheat has even become a cheaper source of bread wheat for southern U.S. flour mills than U.S.-grown wheat, he said, referring to Cargill's recent purchase—then cancellation—of 25,000 metric tons of Argentine wheat for its Port Allen facility.

"At the time a shipment was arranged, Argentine wheat could be delivered to coastal milling locations at a cost that was 15 to 25 cents per bushel cheaper than U.S. wheat of comparable quality—even after paying the Argentine export tax of 18 percent and U.S. import duty of 21 cents per bushel," he said.

On the basis of today's values, the price spread is even wider in favor of Argentine wheat, he said.

Cargill's decision to stop the grain shipment does not alter the fact the foreign grains are becoming price competitive in U.S. markets, Mr. Kohlmeyer said. Southern Hemisphere corn, oilseeds and oilseed products could join Canadian wheat and foreign oats in entering U.S. markets in 1985, he said.

Mr. Kohlmeyer said Cargill's plan to import Argentine wheat was conceived as a straight commercial transaction to find the demand and the cheapest source of supply to meet the demand.

"But how can we compete for Asian markets when we risk losing part of our markets here at home?" he said.

To be competitive again, the United States must design farm programs that relate support levels to market prices and remove incentives to produce for the government loan or the farmer-owned reserve.

"If we are not willing to take those steps, we are saying to our foreign customers that we don't want their business," Mr. Kohlmeyer said.●

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Tuesday, February 26, 1985.

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

ORDER FOR RECESS BETWEEN 12 NOON AND 2 P.M. ON TUESDAY, FEBRUARY 26, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m. tomorrow, February 26, 1985.

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

ORDERS FOR RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Further, I ask unanimous consent that after recognition of the two leaders under the standing order, there be a special order not to exceed 15 minutes for each of the following Senators: Senators PROXMIRE and BIDEN.

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

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Following the special orders just identified, I ask unanimous consent that there be a period for routine morning business not to extend beyond the hour of 11 a.m. with statements therein limited to 5 minutes each.

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

PROGRAM

Mr. DOLE. Following morning business tomorrow, the Senate will automatically resume S. 457, the African relief bill, and pending is amendment No. 10 offered by the distinguished Senator from Nebraska, Senator ZORINSKY, dealing with emergency farm credit assistance. Rollcall votes can be expected during Tuesday's session on amendments, and possibly final passage of S. 457.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I have listened to the distinguished majority leader. May I say in response to his statement expressing the hope that action will be taken at a reasonably early hour and day that I think I am in the position to suggest that we might arrange for a vote on the amendment by Mr. ZORINSKY, et al., say, at 2 o'clock tomorrow afternoon?

Mr. DOLE. Let me say to the distinguished minority leader that that may be possible.

I need to check that with the chairman of the Agriculture Committee, Senator HELMS, and with the manager of the bill, the distinguished Senator from Indiana, Senator LUGAR. We are sort of aiming for that. I would not want to promise it. It would occur after our respective policy luncheons.

Mr. BYRD. Mr. President, I am receptive to trying to nail that down today if the majority leader is able to clear it before he goes out.

Mr. DOLE. I will have to check on that.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. DOLE. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to and, at 6:01 p.m., the Senate recessed until tomorrow, Tuesday, February 26, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 25, 1985:

DEPARTMENT OF STATE

Max M. Kampelman, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the U.S. Office for Arms Reduction Negotiations in Geneva.

John Goodwin Tower, of Texas, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Strategic Nuclear Arms.

Maynard W. Glitman, of Vermont, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Intermediate Range Nuclear Arms.

THE JUDICIARY

The following-named persons to the positions indicated:

Thomas J. Aquilino, Jr., of New York, to be a judge of the U.S. Court of International Trade, vice Frederick Landis, retired.

Frank H. Easterbrook, of Illinois, to be U.S. circuit judge for the seventh circuit, vice a new position created by Public Law 98-353, approved July 10, 1984.

James F. Holderman, Jr., of Illinois, to be U.S. district judge for the northern district of Illinois, vice a new position created by Public Law 98-353, approved July 10, 1984.

DEPARTMENT OF JUSTICE

James R. Laffoon, of California, to be U.S. Marshal for the southern district of California for the term of 4 years (reappointment).

EXTENSIONS OF REMARKS

POPULATION GROWTH AND U.S. SECURITY

HON. MICHAEL D. BARNES
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. BARNES. Mr. Speaker, during the past few months, the news media has provided the American public with pictures and information on the tragic situation of regionwide famine in Africa. In a thoughtful piece in the Washington Post from Sunday, February 17, 1985, Hobart Rowen discussed this tragedy in the context of population growth. He discussed the linkages between unprecedented levels of population growth and land availability, food production, land erosion, and political instability. He agrees with the conclusion reached by many that uncontrolled population growth could also create security problems for the United States.

This article is particularly interesting in view of the administration's decision to stop funding the International Planned Parenthood Federation and to holdup this year's U.S. contribution to the U.N. Fund for Population Activities. The article follows:

[From the Washington Post, Feb. 17, 1985]

EXCESSIVE POPULATION GROWTH A SECURITY THREAT TO THE UNITED STATES

(By Hobart Rowen)

In the face of overwhelming evidence that there is no way of fighting poverty in the Third World without more extensive family planning, the Reagan administration is cutting back its support of the most tested and experienced organizations in this field, condemning wide areas of the globe to ever bigger, ever more hungry populations.

Knowledgeable congressmen such as Sam Gejdenson (D-Conn.) suggest that the administration's penny-pinching will have the counterproductive result of accelerating illegal abortions in the less developed countries—just what the White House presumably wants to avoid.

In a new book, "State of the World, 1985," Lester Brown and his Worldwatch Associates say the alternative to checking population by famine—the present case in Ethiopia—may be a one-child-per-family policy in 20 countries from Mexico to the Philippines if the birth control brakes aren't applied in other ways.

The ravages of famine aren't going to change until the affected countries are able to produce more of their own food. And even that can't happen until the United States joins in helping these countries to establish effective birth control programs.

Instead, the Reagan administration has cut off $17 million for the International Planned Parenthood Federation, because the IPPF allocates a dribble of funds—less than one-half percent of the money it gets from non-American sources—to clinics providing abortion services where they are legal in their own countries.

In addition, reacting to stories of infanticide and forced abortion in China published last month by The Washington Post, the administration has at least temporarily frozen $46 million for the United Nations Fund for Population Activities, even though none of this money was destined for China.

Agency for International Development Administrator M. Peter McPherson is being pressured by Sens. Jesse Helms (R-N.C.) and Gordon J. Humphrey (R-N.H.) to supply "detailed proof" that U.S. funds are not assisting Chinese population-control efforts, directly or indirectly.

Yet another blow to the financing of population control efforts came in the new budget for fiscal 1986, which cuts the AID's Family Assistance Planning funds to $250 million from $290 million in fiscal 1985.

If the Reagan administration can't be persuaded of the need for these funds on humanitarian grounds, or if it doesn't believe that excessive population growth sabotages economic development in the Third World, it at least should pay attention to the way in which the population explosion leads to political instability in the Third World, which, in turn, creates security problems for the United States.

According to sources at the Population Institute of Washington, a still-classified Central Intelligence Agency report lists many global flash points that could lead to wars in this century—wars that have their roots in the unrestrained growth of population.

For example, the CIA report, titled "Population, Resources & Politics in the Third World: The Long View," predicts that Mexican-U.S. relations may be the most complex problem that the United States faces at the turn of the century because of migrant traffic across the border, and water and pollution problems.

The CIA says that the population explosion also may have enough of an impact on Turkey to destablize NATO; lead Honduras and El Salvador into war; cause Vietnam to expand into underpopulated Laos and Kampuchia, perhaps bringing the Soviets and China to the brink of war; and create a variety of problems for Middle East allies of the United States, notably Israel and Egypt. (Egypt, Mexico, El Salvador and Vietnam are four countries listed as "outgrowing" their borders.)

Africa apart, this gives a sense of the range of potential security problems for the United States if world population soars from 5 billion now to 12 billion in the 21st century: Many experts wonder whether it will be possible to feed more than 8 billion.

Emergency aid to Ethiopia and other famine areas may alleviate human suffering temporarily (and assuage the guilt among those of us with full stomachs who sign the checks). But what escapes attention is that per capita food production in Africa has been declining by almost 1 percent a year since 1967.

When the TV networks caught up with the Ethiopian famine story toward the end of last year, the troubles were generally attributed to the drought. But as Brown observes, the drought was just the trigger—the most recent calamity of a long-term deterioration.

Thus, the real need in Africa is for something more basic than "relief" packages—especially control of the birth rate. Because this runs to an average of five children per family in some countries, the task ahead is grim.

In their book, Brown and his Worldwatch Institute staff read us the bottom line about Africa: The population explosion itself is changing the climate on that continent in a way that could lead to a crisis of historic proportions:

"The sheer number of people seeking to survive on arid, marginal land may be driving a self-reinforcing process of dessication—literally drying out the continent."

What makes all this especially tragic is that the Western World, which now fears that the situation in Africa may not be retrievable, had plenty of advance notice. Recently, the Population Institute obtained declassification of a 1974 National Security Council document that predicted the Ethiopian famine and warned of the critical need to do something quickly about population control.

This document (National Security Study Memorandum 200, Dec. 10, 1974) was prepared by National Security Adviser Brent Scowcroft for President Ford to summarize the implications of high population growth for American security and other interests abroad. According to Werner Fornos of the institute, it was reviewed and found current in 1976 by President Carter's national security adviser, Zbigniew Brzezinski.

"The most serious consequence [of rapid population growth] for the short and middle term is the possibility of massive famines in certain parts of the world, especially the poorest regions," the NSC report said.

"If future [population] numbers are to be kept within reasonable bounds, it is urgent that measures to reduce fertility be started and made effective in the 1970s and 1980s."

Although the report's recommendations for increasing American funding of population control efforts were adopted in a still-classified NSC policy memo dated Nov. 26, 1975, the follow-through has been weak: Despite the reality now of what was merely a projection 10 years ago, the United States has been niggardly in providing family-planning money.

The Scowcroft report said that, if we desire to see political stability in the Third World, it "will require that the president and the secretary of State treat the subject of population growth control as a matter of paramount importance." More than 10 years later, the advice, however sound, is being ignored.●

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

AN UNDERCOST, ON SCHEDULE MILITARY PROGRAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. SKELTON. Mr. Speaker, each year in our review of the military budgets, we hear of high technology programs associated with billions of dollars, complex instrumentation, computerized to the umpteenth degree, with associated interface requirements, and a long R&D evolution. All of which makes Congress and DOD sensitive to cost overruns. However, this past year a military program reached fruition under cost, on schedule, and without fanfare. I believe this program could easily be described as the single greatest enhancement to combat readiness in recent years—the M16A2, combat rifle for our infantrymen.

The M16A2 program is a textbook success story from the standpoint of identifying the requirement and executing a program at minimal cost. In 1979 the Marine Corps saw the need to commence a program that would ultimately lead to the production of a new service rifle, replacing the aged M16A1. The significance of this program lies in the fact that the real users of the weapon executed the program. Although the program fell under the administrative parameters of the Joint Services Small Arms Program, the U.S. Marine Corps took the lead with support from Army personnel during the operational tests and evaluations. The close cooperation between the Marine Corps, Army, and Colt Industries allowed the military to design, test, make changes, and test again until the final product was approved for service use by both the Army and the Marine Corps.

The importance of this program lies in the fact that there is only one single weapon capable of seizing and holding key terrain and that is the soldier or marine armed with his rifle.

I would like to recognize with all our service men and women those key individuals of this highly important and successful program: Lt. Col. Charles Pyle, USMC; Lt. Col. David Lutz, USMC; Maj. Michael Smith, USMC; CWO Bruce Wincentsen, USMC; G. Sgt. Edwin Martin, USMC; S. Sgt. Philip Stover, USMC. Of course there were many other dedicated soldiers, marines, and loyal, hard working civilians at Colt Industries that made this program a success. These individuals demonstrated selfless devotion to a job that was paramount to safeguarding our Nation's defense by developing the finest combat rifle for our soldiers and marines.●

COMMEMORATING ESTONIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. BROOMFIELD. Mr. Speaker, this month we celebrated the 67th Anniversary of the Declaration of Estonian Independence. It is vitally important that we pause and think about the significance of commemorating this day. The loss of any country to totalitarianism is a tragic experience and one which all free men should know and never forget. Only by remembering can we profit from the mistakes of the past and promise never to repeat them.

As all of you know, Estonia, Lithuania, and Latvia were once free and independent nations. In 1922, the United States recognized those republics and welcomed them into the international arena. The Baltic Republics were viable nations made up of industrious and independent farmers who cherished their freedom.

In 1940, the Soviet Army marched into the Baltic States, and effectively sealed those small nations off from the prying eyes of Western media. They immediately formed puppet regimes. The legislatures, completely dominated by members of the Communist Party, petitioned the Supreme Soviet of the U.S.S.R to incorporate each Baltic Republic into the Soviet Union.

As soon as the Soviet troops arrived, and the incorporation was declared, the troops began a systematic campaign of violence against the population of these nations. They needed to totally eliminate any opposition to the new order. Over 665,000 Estonians, Lithuanians, and Latvians were deported to Siberia. Thousands died in Soviet concentration camps. The Kremlin settled large numbers of people of Russian stock in Estonia and in other Baltic States to strengthen their control of the area. Widespread bloodshed ensued when the Baltic guerrillas took to the forest to establish a network of armed opposition to the illegal occupiers. More people were killed when the front changed and Nazi Germany invaded her old ally, the Soviet Union.

When the Soviets returned the second time in 1944, they were determined to stay and began a brutal plan of collectivizing the countryside. Farmers were forcibly evicted and deported. Thousands managed to flee to the West that year. More troops than ever were brought in to destroy the guerrilla movement. Even so, the partisans continued their struggle until the early 1950's when, islolated by numerous divisions, many in the resistance movement gave up their arms.

In spite of overwhelming oppression, the peoples of the Baltic States are still struggling to maintain their linguistic, ethnic, and religious identities. We cannot abandon these freedom-loving peoples. The Estonians, and other ethnic groups along the eastern coast of the Baltic Sea, have already demonstrated their determination for liberty and their willingness to do what is necessary to keep their national characters intact.

We must continue to remind the world that there once were free and independent Baltic States, and should work together to bring about an end to the illegal occupation of Estonia and other states in the region.

On this anniversary, I am certain that my colleagues in the Congress will join me in saying that those who forget history are doomed to repeat it.

MEMORANDUM

"Never in the course of centuries have the Estonian people lost their ardent desire for independence. From generation to generation, Estonians have kept alive the . . . hope that in spite of enslavement and oppression by other nations, the time will come in Estonia . . . when Kalev will come home to bring his children happiness."

With such timeless conviction begins Estonia's Declaration of Independence, proclaiming Estonia a free democratic republic on February 24, 1918. On that day, Kalevipoeg, the hero of the Estonian national epic, did come home to bring his people freedom and happiness. An unwavering desire for self-determination and freedom from foreign oppression gave the Estonian people the strength to fight for independence simultaneously against two invaders—Bolshevik Russia and the German Landeswehr. Estonian soldiers overcame these overwhelming obstacles and defeated both enemies.

During the brief period of political independence, Estonians enjoyed cultural progress, agricultural and economic development. In 1925 the young republic, appreciating the importance of ethnic identity, became the first country in the world to grant its minorities—Russians, Jews, Germans and Latvians—cultural autonomy through government subsidized ethnic schools, theaters and libraries.

World War II, however, brought alternate Soviet and Nazi invasions ending in the forcible incorporation of Estonia into the Soviet Union, an illegal takeover not recognized by the United States to this day. Brutal deportations took over one tenth of the population into Russian slave labor camps, while scores of others lost their lives fighting the enemy. In defiance of enormous obstacles, tens of thousands managed to flee to freedom in the West in 1944. Now scattered all over the world, Estonians derive knowledge of experience from the past: they are determined not to allow their heritage to fade away.

However, this month, the 67th anniversary of the Republic of Estonia's Declaration of Independence finds its people in the West and in Soviet-occupied Estonia gravely concerned about their future. In Estonia, a systematic Soviet policy of russification and national genocide is being carried out. The percentage of Estonians in the population is being reduced drastically by forced reloca-

tion of Estonians, colonization by Russian and other immigrants, and increases in troops stationed in Estonia. The Soviets are increasingly eliminating the Estonian language and ethnic traditions and establishing Russian as the official language in government employment, in place names, and in schools. Traditional mores and values are being eroded; many places of worship have been closed. Mart Niklus, Enn Tarto, Lagle Parek, many other Estonian dissidents and religious believers continue to be imprisoned for courageously bringing these violations of national and human rights to the attention of the West.

While participating actively in mainstream America, Estonians in the United States are, understandably, very much concerned about the national genocide taking place in Soviet-occupied Estonia. Thus, the apparent weakening, currently, of the United States' long-term and steadfast policy of non-recognition of the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union—through possible deportation of Baltic nationals to the Soviet Union—is a cause for great dismay. The Estonian American National Council asks you to reaffirm the long-standing United States' policy which supports the Baltic peoples' right to determine their own national destiny. Self-determination is the only hope for the very survival of these three countries, since they are most vulnerable to the Soviet goal of "social homogeneity."

We applaud all efforts by the United States to reinforce the distinctive national identities of Estonia and the other Baltic States. An important step in this direction was the recent transfer of the Baltic radio divisions from Radio Liberty to Radio Free Europe; increased funding for all the radios would make this move even more significant.

Finally, we ask you to give wide prominence to specific instances of human rights abuse in Estonia. Western support has incalculable importance for the human rights movement there. The Congressional activities on behalf of Mart Niklus on his 50th birthday were of great significance. Other opportunities to help in the moral struggle for liberty against oppression are presented by upcoming CSCE meetings: the Human Rights Experts Meeting in Ottawa, the 10th anniversary of signing of the Helsinki Accords on August 1st, and the Cultural Forum in Budapest, Hungary.

As a nation dedicated to the principles of independence and the protection of human rights, the United States appropriately speaks out against the continued Soviet hegemony in the Baltic States. We hope that the United States will continue to hold high the beacon of freedom as inspiration for those whose struggle has not yet ended.

Estonian American National Council.●

REAGAN ADMINISTRATION SEEKS TO SLAM SHUT THE DOOR OF EDUCATIONAL OPPORTUNITY IN HIGHER EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. FORD of Michigan. Mr. Speaker, the Reagan administration's budget for fiscal year 1986 proposes several arbitrary and callous restrictions in the student financial aid programs. These proposals include a family income cap of $25,000 for eligibility for all the student aid programs except guaranteed student loans and PLUS/ALAS loans, a family income cap of $32,500 for eligibility for the Guaranteed Student Loan Program and a limit of $4,000 on the total aid that any student can receive, not including the PLUS/ALAS loan program. If the President's proposal were to be enacted the result would be that more than 1 million students currently participating in the Pell grant and campus-based student aid programs would have their awards eliminated or significantly reduced. Another 304,000 students would have their State grants cut in half or eliminated and approximately 1 million students from middle-income families could no longer borrow under the Guaranteed Student Loan Program.

This past weekend two excellent articles appeared in the Washington Post commenting on these budget proposals for student aid. The Secretary of Education has been propagating the stereotype that students who receive Federal aid are idle, fun-loving, indolent youth in the words of Mr. Broder. These articles provide compelling evidence that this image is false and that these proposals will close the doors of educational opportunity for hard-working and needy students.

I commend them to the attention of my colleagues:

[From the Washington Post, Feb. 23, 1985]

WHEN STUDENTS GRADE BENNETT

(By Colman McCarthy)

They had taken a direct hit the day before. To find out how it felt, I asked the 90 college students in my course on peace studies at American University to write their reactions to the Reagan administration's proposals to reduce student aid.

William Bennett, the new secretary of education, had supported cutting off loans and grants for more than 1 million students. The limits would be $4,000 a student yearly and $32,500 family income. For the victims, Bennett socked them with sarcasm: It is time for "divestiture" of stereos, cars and beach vacations.

I have a diverse class—undergraduates from 18 to 22, a retired coal miner, a native Alaskan, a neighborhood mother, foreign students (Kuwait, India, Bahrain, Nepal), the president of the campus chapter of Young Americans for Freedom and a left-of-left 20-year-old woman who has twice been to Nicaragua on school breaks to serve the poor.

The diversity is refreshing to me, but the differences among the students constrict like bolts tightening into place when the subject is William Bennett's thinking. Except for five or six students who supported the secretary, everyone else found the Reagan administration's crabbed ideas about college students and their finances either grossly biased or absurdly unworkable.

The picture that emerges from these 90 papers counters the one offered by Bennett of many students—of private-school rich kids scamming the government for grants and loans. American University is private, but well over half the kids in my class—a representative group—are working. Many have two jobs. One student has three. A fair number work full-time, and then scratch around for night courses that fit into their degree program.

One senior told of the doubling of costs since her first semester in college. The rise is due to regular increases in tuition and the decreases in Social Security survivor benefits. She writes: "I am making it because I have worked part-time all through school and full-time in the summers [while] taking night classes. My family cannot afford to help me substantially since I also have a brother in college and a sister beginning next year. I have benefitted from university scholarships because of my grades but I still have to take out a guaranteed student loan from the bank and other loans from the government to cover tuition and expenses."

That student has loans out for more than $15,000. A classmate, in her late twenties, was once in a similar fix. She was forced to leave school to earn enough money to come back. Another student is working 30 hours a week, which is a rest from her summer schedule of 70 hours in "two jobs day and night to save for the next school year." She argues that under Bennett's plans "the poor and the rich will get an education and the middle class will get the shaft as usual. . . . How are parents supposed to squeeze their wallets any tighter when they have others in school, several loans out and barely making ends meet?"

This student has a three-year-old $100 stereo, no car and "can't afford a trip anywhere—even home to New York."

From the papers, I sensed that only about one in five students was at the university under ideal conditions: no financial aid, no jobs, and parents paying in full. Several students said they knew of campus leeches who didn't seem to need aid but wrangled some anyway. Another told of a friend who ran up debts but has found a dodge to avoid paying them.

These offenses against fairness came up in a number of papers, but they were few compared with what most others saw as the unfairness of the Reagan administration.

American education is in vibrant condition when a student can write, as one of mine did, that "Bennett's words come straight from his heart, which is hollow. How can you possibly want to cut student aid? That money goes to a good cause . . . There are many families that earn more than $32,500 that have many children close in age. They can't possibly afford to send, let's say, four kids at one time to school. It's also a cop-out saying the kids spend the aid on cars and stereos. It's just an excuse, and a lousy one at that."

In addition to these in-class essays, I asked the students to pick one word to describe their feelings about Bennett's thinking. The YAF president, a quick-witted and likable lad, said "justifiable." That was the minority view. These were typical of the majority: confused, irrational, horrifying, idiotic, spaced-out, addle-minded, unbeliveable, barbaric.

A peace-studies class is a fit scene for students to discuss the politics of tuition. Economic war has been declared on the 90 kids in my class, and millions more across the country. They are fighting back with sure-fire weapons: sound ideas and stories of per-

sonal sacrifice. It is hard to imagine that Congress will abandon the students.

[From the Washington Post, Feb. 24, 1985]

ANOTHER WATT?

(By David S. Broder)

As a graduate of Robert Maynard Hutchins' University of Chicago and as an adopted Virginian, there is much I find to admire in the words of William J. Bennett, the new secretary of education.

He has repeatedly argued that a liberal education in the humanities belongs at the center of any college curriculum. He has persistently quoted Jefferson's views on the indispensability of education to democratic citizenship.

On those questions—and on such lesser issues as the crucial role of the principal in establishing the character of a school—Bennett makes admirable sense. Nonetheless, he has to be the early nominee for the dubious award as the James Watt of the second Reagan Cabinet, the man who egregiously and almost joyously outrages the public by what he says.

Bennett has been in office only a few days, but his style is already clear. He takes a questionable policy, attempts to disguise its real purpose, and then demagogues or defames those who are affected by it. That is the essence of Wattism.

The policy in question is the Reagan administration's decision to reduce its projected budget deficit for next year by slightly over 1 percent by knocking more than 1 million students out of the college loan, grant and work-study programs.

In his first press conference, Bennett said he would "actively" support the proposed cuts before Congress, because he thought they were necessary in view of the overall budget situation. Had he stopped there, he might have been forgiven, but Bennett rushed on to argue that these cuts were substantively right and equitably balanced. They plainly are not.

The proposal to cap the eligible family income close to the median national income, regardless of how many children in the family are seeking college educations, violates common sense. Obviously, the squeeze on a $35,000 family with three college students (ineligible under the administration rule) is greater than the family of $25,000 with one student (eligible for everything).

Bennett was forced to concede that, "For those families which are doing everything they can to provide support for one child going to college, with perhaps two or three others [waiting], they're going to have to tighten the belt even further."

But Bennett rationalized that belt-tightening on grounds that limited funds ought to be preserved for the neediest families. Questioning the cost of education at private colleges, he said that forcing some students to leave those schools for less expensive public universities was justified because, above all, "this administration is saying that we want to provide opportunities for students to go to college who might not otherwise be able to go to college . . . at all."

That's a nice populist argument, but it happens to be malarkey. What the Reagan administration is proposing is to require an increased family contribution to the Pell Grant program—18 percent of the first $5,000 of discretionary income, instead of the current 11 percent.

Pell Grants are, to quote Bennett's own department, "principally designed to promote access to postsecondary education for low-income students." Under the Reagan proposal, those low-income families would be asked to come up with an extra $350 a year from their $5,000 "discretionary income" to send a child to school. Where are they to find the money? Bennett doesn't say. All he says is that "you cannot make cuts without making cuts."

No, I misspoke. That is not all he said. Like James Watt before him, Bennett could not resist expressing his contempt for those his department is supposed to be serving. The cuts "may require, for some students, divestiture of certain sorts—stereo divestiture, automobile divestiture, three weeks at the beach divestiture.", he said.

That statement caused outrage among the students at Oregon State University, when I was there last week. It was the old stereotype of the idle, fun-loving, indolent youth—and it aggravated the hell out of the student bellhop at the motel in Corvallis who was working his way through school with the help of one of those Pell Grants. And it came up constantly in conversations on campus.

That makes me think Bennett is another Jim Watt in a different sense; he is going to become a terrible political burden to the Republican Party, which is trying to make itself the party of middle-class Americans.

Nothing is more important to middle-class families than the opportunity for their kids to go to college, and nothing preoccupies most parents more than the worry about how they will finance those educations.

When Bennett takes his cheap shots at those students and tells their families to tighten their belts, he is taking dead aim at the American dream—and at Republicans' aspirations to speak for the new majority.

If Watt on the environment was bad news for the GOP, this guy has the earmarks of being a disaster. Bring back Terrel Bell—and quick.●

THE FARM CREDIT CRISIS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. EVANS of Illinois. Mr. Speaker, not since the depression has our Nation's agricultural sector experienced such troubled, and potentially devastating times.

Our farmers' credit problems are a hot topic of discussion these days, as evidenced by the movies from Hollywood, and the faces of distraught farmers gracing the covers of national magazines. However, we must not let this matter go the way of other formerly vogue topics. We are not talking about music celebrities, breakdancing, or new fashions—we are talking about an American institution and a way of life.

This problem is not new. Many of our Nation's farmers, particularly in the Midwestern Farm Belt, have been experiencing hard times and credit difficulties for the past several years. The boom times of the 1970's in terms of land, prices, and exports are long gone. They have been replaced by sinking land prices and equity, stagnant prices for products, and an export market which is showing signs of decay.

The pressures of the last few years have built to a point where a frightening percentage of our farmers are on the brink of bankruptcy. A recent survey issued by the Farm Journal states that 42 percent of farmers in the north-central region are headed toward insolvency and may not make it through the next 2 to 3 years. There is no telling how many may be gone by April if action is not taken soon.

Contrary to the belief of our current administration, the farmers who are facing extension are not all poor managers who do not belong in the business of farming. The crushing burden of high interest rates, poor prices, and a shrinking export market have brought even the best of farmers to their knees. This situation is a prime illustration of the fallacy of Reaganomics; it has left our farmers only a trickle of relief and hope.

As the Representative of the 17th District of Illinois, I am painfully aware of the close link that exists between our agricultural sector and our communities. Small businesses and large industries which depend on the purchasing power of our farmers have been devastated. Unable to sell their products to American farmers or compete with foreign manufacturers overseas, they have been forced to make difficult economic choices. These choices, layoffs, shutdowns, and in the case of my district—closings, leave thousands of citizens without work or means to care for their families.

As you know, the Reagan administration has recently issued additional farm credit initiatives to assist our troubled farmers. It is an improvement over the farm credit proposal offered by the administration last November. However, that is analogous to saying that death by natural causes is preferable to being struck by lightning. The additional initiatives only slightly improve the odds for those individuals who are in need of loan rescheduling, and are virtually worthless for those farmers who must have operating capital to get this year's crop in the field.

To add insult to injury, the administration budget for fiscal year 1986 includes a drastic cutback in funding for Farmers Home Administration [FmHA] operating loans, while stripping a number of other worthwhile farm programs. They have wiped their hands of this matter, in essence saying the hell with those farmers who can't take care of business—we won't miss them when they're gone.

Well, Mr. President, I want to tell you that these farmers will be sorely missed. And not just by their friends and neighbors, but by local industry, small businesses, rural banks—if their doors are still open—and inevitably

the consuming public. In addition, we open the doors for the increased control of our agricultural sector in the hands of an elite few. I do not believe that this is beneficial, either socially or economically. The individuals who operate our small and medium-sized farms are a vital part of the life and continued existence of American rural communities.

That is why I have joined with several of my colleagues in sponsoring legislation which would provide substantive relief to our hard-pressed farmers. This legislation would provide three things: For producers of 1985 crops, advance price support loans of up to 50 percent with interest at the normal CCC interest rate levels, additional funding for Federal guarantees of loans provided through the Farm Credit System and commercial banks, and instructions to the USDA to use all possible avenues and speed to implement this program.

I urge my colleagues to support this measure. Keep in mind that every day, 22 families in our Nation must give up their farm—not counting those farmers who obtain credit through commercial lenders. The choice is ours; I believe that we must act swiftly to preserve the livelihood of our Nation's farmers.●

IT'S WRONG TO KILL—NO EXCEPTIONS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. SKELTON. Mr. Speaker, I would like to have an editorial for the Blue Springs Examiner reprinted in the CONGRESSIONAL RECORD. It makes the point that it is wrong to kill, whether one is having an abortion, or if one is fighting the pro-choice movement. It is a good editorial which I commend to my colleagues here in the House.

(By Kim Sexton)

I believe that a fetus is a developing human being, and that it is wrong to kill a human being at any stage of life.

I have to repeat God's command that I used in my death penalty column: "Thou shalt not kill."

The commandment, which is the most serious one as far as I am concerned, did not cite exceptions.

I can understand why some pregnant women would not want to deliver an unwanted child, especially in a case of incest or rape.

However, there are many couples who are unable to have children who would welcome the opportunity to adopt. Unwanted children should be offered for that purpose rather than sacrificed.

And, while I certainly detest the thought of tax-supported abortion and hate the sight of abortion clinics, I cannot condone violence against those who favor the practice. We have direction from higher authority on how we treat neighbors, too.

I believe tax money should be spent on education to prevent unwanted births. We should strengthen the battle against unwanted teenage pregnancy, incest and rape.

Finally, I do favor laws prohibiting abortion.

What is your opinion? Address them to me in care of The Examiner, P.O. Box 1057, Blue Springs, Mo. 64015.●

MARY GORDON, PREEMINENT PUBLIC SERVANT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. DOWNEY of New York. Mr. Speaker, today I am privileged to pay tribute to Miss Mary Gordon, who recently retired from a long and distinguished career serving the people of Suffolk County.

Miss Gordon began her 48-year career in the Huntington Town home relief office on November 1, 1936. On March 1, 1942, she transferred to the Suffolk Department of Social Services, which was then known as the department of public welfare. She rose through the ranks, becoming director of social services in 1967 and assistant commissioner in 1974.

Although Miss Gordon has officially retired from her post as assistant commissioner, it is no surprise to those who know her that she will continue to give freely of her time and energy to the variety of causes to which she has been so committed. As a member of the advisory council or board of directors of so many of the service organizations on which Long Islanders depend, including Catholic Charities, Salvation Army, Health Services at Home, Inc., St. Joseph's Academy, Retired Senior Volunteers Program, and the Huntington Town Red Cross, she will continue to offer her support, advice, enthusiasm, and time.

Through all these activities, as through her career, shines her exceptional knowledge, judgment, compassion, and professional performance, which has earned her the respect and admiration of her colleagues, not only in Suffolk County, but throughout New York State.

Miss Gordon has epitomized the ideal of public service and provided inspiration to others who have sought this service as a career. She has set a standard to which all Americans who enter public service should aspire.

It is with my utmost respect and gratitude that I herewith commemorate Miss Mary Gordon's distinguished career.●

U.S. POLICY IN CENTRAL AMERICA AND THE CARIBBEAN

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. CROCKETT. Mr. Speaker, I would like to bring to the attention of my colleagues a statement of concern which criticizes the U.S. policy in Central America and the Caribbean and which has been endorsed to date by 31 judges, law professors, and attorneys in the State of Michigan. These individuals have joined in the formation of a Lawyers Committee on U.S. Policy in Central America and the Caribbean to monitor American actions in the region.

I commend to my colleagues this important statement:

STATEMENT ON THE ILLEGALITY OF UNITED STATES POLICY IN CENTRAL AMERICA AND THE CARIBBEAN

The undersigned persons and organizations, being part of the legal community, and concerned with the lawlessness of the United States government's actions and intentions regarding Central America and the Caribbean in general, and Nicaragua in particular, subscribe to the following statement.

It has long been a stated principle of conduct of the United States and most of the nations of the world that relations between sovereign independent nations be governed by the precepts of international law. This includes honoring treaties and observing established customary practices. Since World War II, this body of law, through the initiative of the United States and its allies, has incorporated the principles of non-aggression between sovereign states, the inviolability of national boundaries, and the doctrine of nonintervention in the internal affairs of other nations. Documents which incorporate these principles to which the United States is signatory include, among others, the United Nations Charter, the Charter of the Organization of American States, and the Charter of the Nuremberg Tribunal.

Further, the United States, through its own legislation and Constitution, has limited the free hand of its various Administrations to engage in acts of war. These limitations include Article I, Sec. 8, Clause 11 (the War Powers Clause) of the Constitution, which prohibits the government from engaging in war without the assent of Congress; the Neutrality Act, 18 USC § 960, which prohibits the launching of armed expeditions against countries with which the United States is at peace; the Boland Amendment, which bars use of funds for covert activities designed to overthrow a foreign government; and Article VI, Sec. 2 of the Constitution, which gives treaties equal stature with domestic law.

The present Administration has taken actions and has threatened further actions in Central America, and especially with regard to Nicaragua, that are in disregard of the above international and internal legal norms.

As pertains to Nicaragua, these actions include, but are not limited to, the following (as reported in the New York Times and the Detroit Free Press):

Mining the harbors of Nicaragua.

Financing, training and directing 15,000 "contras" operating militarily against Nicaragua from bases in Honduras constructed by the United States.

Using CIA transport in attacks on Nicaraguan fuel depots.

Ordering overflights of United States spy planes and using sonic booms to terrorize the Nicaraguan population.

Training "contras" in methods of assassination of Nicaraguan civilian officials.

Threatening military action against Nicaragua or its trading partners if the United States suspects certain weapons are being imported or deployed by Nicaragua.

Threatening military action against Nicaragua if it would appear to be successful in any campaign against the "contras" on Nicaraguan soil.

Ordering incursions of the United States fleet into Nicaraguan territorial waters.

Staging maneuvers of the United States fleet off the coast of Nicaragua, and maneuvers of United States land forces in Honduras and the Caribbean, for the avowed purpose of intimidating Nicaragua and straining its resources.

All of the above actions and threats have taken place without prior Congressional approval against a nation, Nicaragua, with whom we are at peace, with whom we have full diplomatic relations, and who has in no way threatened any of our nationals, property, or territorial boundaries.

What is perhaps most disturbing to those of us in the legal community is the position of this Administration that the aforementioned national and international proscriptions do not apply in our relations with the countries of Latin America and the Caribbean. These nations are demeaningly portrayed as being in "our own backyard." This Administration frequently cites "The Monroe Doctrine" as if it were a legal justification of our position, whereas it is no more than a unilateral assertion of United States hegemony totally rejected by all other nations of the hemisphere.

The recent United States military success in Grenada and President Reagan's reelection have emboldened this Administration to adopt openly a policy of "might-makes-right" in Latin America and the Caribbean. We condemn this policy for the following reasons:

1. It is against United States and international law.
2. It causes great suffering among the peoples of Latin America and the Caribbean.
3. It threatens to embroil the United States and other countries in war.
4. It destabilizes the world legal order and threatens world peace.
5. It ultimately threatens the security of the United States.

As a nation, we have subscribed to the proposition that adherence to international law enhances both national and international security.

We call upon the United States Government to immediately cease all the aforementioned violations of national and international law; to announce its intentions to abide by the precepts of such laws in spirit and fact; to participate in the proceedings before the International Court of Justice (World Court) involving the Nicaragua question; and to abide by the May 1984 preliminary injunction issued by the World Court prohibiting United States support of Contra attacks and the mining of Nicaragua harbors.

Judges: Hon. George Crockett III, Detroit Recorder's Court; Hon. Daphne Means Curtis, 26th District Court, Hon. Rufus Griffin, 36th District Court, Hon. Clarice Jobes, 3rd Circuit Court, Hon. David Kerwin, Detroit Recorder's Court; Hon. James Montante, 3rd Circuit Court (Retired); Hon. Claudia House Morcom, Delegate Association of American Jurists; Hon. Justin Ravitz, Detroit Recorder's Court; Hon. Vesta Svenson, 36th District Court.

Law Professors: Prof. Alex Aleinikoff, University of Michigan; Prof. Robert Brown, University of Detroit; Prof. William Burnham, Wayne State University; Prof. Joseph Daoust, University of Detroit; Prof. William Downs, University of Detroit; Prof. Robert Glennon, Wayne State University; Prof. Gunther Handl, International Law, Wayne State University; Prof. Dorean Koenig, Cooley Law School; Prof. Edward Littlejohn, Wayne State University; Prof. Harold Norris, Detroit College of Law; Prof. John Reifenberg, International Law, Detroit College of Law; Prof. Robert Sedler, Wayne State University; Prof. Vincent A. Wellman, Wayne State University; Prof. Edward Wise, Wayne State University.

Officers of Legal Organizations: Anthony Adams, president, Detroit Chapter, National Conference of Black Lawyers; Maria Alfaro, chair, Latin American Activities Section of State Bar (ID only); Mary Ann Arsenault, chair, Lawyers Committee on Nuclear Policy; Leonard Esquina, president, Lansing Chapter, National Lawyers Guild; Dennis D. James, president, Detroit Chapter, National Lawyers Guild; Stuart Lev, spokesperson, steering committee, Ann Arbor Chapter, National Lawyers Guild; Joseph Lopez, chair-elect, Latin American Activities Section of State Bar (ID only); Miguel Ortiz, treasurer, Latin American Activities Section of State Bar (ID only); Ned Smokler, secretary, Latin American Activities Section of State Bar (ID only).●

THE 75TH ANNIVERSARY OF COOPERATIVE EDUCATION AT NORTHEASTERN UNIVERSITY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. FORD of Michigan. Mr. Speaker, this year marks the 75th anniversary of the Cooperative Education Program at Northeastern University in Boston, MA. This is an occasion worthy of special notice by Members of this House.

Northeastern University was founded in 1898 with the guiding principle that the opportunity to acquire quality higher education should be available to all who desire it. As an extension of this basic philosophy, the cooperative education program was formed in 1909. Since a significant portion of its student body was unable to devote their time to full-time study, the "earn while you learn" concept was developed in an effort to serve their special needs.

Over the years, Northeastern University has grown to become one of the leading institutions in the world offering cooperative education, each year placing approximately 9,500 students with over 2,700 employers. The tremendous success of the program has led to the expansion of cooperative education to include a number of graduate and professional curricula as well as programs in University College.

I am honored to have this opportunity to congratulate Northeastern University on the 75th anniversary of cooperative education, and do wish them continued success and good fortune in the provision of an exceptional educational experience to those who desire it in the years to come.●

THE PROBLEMS OF CYPRUS ARE STILL WITH US

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. BROOMFIELD. Mr. Speaker, I am greatly troubled by the failure of the recent high level talks between the Turkish and Greek Cypriots on the question of Cyprus. It appears that there was confusion regarding the nature of the recent talks. This failure is a disappointment to all of us in the Congress who want to resolve the dilemma of Cyprus.

U.N. Secretary General Perez de Cuellar is deeply committed to resolving the long-festering problems on Cyprus and has devoted much time to this important issue. He is to be commended for his efforts. He is mandated by relevant Security Council resolution to pursue a special mission in search of a solution to the questions of Cyprus. The solution must be compatible with the principles and purposes of the U.N. charter and of specific resolutions on Cyprus.

These call for the respect of the independence, sovereignty and terroritorial integrity of that island. Mr. de Cuellar is also working for the removal of all foreign troops from that small island.

It is vital that progress be made in future negotiations. Much is at stake. The thousands of Turkish troops who now illegally occupy the island must be removed. Even the Turkish-Cypriots themselves want those forces to go home. In addition, a solution must be found to the question of what is to be done with the thousands of Turkish colonizers who have been brought from Turkey and settled in the properties of the Greek-Cypriots who were forced out by the invading Turkish forces in 1974.

Regarding the important issue of territory, something must be done about the unnecessarily large area now being administered by the Turkish-Cypriot community. A solution to this issue will help to accommodate the return of Greek-Cypriot refugees to their properties and also reflect

more fairly the respective size of the two Cypriot communities.

Although much progress was expected at the recent high-level talks, very little was actually accomplished. Although it is futile to try to point the finger at who was responsible for the impasse in the talks, the involved parties should be perfectly clear about the ground rules for future negotiations. What is important at this point is that both sides in the discussion recommit themselves to continuing the process of negotiating. Only by continuing their commitment to resolving the complex problem of Cyprus can ultimate success be gained. We all know that much remains to be done. The time for action is now.

I was gratified to learn that the Greek-Cypriot negotiators accepted Mr. de Cuellar's offer to meet again with the Turkish-Cypriot side.

With these thoughts in mind, I recommend the following insightful Christian Science Monitor article to my colleagues in the Congress.

[From the Christian Science Monitor, Jan. 24, 1985]

CYPRUS UNITY

It had already been a long, hard road for Cyprus as it sought to regain a measure of unity after the turbulence of the past 20 years. The breakdown of talks after last week's four-day meeting at the UN shows the road ahead remains similarly difficult, as Greek and Turkish Cypriots seek to put behind them ingrained suspicions of each other.

Specific steps do exist which should be taken to get the peace talks back on track. After a cooling-off period of a few weeks, UN Secretary-General Jávier Perez de Cuéllar should seek renewed talks, which ought to build on the progress patiently made over the past year. The United States and other NATO members should more strongly pressure both Greece and Turkey, the island's parent nations, to bring about a willingness to compromise.

In addition, both sides should begin the next round of talks with an expectation of discussing major unresolved issues: What nations or international body would guarantee an agreement, when and how Turkish troops would be withdrawn, and which parcels of land Turkish Cypriots would return to Greek Cypriots. There should be no expectation on either side of signing an agreement before such vital points are adjudicated.

In any future negotiations it is essential that both sides exhibit reasonableness, a commodity too often absent in last week's talks.

Although last week's Cyprus talks did collapse, there are some positive elements. The mere fact that they were held at all is a positive sign. Then, too, the Cyprus case shows that the UN, despite frequent criticism, can play a role in some instances of international dispute. For 21 years UN forces have been patrolling a 113-mile-long buffer zone that divides Greek Cypriots and Turkish Cypriots, in an effort to prevent fighting between the two.

This may be an era in which it is the UN Secretary-General, now Pérez de Cuéllar, rather than the General Assembly or the Security Council, that plays the key role in peace efforts. In some cases both sides in a dispute are willing now to permit the Secretary-General to try to obtain a settlement but are unwilling to allow the full UN to become involved.

In recent months Mr. Pérez de Cuéllar held several separate preliminary talks with Creek and Turkish Cypriot leaders, aimed at working out a peaceful settlement along the lines of a federated republic, with one federal government and two ethnic states. Most essential to the proposal was a trade-off of interests, with each side to make concessions to gain something it considered more important.

Under the plan, which still appears a sound framework for ultimate agreement, the Turkish Cypriots, the island's minority, would trade some of their land for security, in the form of participation in a new and federated government, and security guarantees from other nations.

In return, Greek Cypriots would cede some of the political control they are supposed to have in the island's government: The proposal calls for two separate states, Greek and Turkish, within the framework of an overall federal government, which would have a president and two houses of parliament.

The essentials of the plan are not new: During the Nixon presidency the United States proposed a similar plan for Cyprus, and the idea has been much discussed in the interim.

It is in the West's interests to see that a settlement is reached in the dispute, which has been going on since 1963 when Greek and Turkish Cypriots began fighting each other. The situation was exacerbated 11 years later, when Greek officers staged a coup and sought to unite the island with Greece; five days later, Turkey invaded and occupied nearly half the island.

Since that time relations between Greece and Turkey have been at a virtual sword's point, which is particiularly difficult inasmuch as they are supposed to form together the eastern bulwark of the North Atlantic Treaty Organization. Western diplomats have considered the Cyprus issue one of the world's long-running disputes, as feelings ran high on both sides and there appeared little evidence of flexibility.

But peacekeeping tries have been made anyway. We trust the events of recent months, coupled with those of the future, will prove the wisdom of continuing to make an effort.●

DON'T CUT FEDERAL WORKER PAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. DYSON. Mr. Speaker, last month I read a letter to the editor of the Baltimore Sun regarding the administration's fiscal year 1986 budget proposal to reduce civil service compensation. The letter eloquently testifies to the irrationality of the administration's approach to the Government work force. It should, since it is written by an experienced program analyst with the Social Security Administration.

Time and again, during the last 4 years, the Congress has had to defend civil servants against unjustified reductions in health benefits, pay scales, pensions, and other forms of compensation. We have had to curb the Pentagon's headlong rush to "contract out" civil service jobs to private sector contractors. We have had to moderate the administration's usually wasteful and always brutal reduction-in-force campaign, by which the administration attempts to eliminate the work force required to carry out programs it has been unable to terminate.

Each of these threats to Federal workers has come to us wrapped in the rhetoric of "reforms" intended to save the taxpayer unnecessary expense. Everyone supports the notion of reform. I am sure you share my commitment to eliminating every dollar of waste and abuse from Government program expenses. I believe you and my colleagues agree with me that the American taxpayers can and should be getting more for their taxes. And I am confident that we in the Congress will welcome every proposal for increasing the efficiency of the executive branch.

But as Mr. Rosenberg's letter points out, the administration's proposals are not guided by a long-term view of increasing efficiency or eliminating waste. The proposals are simply naked attempts to cut the administration's deficits by cutting its labor costs. And since they would have the effect of discouraging career service and driving competent workers from the Federal work force, the proposals are "penny wise and pound foolish." If we had approved the administration's past requests, the American taxpayers would be getting less, not more, for their money.

I intend to continue my defense of the career civil service and my opposition to the administration's efforts to unilaterally cut compensation. I am pleased, therefore, to submit for the CONGRESSIONAL RECORD a copy of Mr. Rosenberg's letter, and hope that it will remind my colleagues that the dedication of our career civil servants is the best guarantee of efficient government that we can offer the American taxpayer:

[From the Baltimore Sun, Jan. 29, 1985]

DON'T CUT FEDERAL WORKER PAY

Editor: There they go again.

Like every other president who, when faced with a fiscal dilemma, looks at trimming salaries and benfits of civil servants as a quick fix solution, President Reagan is basing his deficit cutting on one of the few groups no one defends, federal employees.

I remember LBJ, Nixon, Ford and Carter treating us like whipping boys in a non-partisan fashion. So Mr. Reagan's proposals are no surprise. What is surprising is the scope of these proposals: a 5 percent pay cut and destruction of our retirement system. What is also surprising is the lack of outcry against these proposals in your editorial and opinion pages. Surely if you took the time

to examine the following facets of federal employment, you might have some probing questions to ask.

1. Since the late 1960s, there has been a Pay Comparability Act to adjust federal pay based on private industry wages, inflation, etc. Under this act, an agent of the president comes up with a figure that the president can modify. Congress can override a presidential proposal if it is contrary to his agent's recommendation. Almost every year the president has lowered the recommendation. I do not recall any congressional override. Thus, this Comparability Act designed to set fair wages for federal workers becomes a starting point for a president's budget-cutting efforts.

2. The federal retirement system allows federal employees to retire at 55 years, getting about 60 percent of your highest three years' salary. It costs the federal worker 7 percent of pay. It was not meant to be our version of Social Security benefits but a way to encourage career service and attract good workers. Sure, there have been abuses such as "double dipping," but these problems were eliminated under the last Social Security amendment. I'd like to see a comparison between the retirement check of a keypunch operator at Social Security and one who works for a large private corporation like IBM.

I wonder if Americans want qualified people to handle such things as Social Security claims, the care of veterans and the other myriad federal occupations.

3. Federal employees do not have the right to bargain collectively, like private industry or the Postal Service. They are not allowed to engage in political action by openly supporting candidates, debating issues, etc. They are emasculated by law into being second-class citizens.

Federal employees sign a pledge not to strike, thus giving away a fundamental industrial right as a condition of employment. In return, a new federal employee can expect not what was promised in the way of retirement benefits and fair wages, but an implicit threat that if the economy has a problem, the conditions of employment will be unilaterally changed.

Every year, Congress and the president do the appropriations waltz with funding of federal agencies. Each September and October, we hear announcements, we have money, we can work tomorrow, etc. Congress and the president use our budgets as dice in a crap shoot over social policy. Why can't Congress and the administration solve these issues before September 30, when the appropriation runs out?

Here at Social Security, we get the right check to the right person over 95 percent of the time. How many goofs, typos, etc. appear in print or on TV? How many recalls are there of cars, washing machines, etc.? We are not all a bunch of incompetent clowns if we have a 95 percent accuracy rate.

Isn't it time Americans and their elected representatives stop denigrating their employees and stop seeking ways to reduce paychecks and benefits? The services you save may be your own.

JOSEPH B. ROSENBERG.

Baltimore.●

ESTONIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. ANNUNZIO. Mr. Speaker, 67 years ago on February 24, 1918, the people of Estonia established an independent nation, free of the domination imposed on them for centuries by the Russians. Today, I am privileged to commemorate this 67th anniversary of Estonian Independence Day, and to focus attention on the heroism and courage of the Estonian people, who continue to struggle and to pray for the day when Estonia can once again join the community of free nations.

Shortly after the formation of a free Estonia, Estonians and their allies bravely defended their country from attacks by the Red Army, which, under Lenin, tried to force communism on the newly independent nation. On February 2, 1920, a peace treaty was signed between the new Republic of Estonia and the Soviet Union, and under it Russia "agreed to renounce voluntarily forever all rights over Estonian territory and people."

The Republic of Estonia grew and prospered for 22 years, but sadly in 1940, the Soviet Union again attacked and invaded this country, attempting to destroy the culture, religion, and heritage of the Estonian people. The United States has never recognized this brutal seizure by the Communists, and we, as Americans, must continue our strong protests of violations of human rights in Estonia at the hands of the Communists.

The Estonian American National Council has issued a statement concerning human and national rights in Russian-occupied Estonia, and that statement follows:

STATEMENT REGARDING CURRENT SITUATION IN ESTONIA BY THE ESTONIAN AMERICAN NATIONAL COUNCIL

"Never in the course of centuries have the Estonian people lost their ardent desire for independence. From generation to generation, Estonians have kept alive the . . . hope that in spite of enslavement and oppression by other nations, the time will come in Estonia . . . when Kalev will come home to bring his children happiness."

With such timeless conviction begins Estonia's Declaration of Independence, proclaiming Estonia a free democratic republic on February 24th, 1918. On that day, Kalevipoeg, the hero of the Estonian national epic, did come home to bring his people freedom and happiness. An unwavering desire for self-determination and freedom from foreign oppression gave the Estonian people the strength to fight for independence simultaneously against two invaders—Bolshevik Russia and the German Landeswehr. Estonian soldiers overcame these overwhelming obstacles and defeated both enemies.

During the brief period of political independence, Estonians enjoyed cultural progress, agricultural and economic development. In 1925 the young republic, appreciating the importance of ethnic identity, became the first country in the world to grant its minorities—Russians, Jews Germans and Latvians—cultural autonomy through government subsidized ethnic schools, theaters and libraries.

World War II, however, brought alternate Soviet and Nazi invasions ending in the forcible incorporation of Estonia into the Soviet Union, an illegal takeover not recognized by the United States to this day. Brutal deportations took over one tenth of the population into Russian slave labor camps, while scores of others lost their lives fighting the enemy. In defiance of enormous obstacles, tens of thousands managed to flee to freedom in the West in 1944. Now scattered all over the world, Estonians derive knowledge and experience from the past: they are determined not to allow their heritage to fade away.

However, this month, the 67th anniversary of the Republic of Estonia's Declaration of Independence finds its people in the West and in Soviet-occupied Estonia gravely concerned about their future. In Estonia, a systematic Soviet policy of russification and national genocide is being carried out. The percentage of Estonians in the population is being reduced drastically by forced relocation of Estonians, colonization by Russian and other immigrants, and increases in troops stationed in Estonia. The Soviets are increasingly eliminating the Estonian language and ethnic traditions and establishing Russian as the official language in government employment, in place names, and in school. Traditional mores and values are being eroded; many places of worship have been closed. Mark Niklus, Enn Tarto, Lagle Parek, many other Estonian dissidents and religious believers continue to be imprisoned for courageously bringing these violations of national and human rights to the attention of the West.

While participating actively in mainstream America, Estonians in the United States are, understandably, very much concerned about the national genocide taking place in Soviet-occupied Estonia. Thus, the apparent weakening, currently, of the United States' long-term and steadfast policy of non-recognition of the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union—through possible deportation of Baltic nationals to the Soviet Union—is a cause for great dismay. The Estonian American National Council asks you to reaffirm the long-standing United States' policy which supports the Baltic peoples' right to determine their own national destiny. Self-determination is the only hope for the very survival of these three countries, since they are most vulnerable to the Soviet goal of "social homogeneity".

We applaud all efforts by the United States to reinforce the distinctive national identities of Estonia and the other Baltic States. An important step in this direction was the recent transfer of the Baltic radio divisions from Radio Liberty to Radio Free Europe; increased funding for all the radios would make this move even more significant.

Finally, we ask you to give wide prominence to specific instances of human rights abuse in Estonia. Western support has incalculable importance for the human rights movement there. The Congressional activities on behalf of Mart Niklus on his 50th birthday were of great significance. Other opportunities to help in the moral struggle for liberty against oppression are presented

by upcoming CSCE meetings: the Human Rights Experts Meeting in Ottawa, the 10th anniversary of signing of the Helsinki Accords on August 1st, and the Cultural Forum in Budapest, Hungary.

As a nation dedicated to the principles of independence and the protection of human rights, the United States appropriately speaks out against the continued Soviet hegemony in the Baltic States. We hope that the United States will continue to hold high the beacon of freedom as inspiration for those whose struggle has not yet ended.

Mr. Speaker, the United States has benefited enormously from the courage and vitality of Estonian-Americans. They are a living reminder to the world of what an atmosphere of freedom can do for the spiritual, economic, and intellectual lifeblood of a nation. I am honored to join in the 67th anniversary commemoration of the Declaration of Independence of the Republic of Estonia, and I extend my warmest greetings to those Americans of Estonian descent in my own 11th Congressional District of Illinois which I am honored to represent, and Estonian Americans in Chicago, and all over this Nation, who are commemorating this occasion.●

TRIBUTE TO JOE FALCON, NATIONAL HIGH SCHOOL TRACK ALL-AMERICAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. SKELTON. Mr. Speaker, it is with great pride that I bring to the attention of the House of Representatives the outstanding athletic achievements of Joseph P. Falcon, from Belton, MO. Joe is a student track competitor who recently received recognition by being named to the National High School Track All-America roster. Joining the team of all-Americans is not an easy task: Only 380 of more than 1 million high school track atheletes were selected to receive this honor.

In this day and age, we should be all the more proud of students who have the strength of character to avoid the many pitfalls now plaguing our Nation's youth; who strive instead to develop excellence in leadership, personal motivation, and teamwork—skills which are so important later in life.

I hope Joe Falcon's achievements in athletics will serve to inspire his fellow students to do their personal best in whatever endeavor they undertake. For it is my sincere belief that he represents the kind of high caliber youngster we can and should expect to become tomorrow's leader. If it is in Joe and other boys and girls like him that we entrust our Nation's future, I have no doubt that our country is in safe hands.●

A TRIBUTE TO DORI PYE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Dori Pye, a prominent leader in the west Los Angeles community whom I am proud to call my friend. As president of the Los Angeles West Chamber of Commerce, Dori acts as the political voice for close to 800 chamber members, including California business giants such as Occidental Petroleum, General Telephone, Bank of America, Tishman West Management Corp., Mann Theatres, and many more. Dori began her career as a Hollwood actress and today is considered to be one of the most influential leaders in the Los Angeles community. Dori's story is an interesting one and I would like to share it with my colleagues. A recent Los Angeles Times article captured an insightful look at her life and I request that it be reprinted in its entirety.

DORI PYE: HEAD OF LOS ANGELES WEST CHAMBER OF COMMERCE WHEELS AND DEALS IN POLITICS AND BUSINESS

(By David Ferrell)

She started out as a Hollywood starlet. She was a glittery blonde who kicked up her heels in stage shows and Hollywood supper clubs, and who played out a career in B movies, TV serials and floor-wax commericals.

Now, at 57, Dori Pye is at center stage in a far different role. As president of the Los Angeles West Chamber of Commerce, she has emerged as one of the most powerful non-elected figures in West Los Angeles—perhaps in all the city, according to some observers.

She acts as the political voice for about 800 chamber members, among them some of the giants of California commerce—Occidental Petroleum, General Telephone, Bank of America, Tishman West Management Corp., Mann Theatres, the Whittaker Corp., and more. She wields clout that has changed cities, her supporters say, and her connections reach all the way to Sacramento and Washington, D.C.

"I can get Mayor (Tom) Bradley," Pye will tell you. "I can call him on the phone, like I did . . . (recently) on a Thursday, when I said, 'I want to see you, I'll be down there about 10 o'clock, Mayor Bradley. . . .' And he didn't ask me what I wanted to see him about. . . . He didn't ask me—he just said, 'OK, if you want to see me, I'll see you.' "

Pye is regarded by some as a stunning success story—a charming and energetic promoter of community-improvement projects and Westside business interests.

Often, her reviews could pass for Variety ads:

"She is a dynamo. . . ."—Mayor Tom Bradley.

"She is a tremendously energetic, bright, engaging and effective person . . . unique . . . a breadth of vision that is broader than the usual narrow focus of most chambers. . . .—Los Angeles Councilman Marvin Braude.

"Dori Pye stands out as a person of passion, commitment and class . . . she travels at 100 miles per hour from start to finish. . . ."—Steve Saltzman, president of the nonprofit Greater Los Angeles Energy Coalition, an agency of city and county government.

SOME CALL HER PUSHY

But among her detractors—many of whom declined to be named for fear of her political power—the criticims is often bitter. They say she can be pushy and ill-tempered, and many brand her a self-promoter.

"She's got an ego that won't quit—an exaggerated, inflated opinion of herself," one former associate said. "It's just her nature . . . to think you can't do anything better than Dori Pye; you can't do anything as good as Dori Pye—she's perfect."

One Westwood Village merchant said, "Nothing would bless the Westside more than if she went away."

Controversy still lingers over a $50,000 loan the chamber was forced to take two years ago, after moving to posh new offices on the 11th floor of a Wilshire Boulevard office tower. According to some critics, the new quarters have doubled the chamber's annual rent to more than $72,000, forcing the chamber into what one former member called "terrible, terrible" financial shape.

Pye's salary—which she placed between $70,000 and $90,000 a year—and her membership in the exclusive Westwood Regency Club, which often runs from $250 to $500 a month in membership fees and dining bills, have contributed to the difficulty, former members said.

But chamber board President Chuck Schneider said growth forced the chamber to acquire the new offices, and he attributed the loan to unexpected costs related to moving. Schneider said chamber leaders are optimistic over the addition of seven new members in January and the start of a membership drive Feb. 1.

Schneider called Pye a "top-notch chamber manager," and attributed the organization's growth to her "vital, dynamic personality. She knows every politician there is."

Pye took over the chamber 16 years ago, when it numbered fewer than 100 struggling merchants in Westwood Village, Starting with a "cobwebby" two-room office and no business experience, she has built an empire: an organization that stretches from "City Hall to the sea," its new motto boasts, with offices occupying nearly 5,000 square feet in a gleming Wilshire Boulevard tower.

She can be seen driving through town in her black Corvett—license plate: DORI P—or in her chamber-supplied Cadillac Eldorado, or found dining at the Regency Club, surrounded by big money and wood-paneled fireplaces; or mingling at campaign fundraisers, sipping wine and cocktails and chatting with powerful political leaders.

More than perhaps any other Westside executive, her chamber directors claim, she has the power to unite corporate leaders and government policy makers—over issues ranging from regional growth to international trade. She is credited with establishing height limits and cleanup programs in Westwood Village; for helping to ease traffic problems in Century City; and for launching the nation's largest sidewalk art show in Westwood.

She has also helped quash a proposed building moratorium in greater Westwood, and has worked independently of the chamber to support a variety of political campaigns—including one that, two years ago,

helped alter the balance of elected power in Santa Monica.

"You are talking to one of the most important chamber leaders in the country," Pye says boldly. "This chamber is one of the real success stories . . . in the country."

Unlike many other chamber leaders, who admit that they steer clear of partisan politics, Pye has based her success on close affiliation with elected government leaders. "No chamber leader in the country has the relationship with city government that I do," Pye claims. Bonny Black-Matheson, former director of the Century City Chamber of Commerce, admitted that that organization has lost members to Pye's, largely because of her political connections.

"We're not a mom-and pop chamber," said Western Bank President Bill Turner, who attributed the chamber's success to Pye's assertive leadership. "We're more a political organization."

Ray Remy, president of the Los Angeles Area Chamber of Commerce and a former deputy mayor of Los Angeles, called Pye a "very strong, active" Westside leader, but said it is difficult to know whether she is more politically involved then powerful chamber executives in San Francisco and San Diego. The 3,500-member Los Angeles chamber, which covers five countries in the basin, also has an extensive roster of large corporate members and political connections.

But comparing the organizations is diffult, Remy said. "I don't know the range of her contacts, " he said. "I do know that when I was with the city, we did look at Dori. . . as an important voice."

Pye said she expects to hold a fund-raising dinner this month or in March for Mayor Tom Bradley, whose April reelection bid is being challenged by City Councilman John Ferraro. The guests will number only 15 or 20, Pye said, but they will be influential businessmen who will pay $1,000 a plate to get in—and be glad for the chance.

"For these people, $1,000 is not too much to have a chance to sit down and talk with the mayor," Pye said. "That's one of the things I feel this chamber has been very successful at doing: enabling the membership who are interested in politics to talk to a congressman, or a senator, and be able to know them."

When a fund-raising dinner comes up, the chamber does not make direct financial contributions. "We wouldn't do that," Pye said. "But I'll go and call up members . . . maybe those who I know are Republican bent, and who want to support (Sen.) Pet Wilson (R-Calif.) or (Gov. George) Deukmejian; or those who are Democratic bent, and who want to support Mayor Bradley—or whoever it might be."

She will suggest that those businessmen buy a table, Pye said, to support the candidate of their choice. "it's not chamber-purchased, but our members did it," she said. As for the candidate—"*He* knows it's the chamber."

The evidence of her connections can be seen on the walls of the chamber offices, and in photographs lining the hallways of Pye's fashionable Brentwood condominium. In frame after frame, Dori Pye is there. Embracing Tom Bradley. Or smiling with Sen. Alan Cranston (D-Calif.), or with Assembly Speaker Willie Brown (D-San Francisco), or Los Angeles Councliman Zev Yaroslavsky, or Rep. Howard Berman (D-Sherman Oaks), or Rep. Mel Levine (D-Santa Monica), or . . . even President Reagan. ("I knew Ronnie when he was president of the Screen Actors Guild," she said.)

Pye's political leverage comes from a vast network of such relationships, carefully cultivated and maintained. Cranston, for example, contacted in Washington, D.C., said he consults with Pye on national business issues that may relate to the Westside. Pye is correct, Cranston said, when she says her yearly trips to the Capitol are met with more than a cursory handshake.

"I can go to Alan Cranston's office, always an hour-an-a-half meeting, closed door—'Don't bother me, don't disturb me, I'm talking to Dori,'" Pye said. "Mel Levine and Howard Berman . . . generally it's dinner—(at) the Rive Gauche. That's the kind of relationship we enjoy. It's very important."

Night had fallen along Westwood Boulevard. The neonstreaked darkness could be seen through the huge windows of Western Bank, where the chamber's annual December mixer was in full swing. The hors d'oeuvres—nearly $4,000 worth—had been ordered for a high-fashion crowd of 400 men in business suits and women in long dresses packed in among the small tables and casher's windows.

And almost all carrying impressions of Dori Pye.

"A tough lady . . . effeversent . . . doesn't let anybody stand in her way . . . a woman of power . . personable . . . gets things done. . . ."

Pye arrived late, accompanied by a camera-toting staff member, and moved quickly through the crowd, kissing chamber members, shaking hands, posing for pictures. Staying only long enough to watch a raffle drawing, she was then off to a less-publicized event a private cocktail reception for developers celebrating the defeat of a greater-Westwood building moratorium, a Yaroslavsky measure that would have halted three proposed office towers on Wilshire Boulevard. Pye, one of the first outspoken opponents of the plan, joined developers to lobby against the plan and shared credit for its defeat by the council in November.

AT EASE

To most observers, Pye seems equally at ease in the spotlight or behind the scenes. She is a frequent speaker at Los Angeles City Council and commission hearings, and twice has run for seats on the council—once against Yaroslavsky in 1975 and once against Councilman Marvin Braude in 1981.

In 1982, Pye acted as a campaign co-chairman for Democratic primary challenger Steve Saltzman in his bid to oust Assemblyman Tom Hayden (D-Santa Monica). She currently serves as an appointed member of the Los Angeles citizens advisory committee on housing, helping to shape policies affecting more than 27,000 units of low- and moderate-income housing.

But much of Pye's political influence is exerted backstage.

In 1980 and 1981, she took interest in a brewing political storm in Santa Monica, where a new rent-control law and tough new development standards had created what many considered an anti-business climate. Santa Monica's often-volatile council meetings began creating newspaper headlines—headlines that drew Pye's attention.

"I started keeping all these clippings on the City Council people—their profiles, who they were, what their philosophy was—and . . . I not incensed," Pye said. "I got incensed that any city so close to where I live could permit that kind of outrageous behavior." Pye talked with her board of directors, which wanted the chamber to stay out of the fray, and then decided to act "as a private citizen" to stop what she calls the potentially "cancerous spread" of anti-business attitudes.

Borrowing a corporate board room, Pye brought together Santa Monica businessmen and community leaders. Over wine, cheese and crackers, Pye laid out what it would take to defeat then-mayor Ruth Yannatta Goldway in the April, 1983, city elections.

"I told them, 'The problem with you is that you're all factioned,'" she said. "At the 11th hour before a campaign you put your money in and do things and nothing happens. It's like pouring your money down a rat hole."

The admonishment was heard by only 25 or 30 guests in that summer of 1982, but out of it grew the All-Santa Monica Coalition, which raised $250,000 and sponsored three candidates, former treasurer Tom Larmore remembers. The politically moderate coalition defeated Goldway in 1983 and in 1984 forged a 4-3 majority on the seven-member council—a swing that could still hold fundamental implications for Santa Monica's future.

Although changes in the political climate might have fueled the campaign anyway, Larmore said, Pye "got the first ball rolling."

Occasionally, Pye's heavy political involvements have exasperated some chamber members, who privately scoff at her attempt to separate her private life from her chamber position. "She is the chamber," one critic said.

Another charged that she ignored the problems of smaller chamber members when she lobbied against a Westwood Village building moratorium that was enacted in December.

"We need the moratorium," the chamber member said. "I don't know who authorized her to fight . . . the moratorium. She seems to lean more toward the heavy hitters than to the little guys."

But Pye ardently defends her activism. She represents all members of her chamber equally, she insisted, and all of her chamber business is supported by the policy-making board of directors. As a registered Democrat, she said, she gives her chamber access to the party of political power in the state Legislature—an avenue that is cut off from many Republican businessmen.

By being an active Democrat, she said, she was also able to win a recent appointment to the International Policy Commission of the U.S. Chamber of Commerce, enabling her to lobby congressional leaders in Washington, D.C.

"I can go back and they're talking apartheid, South Africa," she said. "They want sanctions, and I can call (someone) and have lunch and say, 'You're taking the wrong tack. You're not going to help the poor blacks by pulling all American business out. Other countries will follow, and there will be no jobs.'

"Those are the kinds of things you can do."

During the 1982 Democratic primary campaign, Pye personally raised between $85,000 and $100,000 to try to unseat Tom Hayden, according to Saltzman. Although Saltzman lost the party nomination, he credited Pye with going far beyond "normal human efforts" to run the campaign.

"She was there to introduce me at the kick-off breakfast, and she was there to console me at 3 in the morning after the election." Saltzman said. "She was a phenome-

nal fund-raiser. I can't imagine running without Dori."

When the campaign was over, Pye and Hayden met at the Regency Club to discuss the business interests of the Westside. Hayden press aide Stephen Rivers said the assemblyman was interested in meeting with Pye because of her political clout. "She can be an effective advocate or an effective opponent," Rivers said. "She's someone you'd rather work with than against."

By all accounts, Pye's character was largely shaped by her mother, a powerful influence in her life and her entertainment career. Her mother, Grayce Nowak, was a wealthy finishing-school product whose husband died a year after Dori was born.

Left with two children—a teen-ager and a 1-year-old—Nowak left Atlanta, Ga., and came west, settling in Hollywood. She lost her wealth in the 1929 stock market crash but found work in a department store. Her ambitions, Pye said, became centered on her youngest child.

"She wanted me to be the next Shirley Temple," Pye remembered. One of her first auditions at age 9, was for the David O. Selznick production of "The Adventures of Tom Sawyer."

"I was chosen to be Becky Thatcher, over 200 candidates," Pye said. But a last-minute replacement cost her the part "That was very heartbreaking."

Her first role came at 13, in a teen love story called "Adolescence." Then came a whirlwind variety of projects—dancing in Hollywood supper clubs, earning a journalism degree from Columbia University in New York, appearing on the covers of Ladies Home Journal and Redbook, performing dramatic theater in West Los Angeles, playing parts in TV serials.

There were two marriages, the second to a studio art director named Merrill Pye. She gave up work in soap and floor-wax commercials to concentrate on raising her two children, and she ran a yearly art show at St. Albans Episcopal Church in Westwood. By the time the second marriage dissolved, she had come to know many of the village merchants by selling ads for the show program, Pye said.

When the elderly chamber manager retired, Pye stepped in. Her first salary was $666 a month—she calls it "starvation wages"—and chamber members were struggling. Westwood Boulevard, which had once connected Wilshire to Sunset, had been cut off by UCLA, separating the village from many upscale shoppers in Brentwood and Bel-Air, Pye recalled. Regional growth had not yet brought new traffic into town.

"When I came to this chamber, in 1968, you could have shot Skee Ball in the village—there was no traffic, there were no bodies," Pye said. "It was pathetic. The stores were all dying."

Under Pye's new leadership, the chamber worked closely with the city, raising $50,000 for a planning study designed to preserve the village. The study led to a three-story height limit throughout the village, ending fears that small shops would give way to high-rise office buildings. It is widely considered a milestone in the village's growth.

"This . . . village is low-rise thanks to this chamber—you're looking at it," Pye said.

Although she had no management experience, Pye began forming strong opinions about what the chamber should be and how the village should grow.

"She set a lot of goals," remembers Elsie Parker, Pye's first secretary, now an aide to Los Angeles Councilman Howard Finn. "She picked the brains of other chamber managers. She went to a chamber management school, put on by the U.S. Chamber of Commerce . . . and she came back bursting with ideas and energy . . . what we could do to build up our chamber."

Pye streamlined the board of directors and aggressively sold new memberships. She moved the chamber to a nicer office, in a ground-floor suite on Wilshire Boulevard, and won accreditation from the U.S. Chamber of Commerce, a step toward attracting larger corporate members. To build her political contacts, she began introducing herself at City Hall and holding "brown-bag lunches" in the chamber board room, where elected officials were invited to speak.

She also cast a critical eye at Westwood Village and worked with merchants and the city to bring about other changes. She launched the Westwood Village sidewalk art show, which has become the largest in the nation, according to Pye, attracting more than 500 exhibitors twice a year. She arranged to have trash in the village picked up six nights a week and to have the sidewalks steam cleaned just as often. Merchants chip in to meet the costs.

"Yours truly drove down Wilshire Boulevard about six years ago, coming from my home in Brentwood, and I looked north into the village and I was shocked—I was aghast," Pye said, recalling another of her reforms. "I saw a huge billboard right in the center of a building, right in the center of the village."

At the time, there had been a gentlemen's agreement among the merchants not to erect billboards, Pye said. She promptly made it official, working with Yaroslavsky to establish a village sign-control ordinance. "A stiff one, a stiff one," she declared. "But it's a good one—the way it should be."

In contrast to the image that most political leaders see—stylish professional and elegant—Pye is often demanding and abrasive, according to former staff members who say few employees last more than a year working for Pye.

She routinely yells and threatens staff members with dismissal, former employees say, often over such concerns as membership sales and the appearance of the chamber offices.

"We'd run around with a sponge and cleanser cleaning spots on the wall," on former associate remembered. "I'd be chasing her around with a sponge and cleanser and we'd have work to do. She was just so hellbent on having the office look like it came out of Office Beautiful."

"I'm a demanding boss—I totally agree," Pye said, although she drew a line between yelling, which she considers rude, and raising her voice. Pye attributed the turnover to the fact that employees learn under her and move on to better paying jobs.

Sitting in the Regency Club, surrounded by candlelight and soft piano music, Pye said she knows that the critics talk. "They say, 'That Dori Pye, she's something else.'" Many wish she would go away.

But she is happy, Pye said. She has a challenge. She is where she wants to be.

Pye said she is looking toward the day when all the world will be her stage—when her chamber will work through the Pacific Rim Forum, an international study group based at the University of Hawaii, to promote trade between America and other Pacific-bordering nations, including China, Japan and the Philippines.

The group's vice chairman, Dr. Thomas Paine, was the former administrator of NASA—the man "who pushed the button for Neil Armstrong, Apollo 11, to reach the moon," Pye said.

"Dr. Thomas Paine is my consultant," she said. "This man is a genius. He's the one who's giving me the guidance. He's a strong fan of mine. We plan someday to get ourselves together, take a 747 jumbo jet, and take our key people over there to every chamber in that Pacific Rim Forum.

"It might take a year and a half, but we'll do it."

She sipped a glass of white wine. A Gainsborough painting hung on the wall behind her. Outside, far below the view windows, the lights of Westwood glittered on a windy night.

"I've always been the sort of person, you can't rein me in," Pye said. "I want to be the top dog. That's it. I've got to be the top."●

NEW YORK CITY AND THE GOETZ CASE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. RANGEL. Mr. Speaker, I rise to bring before my colleagues an article I recently submitted to the Amsterdam News concerning the Bernhard Goetz case in New York. I hope that it will clarify many of the questions which have been raised in the last few weeks. I urge my colleagues to follow this and similar cases very closely because of the precedents which are likely to be established in the near future.

[From the New York Amsterdam News, Feb. 23, 1985]

THE GOETZ CASE: WHO ARE THE VICTIMS?

(By Charles B. Rangel)

The City and people of New York were recently brought into the national limelight with the Bernhard Goetz case. We found ourselves under a media microscope in which the shootings, the manhunt, the grand jury investigation, and the opinions of everyday New Yorkers were scrutinized daily. The Goetz drama garnered the attention of all Americans, and sparked animated debate in circles far from New York.

It is safe to say that most New Yorkers—and most city dweller—have some fear of being victimized by crime. None of us has much sympathy for those who take advantage of the elderly, who sell drugs to our children, who rob or rape common people, and who have no respect or compassion for their fellow citizens. These are individuals who would like to take over our parks, our streets, and our subways.

Emotional responses are inevitable, and when this happens the worst within us surfaces. Crime generates fear, and fear generates deep emotional feeling.

What concerns this writer is that a free society should operate under established rules of law. We must live according to legally sanctioned standards of conduct for the safety and welfare of all Americans. Individuals cannot be permitted to seek violent retribution outside of those standards. Once we deviate from trusting in our institutions and surrender to our biases, fears, and prejudices, the rule of law becomes meaningless and our freedom is placed in

jeopardy. If an exception is granted for a person to take the law into his or her hands, then others will seek to fit into that exception.

The facts and circumstances of the Goetz shootings as reported in the newspapers would lead one to the inevitable conclusion that Bernhard Goetz tried to kill four individuals who he suspected were about to rob him. This fact alone should have brought about an indictment. The issue of whether self-defense is applicable in this case is a question for a petite jury, not a grand jury, for the simple reason that this grand jury had no adequate grounds to arrive at a finding of self-defense.

The role of the district attorney is to bring before a grand jury the necessary facts which make up the elements of a crime. In this instance, the district attorney did not subpoena the assailants to testify before the grand jury on their intent in the mitigating element of self-defense would have been before the grand jury. As it is, self-defense was not clearly or competently addressed, and an indictment should have been handed down with proceedings continuing before a petite jury.

On the question of whether race is a factor in the overall Goetz episode, it is true that if a Black gentleman with no criminal record were to be assaulted by four Hells Angels types, some sentiment would be expressed on his behalf. However, the public outcry would never be what it has been in the Goetz case, regardless of whether the Black man feared for his life at the hands of these Hells Angels. Race was a factor in the sense that Goetz has been made into a folk hero.

Questions about the grand jury investigation and the prolific media attention have created the possibility that the civil rights of four young men may have been violated. This is not a popular opinion, and it does not ignore the need to swiftly indict the young men to determine whether or not they indeed were about to assault Bernhard Goetz. However, the rule of law must prevail, and no one should be permitted to attempt to kill four people without being brought before a jury in a court of law.

U.S. Attorney Rudolph Guiliani should accept jurisdiction to investigate possible civil rights violations in this case. This should be done impartially, immediately, and in good faith. Our city must wake up to the tragedy of this affair. We are all victims.●

RESOLUTION CONDEMNING THE IRANIAN GOVERNMENT

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, on November 13, 1984, the city of Wallingford, CT, in my Third Congressional District, unanimously adopted a resolution condemning the Iranian Government for its policy of degradation toward the Baha's community. I would like to commend the city of Wallingford for bringing this grave issue to the forefront, and for sending a signal to the Iranian Government that the world notices and condemns the government's systematic repression of the Baha'i community.

Historically, the Baha'i community in Iran has suffered relentless persecution and harrassment. Since the Islamic revolution in 1979, the Baha'i have been the target of some of the most barbaric acts of savagery that the world has ever known. The Iranian Government has stated that it does not recognize Baha'ism as a religion, but rather as a political organization. Using this as justification, the government has made it illegal for Baha'is to meet together or teach their religious beliefs, and has jailed, tortured and sentenced to death many of the Baha'i community. Thousands more have fled the country in fear of the Khomeini regime.

Current reports from Iran show that the pressure against the Baha'i has not ceased. In the past 6 months, 16 more Baha'is have been executed or have died in jails. Now more than 150 members of the Baha'i faith have been brutally executed by the Iranian authorities, many of the Baha's have "disappeared", and more than 700 others have been imprisoned and tortured.

Moreover, the Government recently announced that prisoners can be freed if they agree to sign the following pledge: "I, the undersigned will pledge not to undertake not to have in my possession any book * * * of this misguided, Zionist, espionage group of Baha'is. If any of the above-mentioned articles * * * is found on my person or in my home, this will be tantamount to my being of those 'who war against God.' * * *"

Finally, and most significantly, the Iranian Ambassador to the United Nations declared, last December, that his country would not hesitate to violate provisions of the Universal Declaration of Human Rights. Iran is the first nation ever to deny the validity of the Declaration on Human Rights since it was adopted 36 years ago.

Mr. Speaker, it is clear that the Iranian Government is trying to eradicate the Baha'i religion altogether by making it "legal" to arrest and execute many innocent people. I urge my colleagues to join the citizens of Wallingford, CT, in raising their voices against the abuses suffered by the Baha'is. We must not let the Iranian Government think that the world does not notice their serious violations of internationally-accepted standards of fundamental human rights.

The test of the town of Wallingford's resolution reads as follows:

Whereas more than 150 members of the Baha'i faith have been brutally executed by Iranian authorities since the Islamic revolution of 1979; and

Whereas many Baha'is in Iran have disappeared and others have been tortured, persecuted, and deprived of their fundamental rights to personal property and employment; and

Whereas an edict issued by Iran's Revolutionary Prosecutor General on August 29, 1983, has far-reaching implications that threaten the lives of 300,000 Baha'is residing in Iran and places the future practice of Baha'ism in jeopardy by dismantling the administrative structure of the Baha'i religion; and

Whereas these actions for the first time establish an expressed national policy which lays the foundation for executions, arrests, the confiscation of property, denial of jobs and pensions, expulsion of children from schools, and other pressures which may be brought to bear by Iranian authorities on the Baha'is in Iran; and

Whereas the Baha'is in Iran immediately responded to the edict of August 29, 1983 by unreserved acquiescence to the terms of that edict; and

Whereas, despite the efforts of the United States government, made by President Reagan and joint resolution of both Houses, and a unanimous resolution by the Senate of the State of Connecticut, the oppressive edict remains in effect and actions continue unabated in Iran; and

Whereas these actions violate all civilized concepts of human dignity and rights: Now, therefore, be it

Resolved that the Town of Wallingford, Connecticut, United States of America, through its Mayor and Town Council condemns the Iranian government and its authorities for their policy of degradation toward the Baha'is of Iran and implores them to reverse their policy.

Dated at Wallingford, this 13th day of November, 1984.

ROSEMARY RASCATI, *Town Clerk.*●

DEMOCRACY MARCHES ON IN LATIN AMERICA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. BROOMFIELD. Mr. Speaker, let me take this opportunity to say that democracy is alive and well in this hemisphere. Evidence clearly supports the movement away from military governments to democratic civilian rule in the Caribbean, and in Latin America. The following article clearly documents this trend toward redemocratization in this hemisphere.

Since the Christian Science Monitor article was written, the Brazilian Electoral College elected a new President, Mr. Tancredo Neves. Elections were also recently held in Uruguay. Elections are also scheduled next month in Guatemala. Nine out of ten Latin Americans either enjoy, or will soon enjoy, representative government.

Unfortunately, Haiti, Chile, Paraguay, English-speaking Guyana and Dutch-speaking Suriname, have yet to move toward democratic rule.

In addition, there are no flames of democracy burning brightly in Cuba and in Nicaragua. In those two countries, Marxism-Leninism is being forced fed to the masses. In Nicaragua, the church is under attack along with

opposition parties. The press is censored and Soviets arms have made that country a major military force in the region. The rule of law is gone when so-called divine mobs taunt opponents of the Sandinistas and stone their homes. Recently, the Sandinistas broke into the Costa Rican Embassy in Managua and arrested a young Nicaraguan who had sought asylum there.

If it is true that dictatorship breeds dictatorship, and democracy breeds democracy, let us hope that the wave of free elections will soon sweep across these countries. The day of the dictator, on the left or on the right, is at its end.

I join my colleagues in hoping that our country's efforts, as well as the efforts of our allies in this hemisphere, succeed in bringing to Cuba and Nicaragua the rule of law, democracy and freedom. Communism has no place in this hemisphere. It goes against the traditions and the culture of the peoples of this region.

With these thoughts in mind, I recommend the following newspaper article about democracy in this hemisphere to my colleagues in the House.

The article follows:

[From the Christian Science Monitor, Dec. 26, 1984]

LATIN AMERICA TO GET ANOTHER DEMOCRACY

(By James Nelson Goodsel)

Amid the continuing conflagration in Central America and the turmoil surrounding Latin America's whopping foreign debt, it is easy to overlook another and perhaps more important hemisphere trend: the region's "re-democratization."

Although the re-democratization is not taking place everywhere nor is the movement uniform throughout Latin America, the region's two pace setters—Argentina and Brazil—are both committed albeit shakily in the case of Brazil, to the process.

Brazil's presidential elections Jan. 15 are expected to nudge Latin America's largest nation toward civilian rule, although the military is likely to play a minor but continuing role in government.

Argentina led the way in late 1983 as its military returned to the barracks after eight years in office following the election of Raúl Alfonsin as president

Uruguay was next as Julio Maris Sanguinetti edged past three rivals last month to become that nation's first civilian leader in a decade.

"This return to democracy probably will have more impact on Latin America than any other issue," commented Venezuelan President Jaime Lusinchi on a recent visit here. "It is one of the most exciting developments of our times."

The Brazilian election has been marred by skulduggery by the military's candidate in an effort to circumvent the apparent will of the majority of Brazilians, but the vote is likely to give the presidency to opposition candidate Tancredo Neves.

Of equal importance to this evident return to democracy has been a growing respect for human rights and basic freedoms such as freedom of the press throughout the region. Newspapers have fewer restraints on them and the censorship that remains is less onerous.

While the Reagan administration, obviously pleased with these developments, claims some credit for the democratic movement, many Latin Americans say that much of the credit should go to the earlier Carter administration for its strong human rights stand.

They do not deny the importance of the Reagan White House's strong proclamations in favor of democracy, but they suggest that the reasons for the re-democratization go back much further than the four years of Mr. Reagan's presidency.

Argentine President Alfonsin is one who speaks with fervor when talking of the impact of Mr. Carter's policy on the region.

He and other Latin Americans demonstrated their enthusiasm for Carter when the former President visited South America in November.

In addition, the military has been sharply discredited in a number of Latin American countries.

In Argentina the generals went down to defeat at the hands of the British in the South Atlantic war over the Falkland Islands. But the generals' defeat was as much political as it was military.

The human rights' abuses together with the dictatorship imposed on all facets of Argentine life, simply became too much for the Argentine people.

"They revolted at the ballot box," commented the mass circulation Clarin several months ago.

That could be said about a number of countries. It is obvious that democracy is much desired by the majority of Latin Americans.

At the moment, 15 countries in the region have civilian presidents or are about to elect them: Argentina, Bolivia, Brazil, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Panama, Peru, Uruguay, and Venezuela.

Although these nations are at various stages of the re-democratization process, they do share something in common. All are democracies or clearly headed in the direction of a degree of civilian rule.

Only five of the regions' countries have yet to move toward that rule: Chile, Cuba, Haiti, Nicaragua, and Paraguay. Some would include English-speaking Guyana and Dutch-speaking Suriname in this list of dictatorships, although they are not in the same situation as the other dictatorships on the list.

Moreover, Nicaragua's recent election, marred by the lack of an effective opposition and the election of one of its former Sandinista guerrilla commanders, may be edging that country toward a limited democratization.

Finally, all the English-speaking, former British colonies of the Caribbean have civilian governments now that Grenada has elected Herbert Blaize as its prime minister.

Carrying on the tradition of British parliamentary rule, these countries have elected legislatures. They are Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Jamaica, St. Kitts-Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago.

Some hemisphere analysts caution against too much optimism about the current trend. They note that there is a cyclical tradition of democratic rule and dicatorial rule in Latin America.

In the 1950's, the majority of Latin American nations were dictatorships; by the 1970's, democracy took hold in most countries; and later in the 1970's, the trend turned back to dictatorships. Now, democracies are again the vogue.

Observers also say that only a few of the countries that are among the democracies today have established democratic traditions.

The list would include Colombia, Costa Rica, Mexico, and Venezuela.

For Latin American democrats, the challenge at this juncture is to build on the current democratic trend and to implant democracy's roots more firmly.●

LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1985

● Mr. FORD of Michigan. Mr. Speaker, I am pleased to have this opportunity to join my distinguished colleagues in commemorating the 67th anniversary of Lithuanian Independence Day.

It was on February 18, 1918, that the Lithuanians emerged after more than a century of Russian domination, as a free and independent nation. In 1940, their independence and freedom came to an end when the Soviet Union invaded Lithuania. This outright attack of aggression was in direct violation of a peace treaty signed in 1920, which recognized the sovereignty of Lithuania.

For the last 43 years, the people of Lithuania have suffered under the domination of the Soviet Union. They have continued to struggle to regain their independence and freedom. As a free nation of the world, we must continue to seek an enforcement of the Helsinki Accords, and impress upon the Soviet Union our objection to the violation of human rights. The Lithuanians should be praised for their courage and commitment. Despite the Soviet Union's efforts to douse the flame of freedom in the hearts and minds of the Lithuanian people, they continue to struggle for their freedom and independence.

Mr. Speaker, I am very moved by the courage and commitment of these individuals. I am thankful for this opportunity to pay tribute to these people of Lithuania whose profound courage and overwhelming commitment to freedom and justice is an inspiration to us all.●

LITHUANIAN INDEPENDENCE DAY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 19, 1985

● Mrs. COLLINS. Mr. Speaker, I rise to commemorate the 67th anniversary of the rebirth of an independent Lithuania. On February 16, 1918, the Lithuanian people declared their full independence from over 100 years of Russian and German domination. For 22 years, they enjoyed free political institutions and cultural renaissance unparalleled in their history.

This brief period of sovereignty was to end abruptly with the invasion of the Soviet Army when Lithuania was declared a constituent republic of the U.S.S.R. on August 3, 1940. After a short period of occupation by the Nazis during World War II, the Soviet Union once again returned its occupying army to Lithuania and has remained to the present day.

I am proud that our Government recognized Lithuania's independence on July 27, 1922. In spite of all the tragic events in that country's troubled history since then, our Government has never withdrawn our recognition of Lithuanian sovereignty. We have never and will never recognize the Soviets' incorporation of Lithuania into their dominion.

Mr. Speaker, I salute the courageous Lithuanian people for their unwavering efforts to regain their freedom and self-determination from the Soviet occuptation authorities. In the face of Soviet oppression, tens of thousands of Lithuanians, including human rights activists and Catholic religious personalities, persevere bravely in their sacred struggle for the respect of their basic freedoms and rights. Their struggle truly inspires all freedom-loving people, particularly others struggling under Soviet domination.

From their proud heritage of heroism, and independence, the Lithuanian people have a solid foundation to struggle on and hope for the day when they can once again live their lives free of foreign domination and ideological oppression. On this occasion of the 67th anniversary of the independence of modern Lithuania, I would like to pledge my firm support for their continued efforts to preserve their national identity, enjoy their basic human rights and, ultimately, regain their much deserved freedom.●

THE NORDEN DAM-O'NEILL UNIT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. BONIOR of Michigan. Mr. Speaker, I am reintroducing today legislation to deauthorize the existing Norden Dam-O'Neill project. I am also writing Chairman GEORGE MILLER of the Subcommittee on Water and Power Resources asking that this deauthorization legislation be included in comprehensive upcoming hearings on the O'Neill unit.

Just a few weeks ago, a study of a compromise O'Neill project was released by the State of Nebraska. The proposed compromise appeared to meet the irrigation needs of the area while addressing both the environmental and budget problems that plagued the authorized Norden Dam project.

In response to an emerging consensus among Nebraska leaders behind the compromise proposal, I wrote Senator EXON on February 4 and agreed to withhold deauthorization efforts as long as the proposed compromise was moving forward. That compromise is now endangered by the opposition of entrenched bureaucrats at the Bureau of Reclamation.

In a startling development, the Bureau has finally recognized in footnote 12 of the project data sheet that it must seek new legislation to raise the existing Norden Dam's authorization level. Rather than come forward seeking authorization now, however, the Bureau appears prepared to spend up to its present ceiling—at least $324 million—completing just a part of the project, before seeking authorization to increase the ceiling.

Under the Bureau procedure, Congress will be left with half a dam—or less—and no choice but to spend more money, before a comprehensive assessment will be made.

Mr. Speaker, I call my colleagues' attention to the earlier letter to Senator EXON as well as today's letter to Chairman MILLER, both of which are attached. I have also attached a copy of the deauthorization legislation I am introducing today.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 1985.

Hon. GEORGE MILLER,
Chairman, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: Today, I am introducing legislation to deauthorize the O'Neill Unit, Pick-Sloan Missouri Basin Project. I understand that you intend to hold hearings on this project in the near future and I am requesting that my bill be considered at that time.

In the last Congress, I introduced a similar bill, H.R. 2195, but did not ask for its consideration because of the initiative displayed by Senator Exon and the State of Nebraska in seeking an alternative to the authorized project.

In recent years, the authorized project has been soundly rejected by the House of Representatives. Since the vote in 1982 against the project, 245-144, it has not improved.

Consider the following:

When the House rejected the project, it cost $368 million. Today that cost has jumped to $407 million.

The environmental problems remain.

The cost reduction study by the Bureau of Reclamation was touted to save more than $50 million in June 1983 when it was announced. The result 18 months later is a reduction of only $28 million, less than the increase in project cost from FY '85 to FY '86 alone.

The cost reduction study clearly indicates that the Bureau has little interest in the state alternative, notwithstanding the state's conclusion and the Governor's endorsement.

The project continues to be plagued with cost overruns, and after years of exceeding its cost ceiling, the Bureau now tells Congress that new authority is required.

In 1981, the Bureau added $50.5 million to the project for dam design changes in addition to the adjustment for indexing and in 1985, it is adding $28 million for still additional design changes. It is obvious that concerns about dam safety are apparently valid.

It is not clear that the Bureau has authority to add $78 million for dam design changes.

On January 30, a study of a compromise project was released. While I am not fully convinced that the compromise addresses all of my concerns, it appears to serve a greater area at a lower cost without the environmental damage of the originally authorized Norden Dam proposal.

In response to an emerging consensus among Nebraska leaders behind the compromise, I wrote Senator Exon on February 4th and agreed to withhold deauthorization efforts as long as the proposed compromise was moving forward. A copy of that letter is attached.

Now, however, the Bureau cost cutting study has reiterated its support for the authorized Norden Dam proposal. At the same time, the Nebraska delegation remains indecisive and has not committed itself to the compromise project.

In addition, the Bureau has finally recognized in Footnote 12 of the Project Data Sheet that it must seek new legislation to raise the existing Norden Dam proposals authorization ceiling. Rather than come forward seeking authorization now, however, the Bureau appears prepared to spend up to its present ceiling (at least $324 million), completing a part of the project, before seeking authorization to increase the ceiling.

Under the Bureau procedure, Congress will be left with half a dam (or less), and no choice but to spend more money, before a comprehensive assessment will be made. I have sought to be cooperative, but I cannot let cooperation be used as an opportunity to push through the original Norden Dam project.

Therefore, my bill is being reintroduced today and I request an opportunity to appear before you to speak on its behalf. Either the cost must be substantially reduced and the environmental problems

eliminated, or the existing Norden Dam project should be scrapped altogether.

With personal respect,

Sincerely,

DAVID E. BONIOR,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 1985.

Senator J. JAMES EXON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR EXON: As you know from our phone conversation of February 1st, I have examined the Nebraska State-led O'Neill Unit Alternatives Study prepared by the Nebraska Department of Water Resources. While I am not fully convinced that it addresses all of my concerns, the compromise appears to serve a greater area at a lower cost without the environment damage of the originally authorized project.

I found the arguments you made concerning the needs of Nebraska very persuasive and, as a result, I am prepared to give this compromise proposal the benefit of the doubt. As long as the Nebraska Congressional delegation, state officials and the Bureau of Reclamation are moving forward with this compromise, I will hold back my efforts to deauthorize the project. I cannot, however, allow my restraint to be used as an opportunity to push funding through for the originally authorized Norden Dam.

Sincerely,

DAVID E. BONIOR,
Member of Congress.

A bill to deauthorize the O'Neill Unit of the Missouri River Basin project in Nebraska, and for other purposes.

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

SECTION 1. The Act of August 21, 1954 (Public Law 83-612; 68 Stat. 757), and section 401 of the Act of October 20, 1972 (Public Law 92-514; 86 Stat. 887), providing for authorization of the O'Neill Unit of the Pick-Sloan Missouri Basin Program is hereby deauthorized.

SEC. 2. Repayment contracts between the United States and the North Central Nebraska Reclamation District and the Niobrara Basin Irrigation District are hereby rescinded and shall be of no legal force and effect.●

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. FORD of Michigan. Mr. Speaker, it is with great pride that I commemorate the 67th anniversary of Estonian Independence Day. The Estonian people in the Soviet Union have demonstrated great courage and strength as they attempt to regain their freedom as we in the free world know it.

On February 24, 1985, we marked the proclamation of independence for the Republic of Estonia. The Estonians enjoyed cultural progress, agricultural and economic development until 1940, when their freedom and independence came to an end as they were forcibly annexed by the Soviet Union. On a day-to-day basis the number of Estonians is being reduced drastically by forced relocation, colonization by Russian and other immigrants, and increases in troops stationed in Estonia. The Estonians continue to experience threats to their culture and language. The Soviet Union has tried to rid them of their strong sense of heritage by eliminating their language and ethnic traditions and establishing Russian as the official language in government employment and in schools. Such acts demonstrate the Soviet attempt to "Russianize" these people out of existence.

As a member of a free nation, we must continue to speak out against such aggression by the Soviet Union. We must continue to seek the enforcement of the Helsinki accords and impress upon the Soviet Union our objection to the denial of these individuals' basic human rights.

Mr. Speaker, I am very moved by the strength and conviction of these brave people. I am thankful for this opportunity to pay tribute to these courageous people of Estonia whose profound courage and overwhelming commitment to freedom and human rights is an inspiration to us all.●

USIA: TAKING THE INITIATIVE IN GLOBAL COMMUNICATIONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. MICHEL. Mr. Speaker, Director Charles Z. Wick of the U.S. Information Agency has written a letter to Mr. Leonid M. Zamyatin, Chief, International Information Department, Central Committee, Communist Party of the Soviet Union, inviting Zamyatin and other Soviet officials to appear on the USIA-sponsored Worldnet Program, beamed by satellite in order to question top-level American officials around the world. At the same time, American journalists, under Director Wick's proposal, would question Soviet officials in a similiar manner.

At this point I insert in the RECORD the full text of that letter because in my view it is an example of what USIA can do—take the initiative in the field of global communications in order to bring about better understanding between nations.

The letter follows:

U.S. INFORMATION AGENCY,
Washington, DC, January 25, 1985.

Mr. LEONID M. ZAMYATIN,
Chief, International Information Department, Central Committee, Communist Party of the Soviet Union, Staraya Ploshchad' 4, Moscow, U.S.S.R.

DEAR MR. ZAMYATIN: In recent months Soviet media have levied a number of attacks on U.S. public diplomacy and the U.S. Information Agency, especially on the Voice of America and our new Worldnet satellite television service. Your article in Literaturnaya Gazeta ["Impasses of Confrontations and Horizons of Cooperation," November 28, 1984] summarizes most of the charges and typifies the underlying mindset. I am prompted to respond at this time to the continuing stream of attacks because in a period when our two governments are engaged in serious exploration of vital issues, such attacks are a disservice to more positive relations.

My hope is to generate a constructive dialogue. To initiate that dialogue I extend two concrete offers. First, I ask that you offer your good offices to facilitate using broadcast media to further mutual understanding. In this regard, I suggest that you arrange for Soviet television to carry an address by one of our top leaders which would be reciprocated on American television by one of your top leaders. There is a precedent for this: Mr. Brezhnev and Mr. Nixon made such speeches several years ago with considerable positive effect.

Second, I propose that we carry further the dialogue by having you and other Soviet officials and journalists take part in the Worldnet program of which you are so critical. Let us jointly plan a one- to two-hour satellite television dialogue on Worldnet in which Soviet journalists interview senior U.S. officials on issues of mutual concern. At the same time, you should plan with U.S. media a similar program in which American journalists freely and spontaneously question senior Soviet officials. Coming at this important time in our relations, such ventures could help make communication more reasoned and reciprocal.

Incidentally, I am not surprised by your unwarranted criticisms of Worldnet and of our Agency. I have come to expect it. However, you should understand that our country does not claim, as you do, that opposing ideas "subvert" our system. We recognize instead that diversity of public opinion is one of the great strengths of America. Thus, our society freely permits Soviet spokesmen to state their views on American television and in print. In this regard, I might note that Soviet journalists and Soviet officials are interviewed on American television literally dozens of times per year. Surely the time has come for greater equality of treatment.

If the United States can confidently tolerate opposing views without fears of "loosening" the system, why then should the Soviet government act so restrictively, even to the point of jamming our broadcasts in direct violation of several international agreements to which the USSR is a signatory? Why not allow greater independent public inquiry about your government's decisions and policies? Why should American officials, in turn, not be permitted to state their views on Soviet television and in the Soviet media? Our society has never walked away from a fair challenge, and we look forward to engaging in a peaceful contest of ideas with the USSR.

Your article is evidence of the need for this reasoned and open dialogue. Charges of "piracy of the air," "radio warfare," "subversive purpose," and "television propaganda aggression" only exacerbate the "impasses" and "confrontations" to which you allude and delay our search for "horizons of cooperation." Coming at this time, when the leaders of our two countries are seeking new means for considering meaningful arms reduction efforts and ways to stabilize relations, your attacks are most unfortunate. Surely, everyone concerned about U.S.-

Soviet relations has a right to expect greater restraint and accuracy.

Although I will not attempt in this letter to deal with the many errors and distortions in your article, I would like to clarify the role and purpose of the U.S. Information Agency, particularly the Voice of America and Worldnet.

USIA is not in the business of misrepresenting Soviet foreign policy, as you allege. Its primary purpose is to present America to the rest of the world and to explain U.S. foreign and domestic policies to people around the world. In so doing, we present the news, good and bad.

The Voice of America is a distinguished source of news and information about the United States—our policies, society, culture, and values. By U.S. law, VOA is required to present "accurate, objective, and comprehensive" information, to be truthful, and to be "seen as a consistently reliable and authoritative source of news." Over 100 million people throughout the world listen to VOA each week, all voluntarily, many of them at risk to their safety.

In modernizing and improving our communication facilities and seeking a wider audience, our purpose is to allow a greater proportion of the world's population to know what is going on in the world and be better able to reach independent judgments on these events.

Worldnet is a modern television system linking Washington via satellite with U.S. embassies, information centers, and a number of TV studios throughout the world. Worldnet is not forced on receiving nations. Journalists in the participating nations freely choose the programming that they wish to broadcast or write about or not use at all.

Worldnet enables foreign journalists to ask probing, unrehearsed questions instantaneously, via satellite, directly to high-level American officials. Your representatives from TASS, Pravda and other Soviet publications are welcome at official U.S. press conferences. They are welcome, too, as observers in our Worldnet studio.

Permitting a free flow of information is in the best interests of both our societies and a necessary response to the times. The irreversible revolution in communications, enabling prompt and comprehensive dissemination of news, will make it increasingly harder to limit peoples' access to information.

All nations should ultimately welcome this: misunderstanding and ignorance only serve to exacerbate tensions in the conduct of international relations. Our nations need to know more about each other; we Americans are firmly committed to providing the peoples of the Soviet Union—and the world community—with an accurate picture of the United States. Similarly, we hope to broaden our nation's understanding of the USSR.

I hope that you will enable Soviet journalists and television commentators to participate actively, and very soon, in Worldnet interviews of U.S. leaders to be broadcast in the USSR. In turn, American journalists should have an equal opportunity to interview your leaders for broadcast in the USA. This direct dialogue would broaden the "horizons of cooperation" that you did not discuss in your article, but that you, too, must want to see attained.

I look forward to your response to my offers that we exchange televised interviews by top U.S. and Soviet leaders and that Soviet journalists and officials participate in a Worldnet dialogue with senior U.S. officials on issues of mutual concern.

Sincerely,

CHARLES Z. WICK,
Director.●

IRS IMPOSES UNFAIR TAX BURDEN ON NEW YORK CITY PUBLIC SAFETY OFFICERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to provide much needed tax relief to thousands of New York City police officers and firefighters who have recently been informed by the Internal Revenue Service that they must pay back taxes on work-related sick pay they received up to 5 years ago. This bill is similar to a measure (H.R. 3239) I authored during the prior Congress, but it has been expanded to include New York City firefighters.

The problem my bill seeks to remedy stems from an IRS ruling issued in May 1983 (Revenue Ruling 83-77), which stated that work-related sick pay received by New York City police officers is taxable income. Although no formal ruling had ever been issued previously by IRS on this matter, work-related sick pay is generally regarded by IRS as a tax excludable item. New York City police officers saw no reason why they would be treated differently than other American workers, and they did not claim their work-related sick pay as part of their taxable income. Since IRS chose to make their ruling retroactive in effect, New York City police officers who received work-related sick pay as far back as May 1980 are being told they owe back taxes, plus interest.

The IRS, when issuing their ruling, pointed out that work-related sick pay under a workmen's compensation act is excluded from taxation. However, they explained that New York City police officers do not qualify for this exclusion because under a union agreement with the city of New York, there is no distinction made between work-related and non-work-related sick pay.

As it turns out, New York City police officers are not the only ones in this predicament. New York City firefighters face the same problem even though they were not mentioned in Revenue Ruling 83-77. That is why my legislation provides the same relief for both New York City police officers and firefighters.

It may very well be that the IRS followed the letter of the law when issuing Revenue Ruling 83-77, but that is a matter for the courts to decide. What seems obvious, though, is that the IRS ruling did not follow the spirit of the law and, thus, should not have been made retroactive in effect. Simply put, U.S. tax law clearly intends for work-related sick pay to be excluded from taxation. It appears that New York City's method of distributing work-related sick pay to their police officers and firefighters is inconsistent with IRS policy. Clearly, efforts should be made to eliminate those inconsistencies, and let me assure my colleagues that efforts are already underway in New York City to do just that. That will provide relief to future New York City police officers and firefighters who receive work-related sick pay. But what about those more than 4,000 New York City police officers and firefighters who received work-related sick between 1980 and 1983? They clearly followed the spirit of the law when they excluded that income from taxation, but they are now being told that technically they were wrong to do what they did.

Mr. Speaker, by imposing Revenue Ruling 83-77 in a retroactive manner, the IRS has placed a terrible and unjust financial burden on the shoulders of New York City's public safety officers. Administrative and judicial remedies have failed, which means that the legislative remedy I am offering today represents the only possible solution.

Mr. Speaker, I am totally confident that it is not the intent of this august body, or any other part of the Federal Government to unfairly penalize public safety officers who are injured while protecting the lives of others. As a 23-year New York City police veteran, I would suggest that the public safety community in the city of New York has sacrificed enough for the good of their fellow man. To ask them to pay taxes on their work-related sick pay is a gross injustice that must not be tolerated. Acting in that belief, I strongly urge that the legislation I am introducing today receive prompt and favorable consideration.

At this time, Mr. Speaker, I wish to insert the full text of this legislation:

H.R. 1244

A bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers and firefighters

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

SECTION 1. SICK PAY FOR NEW YORK CITY POLICE AND FIREFIGHTERS FOR WORK-RELATED INJURIES EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Notwithstanding any regulation or ruling under section 104(a) of the Internal Revenue Code of 1954 to the contrary, any payments received during the 3-year period ending May 9, 1983—

(1) by a police officer employed by the city of New York, New York, under terms of a union contract between such city and the Patrolmen's Benevolent Association of the City of New York, Inc., or

(2) by a firefighter employed by such city under the terms of a union contract between such city and the Uniformed Fire Officers Association,

for work-related injuries shall not be included in the gross income of such police officer or firefighter.

(b) CERTIFICATION.—Subsection (a) shall apply to payments described in such subsection if such police officer or firefighter received a certification that such injury was work-related from his employer before May 9, 1983.

(c) STATUTE OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to the application of this section) may, nevertheless, be made or allowed if claim therefore is filed on or before the close of such 1-year period.●

THE PLIGHT OF SOVIET JEWS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. EVANS of Illinois. Mr. Speaker, I want to first commend the gentleman from Maryland, Mr. HOYER, and my many colleagues for their participation in the recent special order on Soviet Jewry. In augmenting their efforts today, I wish to voice my support for their actions and to add my voice as one of those protesting the continued repression of Jews in the Soviet Union.

Mr. Speaker, there has been a significant increase in physical violence and brutality directed toward Jews in the Soviet Union over the past year. This repression, consisting of extended confinement in labor camps, severe beatings, religious intolerance and denials of exit visas, has been conducted solely because these individuals choose to practice their Jewish faith, and has been "justified" by irrelevant charges and accusations. In addition, Soviet authorities appear to have begun a systematic attack on Hebrew educators because of what they see as a threat from a new generation of activists bent on maintaining Jewish cultural and religious life in the Soviet Union.

I am particularly disturbed by the Soviet Government's stepped-up restrictions on emigration. Last year, only 896 Jews were allowed to leave the country, making 1984 the worst in terms of Jewish emigration levels since 1970. And these figures are no fluke. The 1984 total, which amounted to less than 2 percent of the 1979 peak year emigration figure of 51,320, suggests that the Soviets have now effectively closed the gates. In the meantime, hundreds of thousands of Soviet Jews remain stranded in a land they wish to leave.

With United States-Soviet arms reduction talks now scheduled for resumption, it is greatly disturbing to see this trend of government-inspired repression and condemnation continue. The Soviet Union's treatment of Anatoly Shcharansky, Evgeny Lein and hundreds of Jews like them is a constant reminder of the Soviet leaders' refusal to abide by the 1975 Helsinki accords. I therefore call on the Soviet Government to end its continued violations of these basic doctrines and to release the thousands of Jewish citizens who wish to emigrate to Israel and other countries. With the support of the American people and all those who cherish freedom and basic human rights, I remain hopeful that the Soviet leaders will someday hear the thousands of voices throughout the world who are protesting on behalf of Soviet Jewry, and act to fulfill their responsibilities as outlined in the Helsinki agreements.●

WE NEED THE V.R.A.

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. MURPHY. Mr. Speaker, on March 31, 1985, the Voluntary Restraint Agreement [VRA] on Japanese auto imports will expire. Last Tuesday, President Reagan's Cabinet Council on Commerce and Trade recommended that his administration adopt what appears to be a far too passive approach to this vital international trade issue.

Given the urgency of this matter, we must remember certain essential economic facts. Our trade deficit with Japan is now in excess of $37 billion. More than half of this amount is attributed to automobile imports. The most recent estimates available from the U.S. International Trade Commission reveal that in 1984, the Japanese sold almost 2 million passenger cars in the United States.

This dangerous situation not only jeopardizes the American automobile industry, but the ripple effects are experienced throughout the economic and social fabric of our Nation. When American cars aren't sold, American steel isn't produced, American coal isn't mined, and Americans don't work. In my native western Pennsylvania, my constituents continue to experience the devastating effects of the flood of Japanese imports on our local economy. The steel mills and the coal mines are producing far below capacity. Double digit unemployment persists; there is suffering and misery.

For these reasons, I have joined with my colleagues in the U.S. House of Representatives in the cosponsorship of House Concurrent Resolution 63. This bipartisan effort, introduced by the distinguished minority leader, Mr. MICHEL, seeks to keep the voluntary restraints in place until our trade situation with Japan improves. Accordingly, I have written to President Reagan urging him to implement the recommendation contained in the resolution.

We need to keep the Voluntary Restraint Agreement. The future of American jobs is far too important to leave up to the Japanese Ministry of International Trade and Industry. It is not foreign goodwill that will stop the flood of Japanese auto imports. That necessary action will only be achieved by a tough U.S. stance.●

THE ANIMOSITIES BETWEEN THE ARMENIANS AND THE TURKS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mrs. HOLT. Mr. Speaker, I am disturbed that some groups are determined to dredge up terrible historic events and use the Congress in ways that would have the effect of continuing ethnic animosities that should be allowed to cool with the passage of years.

In a resolution that has been introduced in this Congress, we are asked to commemorate the great tragedy inflicted on the Armenians by the dying Ottoman Empire 70 years ago.

History records an Armenian uprising against Ottoman rule during World War I, and the Ottoman state reacted with ferocity. There was great loss of life on both sides.

But now we are asked to commemorate a Turkish genocide against the Armenian minority of Ottoman Turkey, and I fail to see what purpose this would serve.

While we are at it, we could also pass a resolution recalling Oliver Cromwell's genocidal acts against the Irish. Or we could officially condemn the St. Bartholomew's Day massacre in France. Or we could dwell upon the record of our own Government's deeds against the native American Indians. We might even go way back and recall the barbaric deeds of the golden horde of Genghis Khan.

Mr. Speaker, history has many ugly chapters that are recorded for all to read. We do not hide or censor history, because both the horrors and the glories of the past are instructive to us. We can learn not to repeat the errors of the past and try to emulate the noble deeds of earlier generations.

But I see no reason why we should be called upon to officially commemorate a bloody episode in the history of

the animosity between Armenians and the Turks.

Modern Turkey is not Ottoman Turkey and cannot be held liable for events that occurred 70 years ago. Modern Turkey is a valued member of the NATO Alliance and is a vital ally on the southern flank of Europe.

An Armenian terrorist organization has been assassinating Turkish diplomats in various parts of the world for several years. Its avowed aim is to annex part of Turkey to the Armenian section of the Soviet Union. It is curious that I do not hear any cries for us to pass a resolution demanding that Armenia be freed from Soviet rule.

I am sure that Armenian Americans are as revolted by the terrorism as all of us are. I am confident they long for freedom for the land of their ancestors. I hope they would support a resolution condemning terrorist attacks on Turkish diplomats.

By passing a resolution recalling terrible events of 70 years ago, do we reinforce ancient ethnic animosity and perhaps lend some justification to the terrorist attacks against Turkish diplomats and other innocent victims? I must say this question concerns me gravely.

Should we pass a resolution that revives memories of a historic tragedy and damages our relations with a good and trusted ally? I believe it would be a serious mistake.

We should concentrate on healing ancient wounds instead of aggravating them.●

A TRIBUTE TO JEANNE CHICOINE LAMICA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. CONTE. Mr. Speaker, I rise today to share with my colleagues some of the accomplishments of one of my constituents. As always, it is a distinct pleasure to have an opportunity to honor an outstanding person from western Massachusetts.

Jeanne Chicoine Lamica of Florence, MA, is being honored by the National 4-H Center as the outstanding Massachusetts volunteer leader for recognition at the "4-H Salute to Excellence" program being held March 16-23, 1985, at the National 4-H Center.

One of fifty-two such leaders, representing each State of the Union, the District of Columbia, and Puerto Rico, Mrs. Lamica will be participating in a 7-day educational program designed to teach these individuals techniques to encourage voluntarism in their home States. It is hoped that the combination of a greater number of volunteers and funds from incentive grants will increase the range and amount of program 4-H is able to offer.

Mrs. Lamica has been honored because of her contributions and longstanding commitment to 4-H. She has been a 4-H volunteer for the past 14 years. Currently, she is the leader of the Hampshire Canter-Lopes and the Hampshire Crafty-Critters. The Canter-Lopes, an equestrian group, allows the young people of Hampshire County to further their interest in horses and at the same time assume the responsibility which accompanies such a pet. Each year at the Tri-County Fair, the Crafty Critters works are displayed, rewarding the creativity of these young people. At a time when we are concerned about the future of our Nation's youth, Mrs. Lamica makes a real contribution to the well-being of my district by encouraging youth to use their spare time in a productive and positive manner.

Besides her direct dealings with these two groups, Mrs. Lamica extends her volunteer work to administration. A member of the Hampshire County Extension Board of Trustees for the past 6 years, she is now serving as its chairman. She was instrumental in beginning the Hampshire County 4-H Foundation which raises money for 4-H. Mrs. Lamica continues her commitment to future equestrians by serving as chairman of the Hampshire County Horse Leaders Council.

The importance of volunteering can be forgotten in our hectic society. My district is lucky to have people like Mrs. Lamica who show their concern for young people by taking action to make life more interesting for preteen and teenaged youth. These are the people who make the First District of Massachusetts such a special place.

Mr. Speaker, it has been an honor to have this opportunity to tell Jeanne Lamica that the people of the First District of Massachusetts recognize and appreciate the work she has done on behalf of our local young people.●

WASHINGTON LOSES RESPECTED ARTIST

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. FAUNTROY. Mr. Speaker, I would like to pay my respects to Mr. John Cavanaugh, who was taken from us in the prime of life.

Mr. Cavanaugh was a towering figure among Washington's artists. Usually he was at his Swann Street studio, where he spent long days hammering and molding the lead sculptures which are so prominent throughout the DuPont Circle area. His works adorned buildings all over the District, many of which were renovated with his close friend and partner, Phil. Residents of Washington came to cherish his art.

John never stopped growing or experimenting. His work could range from a playful group of delicate figures to an enormous, brooding face set in brick. Impressionistic or realistic, he could be both fluid and precise, and still run the full range of human emotion. He won many awards but, most importantly, he won the respect of everybody who knew him.

Mr. Speaker, John Cavanaugh enriched our lives, and he made the world a far better place. He was a beloved and gentle man, and his presence is sorely missed. To his family I want to extend my deepest sympathy.●

PERSONAL EXPLANATION

HON. JOHN E. GROTBERG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. GROTBERG. Mr. Speaker, on Thursday, February 21, I was not present and voting on rollcall No. 11, a motion that the House adjourn from Thursday to Monday. Had I been present, I would have voted nay on the motion to adjourn.●

RETIREMENT OF WAHNETA CORSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to a distinguished public servant and dear friend, Wahneta Corse of Wellington, MO, who recently retired after 7½ years as the treasurer of Lafayette County in Missouri.

Mrs. Corse, a lifelong resident of Lafayette County, attended Central Missouri State University where she was a member of Sigma Sigma Sigma sorority. After spending most of her life in the banking business, most of which was with her husband, John Corse, she came to Washington and served on my congressional staff when I was first elected. Her tenure, however, was brief, as she soon returned to Missouri after being appointed by Missouri's Governor to fill an unexpired term as Lafayette County treasurer. Twice thereafter, she was reelected to that position. She retired at the end of last year after having served the people of Lafayette County with distinction.

Mrs. Corse has served her community of Wellington in many capacities over the years, having been active in the United Methodist Church and also serving as treasurer of the Wellington School Board. She has always been

willing to share her expertise freely with others.

Her retirement days will undoubtedly be busy ones, as she will continue her devotion to her community, her friends, and her family. She and her late husband were blessed with two daughters, eight grandchildren, and one recently arrived great grandchild.

I take this opportunity to offer my best wishes to Wahneta Corse for a pleasant and happy retirement. She is truly a wonderful lady.●

LEGISLATION ENCOURAGING USE OF RESIDUAL FUEL OIL FOR RECOVERY PURPOSES

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. THOMAS of California. Mr. Speaker, I am introducing legislation that will provide oil producers using enhanced recovery methods with greater flexibility in choosing the fuel they use to recover crude. It would encourage producers to substitute residual fuel oil for heavy crudes currently burned in thermal recovery processes as a result of the windfall profit tax. By encouraging producers to use residual fuel oil instead of crude to power their recovery equipment, the bill also encourages refiners to top additional heavy crude, making more gasoline and other economically attractive products available in the marketplace.

Heavy oil production uses an enhanced oil recovery process, usually steam injection. Prior to passage of the windfall profit tax, heavy oil producers burned residual fuel oil to create needed steam. This practice is no longer followed because removing crude from a producing property is a taxable event under the windfall profit tax. As a result, producers began burning crude produced at the steam generating site since such crude is not taxed. This is a wasteful practice because refined products once obtained by topping at refineries are sacrificed in order to cut producers' tax burden. In fact, 9 percent of California's daily oil production is currently wasted in this manner.

To encourage heavy oil producers to resume using residual fuel oil, the bill amends the Internal Revenue Code to offer producers an exemption from the windfall profit tax equal to the amount of tax on 1 barrel of crude for each barrel of residual fuel used in the enhanced recovery process. The bill places noteworthy limits on the exemption. First of all, it would apply only to domestic crude oil which the producer removes from his property, crude that would otherwise be taxable but for the fact that it has been exchanged for residual fuel oil used by the producer. An exchange in this context can be either a swap of crude for residual fuel oil or residual fuel oil purchased by the producer which is substituted for crude produced on the property. The exemption would be further limited in its application to benefit only the operating interest holder and not the holder of any royalty interest.

I urge my colleagues in the House to act swiftly to adopt this legislation. As was the case with similar bills I introduced during previous Congresses, this bill is designed to be revenue neutral and is recognized by the Treasury Department as such. In fact, during hearings held on the bill last fall, Treasury representatives and the Independent Petroleum Association of America testified in support of this legislation. While the bill will not affect Treasury revenues, it encourages producers to use our Nation's resources efficiently, a worthy objective.●

HOUSE JOINT RESOLUTION 136

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. SIKORSKI. Mr. Speaker, I rise in support of House Joint Resolution 136, a joint resolution directing that the National Institutes of Health receive full funding in fiscal year 1985 for new and competing research grants. I do want my colleagues to know, however, that this situation also applies to the support of research grants funded by the Alcohol, Drug Abuse, and Mental Health Administration, where the OMB directive reduces from 583 to 500 the number of new grants ADAMHA will be permitted to award this fiscal year. House Joint Resolution 136 should set the record straight as far as congressional intent is concerned for both NIH and the ADAMHA. The ad hoc group for medical research funding, representing over 100 research-oriented organizations, and the American Psychiatric Association have long articulated the need for parity in the congressional support for biomedical and behavioral research under the auspices of the Public Health Service. We would be remiss if we did not continue down this responsible path which in 1985 resulted in Congress' evenhanded approach in appropriations increases for the NIH and ADAMHA research enterprises. Scores of public witnesses from the scientific community have argued to this effect in the Appropriations Committees' public witness hearings last spring largely because the quality of the two programs are equally impressive as evidenced by priority scores assigned to these grants and the fact that breakthroughs in one specific disease area are often the result of basic research support in an entirely different institute.●

ULA PENDLETON WINS NATIONAL AWARD FOR INDUSTRY COOPERATION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Ula Pendleton, a social studies teacher in my district, who has been recognized for her outstanding contributions to the classroom by the National Association for Industry-Education Cooperation. Competing with teachers nationwide, Pendleton received the Utilization Award for a teacher who has made the most effective use of industry-sponsored resources for education.

Pendleton, a teacher in the Los Angeles Unified School District at Westchester High School, was nominated for the award by Sandra Burton, director of the California Energy Source Education Council. Burton observed Pendleton's class studying energy source curriculum sponsored by Atlantic Richfield, Southern California Gas Co., Bechtel, Flour and others. Pendleton used this program and other materials provided by Los Angeles Department of Water and Power, Southern California Edison, and Western Oil and Gas Association.

Says Pendleton:

> Energy is the heartbeat of every city. All cities are on life support systems. Without energy no water would come in or sewage go out. People are totally dependent on something they don't understand. They don't know where energy sources come from and use them without care.

Since 1972, Pendleton has introduced over 800 students in her U.S. Government and urban studies classes to energy education. She has taken the initiative to identify industry-sponsored and other community resources because there is always a need for materials beyond textbooks supplied by schools to enrich classroom activities.

Pendleton is a credit to her profession and I would like my colleagues to join me in congratulating her on this outstanding achievement.●

A TRIBUTE TO GWINNETT MITCHELL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. SHUMWAY. Mr. Speaker, I would like to ask my colleagues to join

with me in paying tribute to the exceptional community spirit and outstanding accomplishments of Gwinnett Mitchell. She has just been honored by the Soroptimist International of Lodi, CA, as "Woman of the Year," an award which has been well earned.

Few women can claim a background as diverse as Gwinnett's. Wife and mother, teacher and musician, reporter and public relations expert, she has contributed to virtually every aspect of community living. She served in the Women's Army Corps from 1943 to 1946. She has organized libraries, advanced cultural pursuits, encouraged youngsters, and generally made herself invaluable to her community. It is certainly appropriate for her to be honored in turn with this highly regarded award.

In these days of increasing reliance upon volunteerism and "people helping people," Gwinnett Mitchell stands as an example to be admired and emulated. As people, we have no greater gift to give than our interest in and caring for our fellow citizens. Congratulations to Gwinnett Mitchell for an outstanding performance, as well as special thanks for all that she has done on behalf of her community. It is a privilege and a pleasure to represent her here in the House, and to share her record of excellence with my colleagues.●

THE 1984 BUSINESS PERSON OF THE YEAR AWARD

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to extend my heartfelt congratulations to a good friend and community leader, Joseph T. Wright, the senior vice president of the Food Mart Division of Waldbaum, Inc., who was named the 1984 Business Person of the Year by the Greater Holyoke Chamber of Commerce in Holyoke, MA.

Joe Wright was selected to receive this award for his "energy, leadership, and devotion" in the corporate and civic communities. Knowing Joe for as many years as I have, I can attest to the fact that he possesses these qualities plus an endless list of fine attributes. His keen sense of organization and ability to coordinate activities down to the most minute detail are refined characteristics that Joe has sharpened and utilized to the advantage of hundreds of people.

Through his concern for others and his inherent feeling for the community, Joe Wright is a participant in a variety of organizations, working diligently, and rising to the top in practically every task he selflessly undertakes.

Over the last 20 years, Joe has been involved in the United Way of Holyoke, Granby, and South Hadley and is also a trustee of the Pioneer Valley United Way. He is presently the President of the Holyoke, Granby, South Hadley Chapter of the United Way and While spearheading the efforts of this organization, he also divides his energies into the Greater Holyoke Chamber of Commerce which bestowed its Distinguished Service Award to him last year and the Holyoke Community College where as a trustee he was given the school's Tradition and Excellence Award.

The youth of western Massachusetts have also benefited from the endless labors of Joe Wright. Not only is he the director of the Children's Museum at Holyoke, Inc., but he is also the past director of the western Massachusetts Girl Scout Council as well as the Pioneer Valley Council of Boy Scouts of America.

Joe Wright's community involvement in Holyoke, once known as the paper city of the World, is helping to make revitalization efforts become a reality. The city of Holyoke, a manufacturing center with a healthy diversified economy needs a person like Joe with a healthy diversified attitude who willingly surrenders his spare hours in order to assist in the renewal of Holyoke's industrial and commercial growth.

I cannot say enough about my friend, Joe. It is apparent that this wonderful family man and tireless worker, is truly an individual deserving of the 1984 Business Person of the Year Award.●

BALTIC REPUBLICS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mrs. HOLT. Mr. Speaker, the independence of the Baltic republics of Lithuania, Estonia, and Latvia is a memory, a memory that we must keep alive and a memory that the Soviet Union wants to bury.

The people of these lands deserve to be free and deserve the unflagging support of the free world for their right to national independence and the liberty which is the birthright of every individual.

The hope of freedom stays alive in the people of the Baltic States and in the people from those countries that have come to our great land to enjoy the blessings of freedom.

These countries have not even been allowed to retain the nominal national identity that prevails in Poland, Czechoslovakia, and other Eastern European countries in the Soviet grip. The Baltic States were incorporated into the Soviet Union. Many thousands of their citizens have been deported to other parts of the Soviet Empire, they have been colonized by other Soviet peoples, and their ethnic traditions are repressed.

Some timid souls would say that it damages the prospects for better relations with the Soviet Union if we keep raising this distasteful subject. I say that freedom is the main business of the United States in the world, and we betray our heritage if we ever fail to speak for freedom.

Mr. Speaker, empires do not last forever, and the freedom of the Baltic republics will be restored someday, with the help of God, who blesses our cause.●

CHIEF BULL RETIRING

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 25, 1985

● Mr. MORRISON of Connecticut. Mr. Speaker, on March 1, the Milford Police Department and the surrounding town of Milford, CT, in my congressional district, will be honoring William W. Bull. William Bull is retiring from his post as chief of Milford's Police Department, after 33 years of devoted service. It gives me great pleasure to share with my colleagues this man's distinguished record and to be able to participate in his tribute.

William Bull began his career in 1951 as a special officer to the Milford Police Department. It was here that he distinguished himself through his unfailing devotion to duty and service. In 1969, Chief Bull committed a true act of bravery when he risked his life to free a woman and fellow officer who were being held captive by an armed gunman. For this he became the only man on the Milford Police Force to be awarded the Medal of Honor for Bravery Above and Beyond the Call of Duty by the town of Milford.

Mr. Bull moved up through the ranks of the Milford Police Department to be appointed chief of police in December 1972. In his 17-year tenure as chief, he strove to create a modern, professional, and effective police force. He emphasized the importance of community safety and focused his efforts on crime prevention activities. He served as an active member of several organizations dedicated to the improvement of police protection: The International Association of Chiefs of Police; the Connecticut Association of Chiefs of Police; the South Central Chiefs Association; and the Municipal Police Training Commission.

William Bull's remarkable career and notable record of service to the community deserves recognition. His

tireless energy, genuine devotion, and unfailing enthusiasm for his job will be sorely missed. I am proud to be able to join with the Milford Police Department and the Milford community in paying tribute to him today.●

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, February 26, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Armed Services
To hold hearings on the status of the unified commands.
SR-222

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, Purple Heart, and Vietnam Veterans of America.
334 Cannon Building

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the proposed sale by the Department of Transportation of Conrail.
SR-253

Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Department of the Interior.
SD-366

Labor and Human Resources
To hold oversight hearings to review labor violence activities, focusing on alleged violence committed by unions against management.
SD-430

10:00 a.m.
Environment and Public Works
To hold hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1986, focusing on requests for the Nuclear Regulatory Commission.
SD-406

Foreign Relations
To hold hearings to review U.S. policy in a global economy.
SD-419

Small Business
Small Business: Family Farm Subcommittee
To hold hearings to examine farm credit problems and their impact on agricultural banks and agribusinesses.
SR-428A

Select on Indian Affairs
To hold hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1986.
SD-538

Select on Intelligence
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the intelligence community.
SH-219

2:00 p.m.
Appropriations
To resume hearings to review the President's proposed budget requests for fiscal year 1986.
SD-192

Armed Services
To continue hearings on the status of the unified commands.
SR-222

FEBRUARY 28

9:00 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the binary chemical modernization program
SD-124

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on the proposed sale by the Department of Transportation of Conrail
SR-253

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for the Immigration and Naturalization Service, and to review those programs administered by the INS.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1986 for certain intelligence programs.
S-407, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Environment and Public Works
Business meeting, to resume markup of S. 51, to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act (Superfund) (Public Law 96-510).
SD-406

Foreign Relations
To continue hearings to review U.S. policy in a global economy.
SD-419

Joint Economic
To resume hearings in preparation of its forthcoming annual report.
2359 Rayburn Building

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Woodrow Wilson International Center for Scholars, and the National Gallery of Art.
SD-138

Armed Services
Manpower and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on manpower and personnel issues.
SR-232A

Armed Services
Sea Power and Force Projection Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal year 1986 for the Department of Defense, focusing on the Navy's worldwide commitments and their implications for force structure, training, and readiness.
SR-222

MARCH 1

9:00 a.m.
*Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and Departmental Management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.
SD-116

Armed Services
To resume hearings on the status of the unified commands.
SR-222

Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on the Pacific Salmon Treaty implementing legislation.
SD-562

Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's pro-

posed budget for fiscal year 1986, focusing on the Forest Service (Department of Agriculture), U.S. Synthetic Fuels Corporation, and the Federal Energy Regulatory Commission (Department of Energy).

SD-366

10:00 a.m.
Environment and Public Works
Business meeting, to continue markup of S. 51, to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act (Superfund) (P.L. 96-510).

SD-406

MARCH 4

10:00 a.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Department of Energy.

SD-366

MARCH 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Secretary of Health and Human Services.

SD-116

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Agriculture.

SD-124

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Army.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Highway Administration, Department of Transportation, and the Panama Canal Commission.

SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Tennessee Valley Authority.

SD-192

Commerce, Science, and Transportation
To hold hearings on the nominations of Carol G. Dawson, of Virginia, to be a Commissioner of the Consumer Product Safety Commission, and Mary L. Azcuenaga, of the District of Columbia, to be a Federal Trade Commissioner.

SR-253

MARCH 6

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.

SD-116

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1986 for the Veterans Administration.

SR-418

Office of Technology Assessment
To hold a general business meeting.

H-227, Capitol

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Commerce, Justice, State, the Judiciary and related agencies.

S-146, Capitol

*Foreign Relations
To resume hearings to review U.S. policy in a global economy.

SD-419

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Edward J. Philbin, of California, to be a Federal Maritime Commissioner.

SR-253

11:00 a.m.
Select on Indian Affairs
To hold hearings on S. 277, authorizing funds for fiscal year 1986 for Indian health care programs.

SD-106

MARCH 7

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on foreign assistance programs.

SD-138

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.

SD-124

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navy.

SD-628

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Department of Energy.

SD-192

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review a recent report on international narcotics.

SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Strategic Petroleum Reserve, and the Office of Emergency Preparedness.

SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Transportation Safety Board, and the St. Lawrence Seaway Development Corporation, Department of Transportation.

SD-192

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.

SR-253

10:00 a.m.
Environment and Public Works
To resume hearings on those programs which fall within the jurisdiction of the committee as contained in the President's budget requests for fiscal year 1986, focusing on requests for the Army Corps of Engineers.

SD-406

Judiciary
To hold hearings on proposed interstate compacts allowing for the regional disposal of low-level radioactive waste.

SD-226

MARCH 12

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library, Department of Agriculture.

SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the United Nations, focusing on voluntary contributions to international organizations and programs.

SD-192

10:30 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on solar and renewables and energy research.
SD-192

MARCH 13

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Bureau of Standards.
SR-253

10:00 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on S. 374 and S. 193, bills authorizing funds for the U.S. Travel and Tourism Administration, Department of Commerce.
SD-G50

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration, and to hold oversight hearings on the Department of Transportation's Office of Commercial Space Transportation.
SR-253

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the U.S. Trade Representative, Japan-U.S. Friendship Commission, Federal Trade Commission, and the Civil Rights Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Crop Insurance Corporation, and the Rural Electrification Administration, Department of Agriculture.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on nuclear fission, commercial waste management, and uranium enrichment.
SD-192

MARCH 19

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on the aviation computer reservation system.
SR-253

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (P.L. 98-241).
SD-G50

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on proposed asbestos claims facilities.
SD-430

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Food Safety and Inspection Service, Department of Agriculture.
SD-124

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Peace Corps, the Inter-American Foundation, and the African Development Foundation.
S-126, Capitol

Appropriations
Interior and Related Agencies Sucbommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the land and water conservation fund.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-192

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Commerce, and the International Trade Commission.
SD-146, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), and the Consumer Information Center.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK)
SD-138

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on media efforts to deglamorize drug abuse.
SD-342

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Export-Import Bank of the United States.
S-126, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the National Institutes of Health, Department of Health and Human Services.
SR-428A

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 100, to provide for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, Office of Revenue Sharing and the New York City loan program (Department of the Treasury), Federal Home Loan Bank Board, and the National Institute of Building Sciences.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1986 for the maritime administration, and S. 102, authorizing funds for fiscal year 1986 for the maritime construction differential subsidy.
SD-628

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Treasury, focusing on multilateral development banks.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

MARCH 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Centers for Disease Control, Alcohol, Drug Abuse and Mental Health Administration, Office of the Inspector General, and Office for Civil Rights.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Farmers Home Administration, Department of Agriculture, and the Farm Credit Administration.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for the Agency for International Development.
S-126, Capitol

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Board for International Broadcasting, Arms Control and Disarmament Agency, and the Federal Communications Commission.
S-146, Capitol

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for foreign assistance programs.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Selective Service System, Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Health and Human Services, including Human Development Services, Office of Community Services, Departmental Management (salaries and expenses), and Policy Research.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans' Administration, and the National Science Foundation.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 1

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 2

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary of Education, Departmental Management (salaries and expenses), Office of Civil Rights, Office of Inspector General, National Institute of Education, and Bilingual Education, all of the Department of Education.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, Food for Peace Program (P.L. 480), Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.
SD-124

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including vocational and adult education, education for the handicapped, rehabilitation services and handicapped research, special institutions (including Howard University), and education statistics.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of State, and the U.S. Information Agency.
S-146, Capitol

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Oceanic and Atmospheric Administration, Department of Commerce, the Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

10:30 a.m.
Commerce, Science, Transportation
Science, Technology, and Space Subcommittee
To continue hearings in open session on proposed legislation authorizing funds for fiscal year 1986 for the National Aeronautics and Space Administration.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

APRIL 16

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 17

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department Justice, and the Equal Employment Opportunity Commission.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Education, including student financial assistance, guaranteed student loans, higher and continuing education, higher education facilities loans and insurance, educational research and training, and libraries.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Bureau of Investigation, Department of Justice, the Legal Services Corporation, and the Securities and Exchange Commission.
S-146, Capitol

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the Environmental Protection Agency.
SD-124

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for ACTION (domestic programs), Corporation for Public Broadcasting, Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, and National Council on the Handicapped.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

APRIL 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Soldiers' and Airmen's Home, Prospective Payment Commission, Railroad Retirement Board, National Mediation Board, OSHA Review Commission, and the Federal Mediation and Conciliation Service.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Supreme Court of the United States, and the U.S. District Courts.
S-146, Capitol

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

MAY 2

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territorial affairs, Department of the Interior.
SD-138

MAY 7

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 8

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

MAY 9

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.
SD-138

MAY 14

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.

SD-138

MAY 21

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1986 for the Holocaust Memorial Council, Minerals Management Service, Department of the Interior.

SD-138

MAY 23

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.

SD-138