SENATE—*Thursday, June 6, 1985*

(Legislative day of Monday, June 3, 1985)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend C. Mark Corts, pastor, Calvary Baptist Church, Winston-Salem, NC. The Reverend Corts is sponsored by Senator JESSE HELMS.

PRAYER

The Reverend C. Mark Corts, pastor, Calvary Baptist Church, Winston-Salem, NC, offered the following prayer:

Will you join me in prayer?

Almighty God, as we begin this day, we give thanks for the privilege of approaching Thy throne of grace. We acknowledge that Thou art the giver of life and light, the provider of grace and forgiveness through Jesus Christ, the source of counsel that cannot fail, and truth that cannot lie.

We petition Thee to give direction to those among us who are troubled, strength to the weak, mercy to the humble, and to show Thyself faithful to the needy of our land.

Though wearied by our unfulfilled agenda, we are reminded that Thou are patient beyond the time we hoped for, but not beyond the time appointed by Thee.

O God, set Thy name above all names as the standard of righteousness in our land, and set Thy love in our hearts as a reference point in dealing with others.

Save us from the selfishness of special interests and teach us again to place the best for all above the good of some.

God, grant us grace to follow Christ who knew neither impatience of spirit, nor confusion of work, but in the middle of all His labors held constant communion with Thee.

Let Thy divine blessing be "equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend."

In the name of Jesus Christ, the Savior of the world. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER pro tempore. The acting majority leader is recognized.

Mr. SIMPSON. Mr. President, I yield to the Senator from North Carolina.

THE REVEREND C. MARK CORTS

Mr. HELMS. Mr. President, I thank the able Senator from Wyoming for yielding.

Mr. President, on behalf of Senator EAST and myself, we welcome Dr. Mark Corts, who has just delivered an eloquent and meaningful prayer. I hope Senators who were unable to be here this morning will take the time to read and ponder it.

Mr. President, Mark is a member of what is known in North Carolina as the remarkable Corts family. They are leaders in education, in the ministry, in courage, and in citizenship. We are delighted to have Dr. Corts, and his dear wife, with us today as guest chaplain for the U.S. Senate, and I am grateful to the distinguished Senate chaplain, Dr. Halverson, for arranging this occasion.

Furthermore, Dr. Corts happens to be the pastor of Mrs. Helms and my son and daughter-in-law, who live in Winston-Salem.

Mr. President, I thank the Senator from Wyoming for yielding to me to welcome Dr. Corts and Mrs. Corts to Washington and to the U.S. Senate.

Mr. SIMPSON. I thank the Senator from North Carolina.

SCHEDULE

Mr. SIMPSON. Mr. President, under the standing order, the two leaders will be recognized for 10 minutes each. Following that recognition, there is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes, following which we shall have routine morning business not to extend beyond the hour of 11 a.m., with statements limited therein to 5 minutes each.

Following morning business, the Senate will turn to the consideration of S. 1003, the State Department authorization bill. We will begin consideration of the 10 Contra amendments as identified in the unanimous-consent agreement of May 23. I shall not recite those. They have time agreements attached.

Votes can be expected throughout this day and this evening in the hope that the Senate can complete its action on the State Department authorization bill this evening.

Mr. President, I note the presence of the junior Senator from Illinois on the other side of the aisle. It is a pleasure to see him involved in the operations of the Senate at such an early time here. I will say I met the Senator when we served together as State legislators in our respective States of Illinois and Wyoming. I have the greatest regard and respect for him.

Mr. SIMON. Mr. President, if the Senator will yield, I thank the Senator from Wyoming for his generous remarks. It is true, we knew each other when we were first State legislators. That was at least a year or two ago, Mr. President. It is good to work with him.

REQUEST FOR COMMITTEE TO MEET

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, and Friday, June 7, to mark up S. 616, the farm bill and related issues.

The PRESIDING OFFICER (Mr. HATFIELD). Is there objection?

Mr. SIMON. Mr. President, reserving the right to object.

Mr. President, I have been notified by the staff on this side that the request of the distinguished Senator has not been cleared on this side, so I do object.

Mr. HELMS. Will the Senator yield?

Mr. SIMPSON. I yield.

Mr. HELMS. Mr. President, I understand that on occasion there is justification for objecting to committees sitting during the session of the Senate. I will address my remarks not only to the distinguished Senator from Illinois [Mr. SIMON] but my friend from West Virginia [Mr. BYRD] as well.

This is a time of crisis for the American farmer. The Senate Agriculture Committee desperately needs to report out and make available to the Senate the 1985 farm bill so that it can be considered. On no date since we began to mark up, about 2½ weeks ago, has the committee been permitted to meet beyond the specified 2 hours after the Senate convenes. No such limitation has been placed with such regularity on any other committee. As a result, the Agriculture Committee has been stymied from making any real progress in marking up the farm bill.

Mr. President, I do not understand what is afoot. I do hope that the distinguished minority leader will do his best, as I know he will, to enable the Senate Committee on Agriculture, Nutrition, and Forestry to meet, just as other committees are meeting. It is imperative, Mr. President, that we get

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

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about the business of producing a farm bill as we are required to do in this year.

I will not speculate as to motives in slowing down the legislative process with respect to the 1985 farm bill. But I do say it is absolutely essential that we proceed, and we cannot do it if we are repeatedly and constantly denied authority to meet and mark up a farm bill which, incidentally, consists of nearly 300 pages.

Mr. President, I thank the Senator for yielding. I know the distinguished minority leader will do his best to be helpful to the committee and to the farmers of America.

Mr. SIMPSON. Mr. President, I would then ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 616, the farm bill, and related issues. The previous consent request was for the two dates. This is for the present date.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. There is objection, Mr. President. The distinguished chairman of the Agriculture Committee, I believe, asked to consult with the distinguished minority leader to get those things worked out. I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMPSON. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the acting Democratic leader is recognized.

Mr. SIMON. Mr. President, we reserve our time until later in the day.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the distinguished acting majority leader reserving his time?

The PRESIDING OFFICER. That is correct. The time of the distinguished Democratic leader has been reserved also.

S. 1248—THE NATIONAL COAL IMPORTS REPORTING ACT

Mr. BYRD. Mr. President, today I am introducing the National Coal Imports Reporting Act. My bill directs the Department of Energy to issue quarterly reports devoted exclusively to U.S. coal imports. The bill would also require the Department of Energy to conduct a comprehensive analysis of the potential domestic market for imported coal between now and the year 2000. The findings of that analysis are to be submitted to the Congress within 6 months.

Mr. President, I have expressed my concerns about the problem of U.S. coal imports previously on the floor of the Senate. In my examination of the issue, I have found a lack of pertinent information about potential U.S. markets for foreign coal imports, and the economic and employment impacts of imports on coal-producing regions of the Nation. Senator WARNER, the distinguished chairman of the Energy Committee's Subcommittee on Natural Resources Development and Production, has held a hearing to examine the issue of coal imports. I have just come from that hearing and I am confident that the testimony received at the hearing, together with my legislation, will produce an initial information base which will be useful for a careful assessment of the economic implications and impacts of coal imports.

I realize that current levels of foreign coal imports, about 1.3 million tons in 1984, although a relatively small amount, are a cause for concern. Coal imports have been higher in past years. In 1978, U.S. coal imports reached 2.8 million tons. Coal imports then continuously declined to a level of 742,000 tons in 1982. However, in 1983 coal imports increased to 1.27 million tons and to 1.29 million tons in 1984. Of the 1.29 million tons of coal imported in 1984, 783,000 tons—60.9 percent—were consumed by utilities and 503,000 tons—39.1 percent—were consumed by industrial users. Utilities importing coal in 1984 included Gulf Power—616,000 tons from South Africa; Tampa Electric—109,000 tons from Poland; New England Electric—40,000 tons from Canada; and Florida Power—17,700 tons from Colombia. The National Coal Association estimates coal imports in 1985 to be about 2 million tons. When compared to total U.S. coal production of 890 million tons and consumption of 791 million tons in 1984, these levels are not alarming. However, my principal concern is not with the current coal import levels. My principal concern is for the future.

The United States represents a large and attractive market to foreign coal producers. Coal producers in Colombia, Canada, Poland, and South Africa are aggressively, and successfully, marketing their coal on the east and gulf coasts of the United States. These markets account for nearly 30 percent of U.S. coal consumption. The east coast market is particularly important to my State of West Virginia. In 1983, that market consumed 17 million tons of West Virginia coal, representing 27 percent of the West Virginia coal consumed in the United States. To the extent that foreign coal imports displace West Virginia coal in this market, West Virginia—where coal industry unemployment at the end of 1984 already was about 33 percent—will suffer.

There are only a few preliminary analyses of the potential impacts of coal imports. Thus, it is difficult to quantify the extent to which foreign coal imports will penetrate domestic coal markets. A recent study by the Department of Commerce concluded that by 1990, total steam coal imports into the United States could reach 17.7 million tons per year with 31 utility plants importing foreign coal. However, the Commerce Department estimate of import levels may be very conservative. There are reasons to believe that the U.S. market potential for foreign coal imports may be significantly greater than the Commerce Department report indicates. While that report assumes that 31 utility plants would import coal by 1990, the report identified 79 utility plants with coal specifications which could be met by foreign coal, and where the delivered price of foreign coal is at least 1 cent per million Btu's lower than the average cost of domestic coal. Moreover, while most utilities indicated to the Commerce Department that they would take up to one-third of their requirements from foreign sources, some indicated, off the record. a willingness to fill all their needs with imported coal.

Another recent study, reported in testimony before a House subcommittee, identified 91 utility plants along the east and gulf coasts that could receive coal directly by ocean-going vessels or barges. In addition, the study identified another 76 plants in the Midwest that are potential markets for imported coal. Because of lower water transportation costs, foreign coals can compete with domestic coals at many plants on the Mississippi, Ohio, and Missouri Rivers. Similarly, foreign coal can also be transported up the Saint Lawrence River into the Great Lakes at low cost. The study also reported that by 1990, about 37 million tons of utility coal demand not under supply contract will exist at east and gulf coast utilities that are capable of burning imported coal. Finally, the study emphasized the price disadvantage faced by domestic coal producers, reporting that along the Atlantic coast, competitive foreign coals average 87 percent of the U.S. price, and along the gulf coast, foreign coals average 77 percent of the price of domestic coals.

An important factor affecting the competitive position of the U.S. coal industry is the strength of the dollar against foreign currencies, which makes foreign coal less expensive on the U.S. market relative to domestically produced coal. In addition, the difference between domestic production costs and foreign production costs has

an effect on the competitive position of U.S. coal.

One reason for this may be that the regulatory environments governing foreign coal producers are less stringent than the regulatory environment in which domestic producers must operate. In a recent interview, Interior Secretary Donald Hodel pointed out that some foreign coal was "very low-cost coal produced under rules and restraints that are not comparable to ours from the environmental standpoint," and "imports of coal * * * produced under low safety and environmental standards raise unanswered ethical questions."

He stated:

It's incredible to me, but it appears to be true, that we will be increasingly importing coal into this country at a time when we are not utilizing fully the existing ability to produce coal.

Secretary Hodel said that U.S. coal imports were comparable to "Saudi Arabia announcing that it was going to import oil." I fully share the Secretary's sentiments.

Mr. President, it is very difficult at this time to determine the extent to which foreign coal imports will represent a serious problem in the future. We simply do not have enough information. It is essential that we gather the necessary information to be able to carefully assess the situation, determine the extent to which regional coal markets will be affected, and identify alternative policies for addressing any adverse economic impacts. For that reason, I am introducing the National Coal Imports Reporting Act. My bill directs the Department of Energy to issue a new quarterly report devoted exclusively to U.S. coal imports. This report will include data on the quantity, quality, and price of all imported coals. In addition, it will include statistics on country of origin, U.S. consumers of the foreign coal, domestic suppliers to these same consumers, and domestic coal displaced by the imported coal. Some of this information is already reported by the Energy Department in various documents, but is not organized in a single document. Consolidating this information will be useful for monitoring trends in U.S. coal imports.

Furthermore, Mr. President, my legislation directs the Energy Department to issue a report which focuses on the future. The Department of Energy is directed to conduct a detailed analysis of potential U.S. markets for coal imports between now and the year 2000. This analysis will identify potential domestic consumers and the magnitude of any potential economic disruptions, by State, including direct and indirect employment impacts in the domestic coal industry. The analysis will identify existing authorities available to the Federal Government relating to coal imports, and identify administration plans to address this problem. The Department of Energy is required to report its findings to the Congress within 6 months.

Mr. President, my legislation will establish an information base which will be useful for carefully assessing trends in coal imports and their economic implications and impacts on the coal-producing regions of the United States. This is an important issue for West Virginia and the domestic coal industry, and I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Coal Imports Reporting Act of 1985".

QUARTERLY UNITED STATES COAL IMPORTS REVIEW

SEC. 2. (a) The Secretary of Energy shall report to Congress on a quarterly basis on the status of United States coal imports.

(b) Each report required by this section shall—

(1) include quarterly, year-to-date, and previous year data on the quantity, quality (including heating value, sulfur content, an ash content), and delivered price of all coals imported into the United States;

(2) identify the foreign nations exporting the coal, the United States consumers receiving coal from each exporting nation, domestically produced coal supplied to United States consumers of imported coal, and domestic coal production, by State, displaced by the imported coal;

(3) identify transportation modes and costs for delivery of imported coal;

(4) delineate mining costs of foreign-produced coals and mining costs of comparable quality domestically produced coals; and

(5) specifically high-light and analyze any significant trends or unusual variations in coal imports.

(c) The first report required by this section shall be submitted to Congress in October 1985. Subsequent reports shall be submitted within 30 days after the end of each quarter year. The report submitted at the end of the fourth quarter of the calendar year shall contain a summary of information for the calendar year.

ANALYSIS OF THE UNITED STATES COAL IMPORT MARKET

SEC. 3. (a) The Secretary of Energy shall conduct a comprehensive analysis of the coal import market in the United States and report the findings of such analysis to the Congress within six months of the date of enactment of this Act.

(b) The report required by this section shall—

(1) contain a detailed analysis of potential United States markets for foreign coals, by producing nation, between 1985 and 2000;

(2) identify potential domestic consumers of imported coal and evaluate the magnitude of any potential economic disruptions for each impacted State, including analysis of direct and indirect employment impact in the domestic coal industry and resulting income loss to each State;

(3) identify domestically produced coal that potentially could be replaced by imported coal;

(4) identify contractual commitments of United States utilities expiring between 1985 and 2000, spot buying practices of United States utilities, fuel cost patterns, plant modification costs required to burn foreign coals, proximity of navigable waters to utilities, demand for compliance coal, availability of less-expensive purchased power from Canada, and State and local considerations;

(5) evaluate increased coal consumption at existing utility plants between 1985 and 2000 resulting from increased power sales;

(6) provide analysis of the potential coal import market represented by new coal-fired plants currently under construction, new coal-fired plants projected up to the year 2000, plants planning to convert to coal, and plants that potentially could convert to coal;

(7) identify existing authorities available to the Federal government relating to coal imports, assess the potential impact of exercising each of these authorities, and describe Administration plans and strategies to address coal imports;

(8) identify and characterize the coal export policies of all major coal producing nations, including the Untied States, Australia, Canada, Colombia, Poland, and South Africa with specific consideration of such policies as—

(A) direct or indirect government subsidies to coal exporters;

(B) health, safety, and environmental regulations imposed on each coal producer; and

(C) trade policies relating to coal exports;

(9) evaluate the excess capacity of foreign producers, potential development of new export-oriented coal mines in foreign nations, operating costs of foreign coal mines, capacity of ocean vessels to transport foreign coal, and constraints on importing coal into the United States because of port and harbor availability;

(10) identify specifically the participation of all United States corporations involved in mining and exporting coal from foreign nations; and

(11) identify the policies governing coal imports of all coal-importing industrialized nations, including the United States, Japan, and the European nations by considering such factors as import duties or tariffs, import quotas, and other governmental restrictions or trade policies impacting coal imports.

Mr. SIMON. Mr. President, will the distinguished leader yield?

Mr. BYRD. Absolutely, Mr. President. I am delighted to yield.

Mr. SIMON. I would ask him for the distinct pleasure of being added as a cosponsor of that legislation. Illinois is a coal-producing State. Imports really are a problem. Imports are a problem also, in that, for example, we import a great deal of coal from South Africa. That is an uncertain source in addition to the fact, frankly, there is no question that the South African Government is abusing those people who are mining that coal. I think we have to take a good hard look at where we are going in this question of import of coal. I shall be pleased to join the distinguished minority leader.

Mr. BYRD. Mr. President, I am delighted that my friend from Illinois is asking to be made a cosponsor. I welcome that request.

Mr. President, I ask unanimous consent that the distinguished Senator from Illinois [Mr. SIMON] be added as a cosponsor.

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

Mr. BYRD. Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, will the Democratic leader yield 10 seconds?

Mr. BYRD. Yes, Mr. President, I yield as much time as the Senator wishes from that time and other time under my control.

Mr. HATFIELD. I thank the Senator.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER (Mr. TRIBLE). Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

AMENDMENT TO STATE DEPARTMENT AUTHORIZATION BILL

Mr. PROXMIRE. Mr. President, I send to the desk an amendment in behalf of myself, Senator HATFIELD, and others. This is a sense-of-the-Senate resolution, an amendment to the bill that will be coming up later today, the State Department authorization bill.

The PRESIDING OFFICER. The amendment will be received.

Mr. PROXMIRE. I thank the Chair.

WHY STAR WARS BLOCKS AGREEMENT ON ARMS CONTROL AT GENEVA

Mr. PROXMIRE. Mr. President, Gen. Edward Rowny served as our chief negotiator in the strategic arms limitation—or START—talks at Geneva that the Soviets walked out of last year. General Rowny continues as a senior arms control adviser to President Reagan. Meanwhile, the arms control talks at Geneva have been resumed. Obviously, General Rowny speaks with experience, knowledge, and authority about our current arms control talks in Geneva. Unfortunately, that does not prevent him from being wrong.

In a letter to the New York Times on April 29, General Rowny set forth our objectives at Geneva, and the roadblocks posed by the Soviets. His letter tells why the prospect for a significant arms control agreement at Geneva is so slight. General Rowny contends that the objective of the United States is "to reach agreement on deep reductions of all nuclear arms in a way that strengthens deterrence and enhances stability".

Do the Russians object to that? General Rowny contends they do object because they oppose the U.S. strategic defense research. And, says Rowny, that research is a "crucial part of our effort to strengthen deterrence and enhance stability."

Why do the Russians not see it the Rowny way? Here is why: The Russians have poured enormous resources into developing an immense arsenal of intercontinental ballistic missiles. These stationary land-based ICBM's constitute more than 70 percent of the Russian deterrent. President Reagan and Secretary Weinberger have repeatedly told us in the Congress that we should fund the proposed ICBM defense or star wars because it can, over a period of 15 or 20 years, provide a perfect or near-perfect defense against Russia's prime nuclear striking force, its intercontinental ballistic missile arsenal. Many critics say our star wars defense will not work. Or they say if it does work against the present Russian ICBM force, the Russians can simply shift to submarines, bombers, and cruise missiles to overcome it.

Mr. President, put yourself into the shoes of the Russians. The President of the United States and his Defense Secretary insist that if the Congress will give them the funds, the United States can build a defensive system that will nullify the Soviets' prime deterrent. The United States has said it intends to build this defensive system and in the process hopes to eliminate 70 percent of the Soviet Union's nuclear deterrent capability. That is easy for us Americans to understand and applaud—if it works. But would you expect the Russians to say: "Great, go ahead, nullify our deterrent"?

General Rowny argues that "Moscow should be joining us in dealing with the here and now—reducing the large number of offensive nuclear arms that exist on both sides." They should, indeed. Both countries have everything to gain by a safer world: less prospect of a nuclear war that would destroy both countries as organized societies, and an unbearable burden of military spending.

So why will they not agree to reduce their offensive nuclear missiles if we reduce ours in tandem? The answer to that one is easy. What do we need to have the Russians do to make star wars succeed? Answer: Persuade the Soviets to make a wholesale reduction in their ICBM's. If the Russians reduced their ICBM's by a factor of two or three, it is just possible that a U.S. antimissile defense system might be able to protect our own American nuclear deterrents—our submarine pens, our bomber bases, as well as our Minuteman bases. It is unlikely in any event that star wars could protect our cities. But a point defense against missiles is conceivable if we can somehow reduce the Russian nuclear arsenal. For much of our own American deterrent, we enjoy a far lesser vulnerability than the Soviets. This is because our nuclear capability is largely submarine- and bomber-based, and because much of this force is at sea and in the air.

On the other hand, if the Russians refuse to reduce their nuclear arsenal in the kind of arms control agreement Rowny is calling for but instead multiply it, they can insure that their massive and increasing deterrent can overwhelm the star wars defense, and cheaply. Their missiles have massive throw-weight. The Russians can add warheads independently targeted to their big missiles, and they can do so very cheaply. So should we really expect the Russians to "make our day" by agreeing to reduce their offensive nuclear missiles when they hear the President of the United States pushing hard for a missile defense system that will nullify their nuclear deterrent? And when General Rowny says that the administration's objective in the arms control talks is to strengthen deterrence, it is not hard to see why the Russians don't see it that way.

Furthermore, while star wars research to date may not have violated the ABM treaty, it is obvious there is no way that research could be put to any significant use in constructing missile defenses without violating the ABM arms control treaty that the U.S. Senate ratified by an 88-to-2 vote. We ratified that treaty. Having done so, we know that the deployment of a star wars system would kill it. It would also impose an immense cost on both countries. Star wars would provide a highly unpredictable and therefore unstable balance between the two superpowers. For more than 35 years, the superpowers have lived with offensive nuclear arsenals capable of utterly destroying the adversary. This grim fact has been the prime reason for 35 years of superpower peace. The deterrent has worked. Our agenda now should be to stop the arms race while the nuclear balance exists. We should stop it cold. We should stop it now. We should stop it by negotiating a freeze. We should not extend the arms race into space and wonder why its extension made the adversary so reluctant to dismantle his deterrent.

Mr. President, I ask unanimous consent that the article to which I have referred by Edward L. Rowny be printed in the RECORD.

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

AMERICA'S OBJECTIVE IN GENEVA

(By Edward L. Rowny)

WASHINGTON.—The Soviet Union seems determined to prevent American research on strategic defense—research that the Russians themselves have long been conducting. In fact, the United States' immediate goal at the arms control talks in Geneva is to reach agreement on deep reductions of all nuclear arms in a way that strengthens deterrence and enhances stability. But our strategic defense research is a crucial part of that effort.

Moscow should be joining us in dealing with the here-and-now—reducing the large numbers of offensive nuclear arms that exist on both sides and exploring the potential benefits that can accrue from effective defenses. We have already placed several attractive arms reduction proposals on the table.

As for strategic weapons, we offered in October 1983 to trade offensive systems, which concern the Russians, for Soviet offensive systems, which concern us. Specially, we offered to trade advantages in our heavy-bomber capabilities for some comparable reductions in the advantages they enjoy in long-range ballistic missiles.

As for intermediate-range weapons, our preference is for zero on both sides. As an interim proposal, we have offered to agree to any equal level between zero and 572 intermediate-range missile warheads. This limit would apply to American ground-launched cruise missiles and Pershing 2's if the Russians would agree to an equal worldwide limit on warheads of their SS-20 and other intermediate-range missiles.

In short, one desired outcome of the negotiations in Geneva is mutual and verifiable reductions. Were we to accept the latest Soviet proposal for an across-the-board moratorium on strategic intermediate and space weapons, we would, to take only one example, be locking in the large advantages created by the Soviet deployment of more than 400 triple-warhead SS-20 missiles. This proposal would give the Russians an 8 to 1 advantage in intermediate-range warheads. It would divert the talks from the priority task of achieving a real reduction in offensive nuclear systems. And it would prevent our research on defense systems.

One often hears the question, "Why should Moscow reduce its offensive weapons while we're pushing defense research?" First, we are not alone in efforts to explore the feasibility of ground- and space-based defense against ballistic missile attack. Long before President Reagan's speech in 1983 outlining the strategic defense initiative, the Soviet Union was engaged in a large-scale defense research program.

Further, the Russians have been violating the anti-ballistic missile treaty. Given the pattern of their many activities in strategic defense, we are concerned that they may be establishing the basis for a nationwide ballistic missile defense capability. Such a move, combined with an erosion in the offensive balance, would have severe consequences.

Finally, as both sides have acknowledged, research is not verifiable and hence not negotiable. But the Russians seem determined to continue their own research while trying to stop ours. The freeze they propose on offensive forces would simply codify existing Soviet advantages.

We seek a more stable relationship. One way to achieve this, if our research bears fruit, would be through a greater reliance on defenses as a key component of deterrence. What we are trying to discover is whether, over time, we can move away from offensive retaliation as the sole basis for deterrence—away from "mutual assured destruction" and toward mutually assured security.

We cannot know for some eight to 10 years whether our research will pan out. Even if our research proves fruitful, these defensive systems must meet three demanding tests. First, survivability: they will need to be robust enough to withstand direct attack. Second, cost-effectiveness; the deployment of defense systems must, at the margin, be cheaper than the offensive systems they would be defending against. An additional laser pulse, for example, must be cheaper than an additional missile or warhead. Third: the deployment of these defensive systems must at each stage contribute to an improvement in the stability of the overall strategic balance.

One argument we hear against our strategic defense initiative is that it will induce the Russians to undertake a further offensive buildup so as to overwhelm the defense. Through discussions in Geneva, we hope to make clear to them that because we seek defensive systems that are cost-effective and stabilizing, an effort to overwhelm them will be impractical and prohibitively expensive.

We should not allow Moscow's public attacks on our defense research to divert us from the main objective of the Geneva talks. Instead, we must keep our eye on the ball and press ahead for sizable reductions in the offensive nuclear arms of both countries and for discussion of the future role of defense. The Russians say they share this goal. We hope that they are serious and that they will join us in the search for equitable and verifiable agreements.

SWEDEN'S ATTEMPTS TO HELP EUROPEAN JEWS

Mr. PROXMIRE. Mr. President, one cannot discuss the Holocaust without questioning why so many nations of the world remained neutral or were slow to react to the systematic destruction of European Jews. To look back at that era it appears that the world failed to immediately recognize and act upon the moral imperative of helping the Jewish victims. To remain neutral in the fact of such horror implies an abdication of civilization's most basic responsibilities.

The complex political and social issues surrounding neutrality during the Holocaust is examined in a recent article in Scandinavian Studies. In "Sweden's Attempts to Aid Jews, 1939-1945," Steven Koblik describes the tightrope Sweden was walking in its effort to remain free from Nazi domination while at the same time addressing the slaughter of the Jews.

Sweden's actions were dictated by caution. At the beginning of World War II, Sweden was threatened by the growing aggressiveness of Nazi Germany and Stalin's Russia. As the war progressed, Sweden saw Norway and Denmark fall into Nazi hands. While caution remained an overriding factor in its foreign policy, Sweden gradually began assisting Jews in a humanitarian effort to save them from Nazi persecution.

Growing efforts to assist Jews paralleled Hitler's intensification of their persecution. The insidious efficiency which Hitler had reached in his ability to systematically exterminate Jews demanded more dramatic rescue efforts. The Swedish Government offered safety to Denmark's 8,000 Jews and took in Norwegian refugees who made it across the border; Swedish diplomat Raoul Wallenberg, working in Budapest, managed to save 10,000 Jews and is credited with aiding up to 40,000; the vice chairman of the Swedish Red Cross entered Germany near the end of the war and brought back thousands of Jews who were near death.

Like many countries during the chaos of World War II, Sweden found itself in a nightmare that threatened its sovereignty and challenged its ability to address the horros of the Holocaust. The unpredictability of the unfolding drama strapped the effectiveness of Sweden's response to the Holocaust. With our historical perspective, we should formulate an anticipatory international response to genocide that commits the world toward its prevention.

That is why, Mr. President, it is so essential that at a time when the Foreign Relations Committee has reported the Genocide Convention to the Senate for the sixth time in 35 years—and it was just reported. It is available now—the leadership of this body move to take up that Genocide Convention. I realize it would be a tough decision because it is a highly controversial treaty, although it has overwhelming support in this body, as indicated by recent votes. We have a commitment on the part of the Senate itself in a resolution passed at the end of the last session to take up the Genocide Treaty early in the 99th Congress. So I earnestly hope that our leadership will find a way to do that.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. PROXMIRE. Mr. President, I yield whatever time I have remaining to my good friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, let me inquire of the Chair how much time remains of the minority leader in morning business?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes remaining. Morning business has not yet begun.

Mr. RIEGLE. Of the time that was reserved by the minority leader previously, how much remains?

The PRESIDING OFFICER. Three minutes remains of that time.

Mr. RIEGLE. So the total would be 7. Four from the Senator from Wisconsin and 3 from the minority leader?

The PRESIDING OFFICER. Four minutes and 3 minutes do, indeed, equal 7, but there is an order that at 11 o'clock the Senate will go directly to the State Department authorization bill.

Mr. RIEGLE. Mr. President, the Senator from Michigan will speak quickly then.

RESPONDING TO THE INTERNATIONAL CHALLENGE

Mr. RIEGLE. Mr. President, press reports yesterday quote Lionel Olmer, outgoing Under Secretary of Commerce for International Trade, as having evidence that at least one Japanese company, Hitachi, is dumping semiconductors in the United States. Mr. Olmer appears to be in possession of documents which suggest a conscious, illegal intent for predatory pricing by the Japanese in the U.S. market.

I ask unanimous consent that following my remarks there be printed in the RECORD three related news articles on this matter from the Wall Street Journal and one from the New York Times.

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

(See Exhibit 1.)

Mr. RIEGLE. Mr. President, I have written to our Acting U.S. Trade Representative, Ambassador Michael Smith. I have requested that he immediately utilize every resource available to his office to mobilize and to coordinate U.S. actions to identify and to stop such dumping activities as may exist.

I ask unanimous consent that my letter to Mr. Smith also be printed in the RECORD following my remarks.

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

(See Exhibit 2.)

Mr. RIEGLE. Mr. President, the prima facie evidence of such conduct requires that the United States take action now. The burden of proof must lie with the Japanese to demonstrate that they are not cheating in their competition for American dollars.

The U.S. trade deficit with Japan, which reached an unprecedented world record of $19 billion in 1983, rose to a deficit of $37 billion last year and now seems destined to rise to near $50 billion in 1985. We export primarily raw materials and import increasing amounts of sophisticated manufactured goods. We cannot continue to struggle to compete under a different set of rules from the Japanese or any other foreign competitor.

As Lee Iacocca, the head of Chrysler Corp., said the other day, the United States is "getting whipped" by foreign competition. The American people have every right to get mad at the weak-kneed public policies which are costing us millions of jobs, and product markets and profits while squandering our enormous wealth and accumulating huge foreign debts. U.S. foreign borrowing to pay for this flood of imports from Japan and elsewhere, has caused us to now become a debtor nation for the first time since we emerged as a world power in 1914. Just 3 years ago we were the world's largest creditor. Well before election day next year we will be the world's largest debtor. Japan is now the world's major creditor, itself struggling to keep up with a long line of fiercely competitive national economies from South Korea to, eventually, China.

The unanimous findings and recommendations of the President's Commission on Industrial Competitiveness has recently emphasized the threat to U.S. world leadership and standard of living posed by these new realities. For the sake of America's economic security and our ability to continue to serve as the locomotive for world economic growth, we here in the Senate must be committed to winning in the new global economy. And we must be vigilant and forceful with timely response to incidents of unfair, market distorting practices by foreign concerns such as that occurring here in semiconductors.

I will report further to the Senate on this issue when I have received a response from Ambassador Smith.

EXHIBIT 1

[From the Wall Street Journal, June 5, 1985]

HITACHI LTD.'S PRICING FOR SEMICONDUCTORS PROMPTS PROTEST BY AMERICAN OFFICIALS

(By E.S. Browning and Stephen Kreider Yoder)

TOKYO.—Hitachi Ltd.'s go-for-broke strategy against U.S. and Japanese competitors in the multibillion-dollar semiconductor market is prompting U.S. officials to step up pressures against what they call predatory pricing.

Hitachi, in a memo to its distributors, urged them to beat all competitors' prices by 10% to expand their market share. While Hitachi said Tuesday the memo doesn't reflect company policy, the company's competitors said it accurately reflects recent experience in competing against Hitachi.

"Quote 10% below their price. If they requote, go 10% again. Don't quit till you win," reads the Hitachi memo.

A copy of the memo was handed to Japanese trade officials Tuesday night by outgoing U.S. Undersecretary of Commerce Lionel Olmer at a farewell dinner in his honor here. Mr. Olmer complained that Japanese price-slashing was of a predatory nature that could damage U.S. makers of semiconductors, which are the building blocks for many high-technology fields.

Japanese officials were shocked to receive the fresh complaints on the occasion of a private dinner they had held to wish Mr. Olmer well as he returns to private law practice in Washington. "It has never happened before," said one Japanese official. "Dinner is dinner. If they had wanted to present documents, they should have scheduled a meeting."

The dispute is important now because as U.S. makers acknowledge, Japanese makers already dominate the market for simple memory devices. Now, by cutting prices and marketing aggressively, the Japanese are challenging U.S. leadership in more sophisticated devices.

The Hitachi memo centered on one such product category: EPROM chips. EPROM is an acronym for erasable, programmable read-only memory. The document presented to the Japanese by U.S. officials calls for Hitachi's distributors to undercut the prices of the two leading U.S. EPROM makers, Intel Corp. and Advanced Micro Devices. It urges distributors to use the same tactics in competing with Fujitsu Ltd., another Japanese producer, and promises the distributors a 25% profit no matter what price they charge.

Hitachi said it "understands" the memo was drafted by a person in its U.S. semiconductor marketing department in San Jose, Calif. "After learning of the distribution of this memo outside the company, Hitachi America has taken steps to advise all of its distributors that the memorandum doesn't reflect company policy, wasn't approved by the company's management and should be disregarded," said Hiroshi Miyamoto, vice president and corporate secretary of Hitachi America Ltd., Tarrytown, N.Y.

Andrew S. Grove, president of Intel Corp., said the content of the memo accurately reflect Intel's experience in competing with Hitachi. "In little bits and pieces we've been living that story" as Hitachi EPROM prices have plummeted in a "freefall,' he said. Intel regards EPROM products as a mainstay of its business.

U.S. negotiators here said they are particularly worried about the EPROM products because they are useful for storing instructions in a wide variety of machines, from video games to personal computers. World-wide sales of the product, currently about evenly divided between Japanese and U.S. makers, total about $1.17 billion a year, according to Dataquest Inc., a market research concern.

The conflict is heating up now because the semiconductor business has hit a severe glut. With demand weak, the market is awash with excess production. But rather than cut back, Japanese makers are actually increasing their production capacity. Mr. Olmer said Japanese makers are aiming to build market share and crush U.S. competition during a period of weakness. He said prices for EPROMs have fallen 75% in the past year—much more rapidly, he said, than simple market forces would dictate.

U.S. AIDE PEGS TRADE GAP WITH JAPAN AT $50 BILLION

TOKYO—A senior U.S. Commerce Department official forecast the U.S. trade deficit with Japan would hit a record of about $50 billion this year, up from previous records of $37 billion last year and $19 billion in 1983.

"The trade deficit in 1985 is likely to approach, if not exceed, $50 billion," said Commerce Department Undersecretary Lionel Olmer in a speech here.

The forecast marks a sharp escalation in U.S. predictions on the size of the deficit. Last December, Mr. Olmer was saying that the 1985 deficit with Japan would surpass $36 billion. More recently, U.S. officials had inflated that estimate, and were talking

about more than $40 billion. U.S. officials say the expanded forecast is due partly to sharp increases in Japanese exports of automobiles and electronic goods.

Mr. Olmer said that half of the deficit could be blamed on the strong U.S. dollar, which makes U.S. goods more expensive abroad and foreign goods cheaper in the U.S. But a larger part of the deficit with Japan, he said, is due to difficulties U.S. companies have in gaining access to Japan's market.

MICROCHIP FIRMS IN UNITED STATES YIELDING A MAJOR MARKET

(By Michael W. Miller)

U.S. semiconductor makers are retreating from the largest segment of the world's microchip market: the circuits that store computer memory.

Faced with plunging prices and a glut of products from Japanese rivals, many U.S. companies are finding it no longer profitable to make basic memory chips. They are cutting back plans for this market and concentrating efforts on more advanced technologies, like microchips that process rather than store information, and other specialized chips. The Japanese also have begun taking aggressive price stances in those markets.

For U.S. producers, the category affected most is called dynamic random-access memory—the essential, no-frills device that last year generated an estimated $3 billion in revenue, or about 13% of all semiconductor sales. In the category's next product generation, the so-called 256K D-RAMs, Japanese makers are about a year ahead of the few U.S. companies still in the market. Some analysts predict the generation after that could be all Japanese.

ABDICATING MARKET

"It looks to me as if most U.S. semiconductor companies are abdicating from the dynamic RAM market," says John Lazlo, an analyst at Hambrecht & Quist, a San Francisco investment firm.

Last week, for instance, National Semiconductor Corp. disclosed that it has shelved its longtime plans to produce a 256K D-RAM chip, which stores 256,000 characters. After a year of making sample products, National Semiconductor said it won't produce the chip "until we can see the ability to make a profit with it."

Many other big U.S. chip makers say they won't do much more than tiptoe into the 256K D-RAM market. Intel Corp. and Advanced Micro Devices, for instance, say they'll make only specialized versions of the product in small quantities. Only Texas Instruments Inc. will offer serious competition in the next D-RAM markets, analysts predict.

U.S. semiconductor industry officials contend that moving away from cheap products like D-RAMS—a commodity that doesn't vary much from one maker to another—won't hamper their overall efforts to stay competitive. They say the shift will let them move ahead faster with the more advanced technologies.

BITTERNESS IN CONCEDING FIELD

But U.S. industry officials concede that churning out D-RAMs in high volume has always been a crucial way for them to develop and refine new manufacturing technology. Some express bitterness about conceding that or any big market to their archrivals in Japan.

"It's a very important sector of the semiconductor market, and the fact that the U.S. is not a competitive producer (in that market) is something we should be concerned about," argues Jack Carsten, a senior vice president of Intel Corp., Santa Clara, Calif. "Although the thing is considered a commodity, it's a very high-technology, strategic commodity."

The Japanese march into the memory-chip field has been striking. When the market for D-RAMs began blossoming about five years ago, the Japanese targeted the product as a top priority. By 1981, Japanese makers were grabbing two-thirds of the market for 64K D-RAMs, though their share has since dropped to about half, as U.S. companies hustled to catch up.

Meanwhile, analysts say, Japanese concerns have captured a year's lead on the next generation of D-RAMs, which store 256,000 characters. Such big Japanese electronics companies as NEC Corp., Fujitsu Ltd. and Hitachi Ltd. have reportedly been shipping three or four million of the 256K circuits monthly since early this year, and now hold about 90% of the world market for that circuit. In the U.S., only Texas Instruments is making the product in comparable quantities, analysts say.

For the product generation after that, a "megabit" D-RAM chip with a million characters of memory, the U.S.'s role will dwindle even further, industry professionals predict.

"The Japanese are further ahead on the megabit D-RAM than they ever have been" with previous such products, says Mr. Lazlo of Hambrecht & Quist. "I doubt if Americans are going to compete there," agrees Jack Beedle, an analyst at In-Stat Inc., a Scottsdale, Ariz., market research firm. "They're going to have to take a hard look at what's important: profit or market share."

Behind the U.S.'s retrenchment lies one of the electronics industry's most precipitous price collapses ever. Last year, for example, early versions of the 256,000-character chips cost between $25 and $50, though predictions were that the price would drop once those chips were being mass produced. "A lot of business plans were formulated then, based on estimates of an average selling price in the $10 to $15 range this year," recalls Mr. Beedle.

But massive stockpiling by over-confident chip customers changed that. By last fall, as customer inventories began becoming bloated, the price already was down to about $16. At the start of 1985, the parts were fetching about $8. Prices are still cheaper today: one Sunnyvale, Calif., grocery store is selling 256,000-character D-RAMs for $3.99.

Among the hardest hit victims of the current semiconductor slump have been those that specialize in D-RAMs, such as Micron Technology Inc. and United Technologies' Mostek unit. In February, Micron slashed its employment in half, dismissing about 625 employees. Mostek has dismissed 3,000 workers so far this year, paring its employment to 6,300.

[From the New York Times, June 5, 1985]

JAPANESE CHIP DUMPING CITED

(By Susan Chira)

TOKYO, June 4.—At least one Japanese company is "dumping" semiconductors in the United States market, a high-ranking American trade official charged today.

Lionel Olmer, Under Secretary of Commerce for International Trade, said he had evidence that one manufacturer, later identified as Hitachi Ltd., was cutting the price of a specialized type of memory chip below a level where the manufacturer could make a profit.

"By any reasonable standard, the manufacturer is not making any money, and that is dumping," Mr. Olmer said.

Under United States trade laws, adapted from a general provision in the General Agreement on Tariffs and Trade, it is illegal for a foreign company to sell products in the United States for below the cost of production if that selling injures American producers.

Mr. Olmer's charges appeared to support the claims of United States-based semiconductor makers, which have charged recently that Japanese electronics companies were taking big losses in their semiconductor operations in an effort to dominate the American market.

Mr. Olmer did not name a specific company today. But later, an aide held up a document indicating that Hitachi was the company involved.

Another source familiar with the issue provided a copy of what seemed to be the same document, on condition that he not be identified. The document appeared to be addressed to Hitachi distributors and salesmen, although it was without a company letterhead and could not be verified as genuine.

It was not immediately apparent how the Commerce Department had obtained the document, but it bore an imprint bearing the name "Intel Denver." The Intel Corporation, one of Hitachi's chief American competitors, has a sales office in Denver.

The document reads in part: "Win with the 10 percent rule. Find AMD and Intel sockets. Quote 10 percent below their price . . . If they requote, go 10 percent again . . . Don't quit til you win!"

AMD stands for Advanced Micro Devices, another American competitor of Hitachi. The memo does not provide proof of dumping because it is unclear what the profit margin is.

In an apparent reference to Hitachi distributors, who sell the company's chips to equipment manufacturers, the document also says, "25 percent disti profit margin guaranteed."

[In New York, Hitachi America Ltd. acknowledged that the memorandum had been sent to its distributors from the company's San Jose, Calif., office. But in a statement Hitachi insisted that "the memorandum does not reflect company policy, was not approved by the company's management, and should be disregarded." Intel officials expressed disbelief at Hitachi's statement, charging that the document disclosed a concerted, illegal effort to corner a key sector of the semiconductor market.]

The chips in question are called Erasable-Programmable Read Only Memories, or Eprom's. They are used to store programs commonly run on computer systems. Unlike other Read Only Memories, or Rom's, the program stored in an Eprom can be changed, Intel and Hitachi market interchangeable chips to users of Eprom's.

In a breakfast address today to Japanese politicians and business executives, Mr. Olmer said he was worried about rising trade frictions in the semiconductor market and Japanese trade practices. He said: "We are going to lay before MITI some evidence that the price of Eprom's has fallen far more precipitously than the normal curves in the last 15 years. The price has reached a point where by any reasonable standard the manufacturer is not making any money, and

that is dumping." MITI is Japan's Ministry of International Trade and Industry.

The source who provided a copy of the document also displayed a chart plotting the price of Eprom chips in the last year. Industry analysis, he said, believe that Eprom chip prices have fallen much faster in the past year than is usual for new semiconductor products.

For example, he said, a year ago Eprom's sold for about $20 apiece. Now, he said, Hitachi is offering them for $4.50 each. Normally, he said, they would sell for about $9. This analysis, as well as the document, led the United States to conclude that Hitachi has dropped the price too quickly to be making a profit, he said.

EXHIBIT 2

U.S. SENATE,
Washington, DC, June 5, 1985.

Hon. MICHAEL B. SMITH,
Acting U.S. Trade Representative,
Washington, DC.

MR. AMBASSADOR: Press reports today quote Lionel Olmer, outgoing Under Secretary of Commerce for International Trade, as having evidence that at least one Japanese company is dumping semiconductors in the United States. Mr. Olmer appears to be in possession of documents which suggests a conscious, illegal intent for predatory pricing by the Japanese in the U.S. market.

I ask that you immediately utilize every resource available to your office to mobilize and to coordinate U.S. actions to identify and to stop such dumping activities as may exist. The "prima-facie" evidence of such conduct requires that the U.S. take action now. The burden of proof must lie with the Japanese to demonstrate that they are not cheating in their competition for American dollars.

The United States trade deficit with Japan seems destined to rise to near $50 billion in 1985, with the U.S. exporting primarily raw materials and importing increasing amounts of sophisticated manufactured goods. We certainly cannot continue to compete in our own markets under a different set of rules from the Japanese.

Please keep me informed of your progress in this matter and feel free to contact me at any time I may be of assistance.

Sincerely,

DONALD W. RIEGLE, JR.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

D-DAY

Mr. DOLE. Mr. President, 41 years ago to this day, forces of the World War II Allies—American, British, Canadian, and French—set sail across the cold, dark waters of the English Channel toward the beaches of Normandy. Fourteen years earlier, the Nazis had defeated France, driving the Allies from the European Continent. The result of years of planning, the D-day invasion broke the Nazi stranglehold in Europe and led to the eventual defeat of the Axis. For Hitler and his reign of terror, June 6, 1944, marked the beginning of the end.

Approximately 130,000 troops landed at Normandy—57,300 were American. Another 15,000 American paratroopers preceded them on the night of June 5, securing bridges and access roads to Utah Beach which greatly contributed to the battle's victorious outcome. The Allies suffered over 10,000 casualties, with 6,000 Americans being killed or wounded. The United States stood proud of the role her soldiers played in the battle, even as she mourned her dead, knowing that her losses were necessary to bring about the Third Reich's fall.

Along the Normandy coast, half-submerged boats can still be seen jutting out of the English Channel: rusty rifles and helmets can still be found buried in the sandy beaches. All stand as chilling reminders of the awesome battle that raged four decades before. We will never forget the young GI's who fought and died for the noble cause of freedom, and never lose our resolve to prevent world war from ravaging the Earth again.

DRUG TESTING IN BASEBALL

Mrs. HAWKINS. Mr. President, late last year my subcommittee, Children, Family, Drugs and Alcoholism, conducted a hearing into sports and drug abuse. We heard much testimony from individuals in all parts of the world of sports, and came away very impressed at the desire and the ability of the world of athletics to police itself. According to recent articles in Newsweek magazine and the Washington Post, however, athletics is still plagued with the problems of illicit narcotics.

Both these articles were in reaction to the recent announcement of Baseball Commissioner Peter Ueberroth involving stepped-up drug testing. Commissioner Ueberroth, who had previously indicated his support for drug testing for major league players in the baseball leagues (though it remains strictly a voluntary procedure), has recently ordered all employees of the game he oversees to undergo drug testing. As the commissioner is quoted as saying: "My intention is to see to it that baseball rids itself of drugs."

Despite this obvious determination and forcefulness in solving the drug abuse problem, Mr. Ueberroth has managed to keep the emphasis on help rather than punishment. He remains hopeful that the Players' Association will eventually come around to concurring that baseball's voluntary drug program has proved insufficient. While the commissioner continually expresses confidence in his players, saying, "* * * the huge majority of players are just as clean as they can be," he is only too aware of how pervasive is the shadow of drug abuse in sports. So much so that drug use has become one of the first theories for every slump.

Commissioner Ueberroth made this announcement during a difficult time for baseball, as additional information emerges regarding cocaine use by certain members of the Kansas City Chiefs. It is expected that numerous drug offense indictments will be handed down soon by a Federal grand jury.

Numerous administration officials in baseball have expressed support for Mr. Ueberroth's efforts, and I would like to take this opportunity to do the same. I commend Commissioner Ueberroth for his concern, and his untiring work not only in behalf of his players, but also in behalf of the youthful fans who idolize and emulate their baseball heroes.

Mr. President, I ask unanimous consent that the Newsweek article, dated May 20, 1985, and entitled "Putting Baseball to the Test," and the Washington Post article, dated May 12, 1985, and entitled "Ueberroth Plan Poses Problems," be inserted in the RECORD.

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

[From Newsweek magazine, May 20, 1985]

PUTTING BASEBALL TO THE TEST

Everybody under Peter Ueberroth's power has been ordered to the specimen jar to prove that no one in baseball gets a kick from cocaine—with the possible exception of the players. By all reports, enough of them are using coke to interest grand juries and alarm the commissioner. But since drug testing of major leaguers, as negotiated by their union, is a largely voluntary matter, Ueberroth is cracking down on the bat boys, secretaries, office clerks, scouts, managers (Pete Rose included?), owners—and commissioners—in a gesture that is undeniably noble, probably futile and more than faintly Olympian. Sentimental waves that start in sport and extend to the country must be considered his specialty.

"My intention is to see to it that baseball rids itself of drugs," he says simply. "If, by example, we assist any other part of society because of our visibility, that's a secondary benefit. I'm not on some crusade." Keeping the emphasis on help rather than punishment, he is hopeful the Players Association will come around to concurring that baseball's voluntary drug program has proved insufficient, though early returns from the rank and file indicate that ballplayers are as loath as anyone else to swallow truth serum at the workplace. St. Louis Second Baseman and Player Representative Tom Herr says, "Part of me resents the fact that I could be subjected to testing," though he also admits, "another part of me says that maybe it's the only way to stop the abuse going on."

While Ueberroth believes that "the huge majority of players are just as clean as they can be," he knows that the shadow of drug abuse is so pervasive in athletics that it has become one of the first theories for every slump. "If I was a major league baseball player, I'd want to take the test," he says, "to remove any doubt. One minute three or four times a year would not be the end of the world." The role that cocaine played in the Tulane University basketball team's recent gambling scandal made an impres-

sion on Ueberroth. "We're not going to have a Tulane in baseball," he vows.

All the same, baseball is braced for a disgrace of its own, more trauma on the order of the cocaine-related jail terms served by four former Kansas City teammates last year. Whether players or their suppliers are the direct targets of the new investigation, reports that a federal grand jury in Pittsburgh is about to hand down several embarrassing indictments helped time Ueberroth's announcement last week. "Accelerated it," using his phrase. For four months, athletes as eminent as the Mets' Keith Hernandez, the Yankees' Dale Berra, the Orioles' Lee Lacy and the Expos' Tim Raines have been trooping to the witness stand in Pittsburgh, setting the city to whispering about drug sales transacted right in the clubhouse. If a player is implicated in any crime, immunity from prosecution may not protect him from the commissioner. The crowd of fans now staking out the moral high ground may thin out a little if the issue comes down to a home star forced to sit out the pennant race.

This season the National League champion San Diego Padres have lost Second Baseman Alan Wiggins to a drug-care unit for the second time in three years. His relapse was particularly pathetic because the Padres embraced Wiggins in the manner of a loving family standing by a troublesome son. They avoided being judgmental, and Owner Joan Kroc visited him at the detoxification center. "I will never give up on any human being as long as they are breathing," she says, but the club has suspended Wiggins for the rest of the season.

After his treatment settled a 1982 cocaine possession charge, Wiggins gave inspiring talks to youth groups for the San Diego police department. His unpolished delivery was so earnestly affecting that he was chosen to represent the Padres in one of 26 national antidrug television spots. In a badly timed news release, the announcement of his good work nearly coincided with the disclosure that he had slipped again.

If the particulars of Ueberroth's program have been worked out, the details have not been released. But owners and general managers are racing each other to be No. 1 in line. "I endorse it heavily," says Chicago Cubs General Manager Dallas Green; St. Louis Executive Fred Kuhlmann offers, "I would be the first to volunteer."

Since they are not members of the union, all minor leaguers will be compelled to take the tests, though cocaine is not a drug generally associated with smaller salaries. At that, urine sampling is common if not routine in the bush leagues already. The Hagerstown Suns, Baltimore's Class A farmhands, thought it hilarious that the commissioner's edict fell on the day of their regular checkup. "We'll standardize the tests, though," says Ueberroth, whose Olympic experience assures him that the results are dependable. Maybe, like helmets in hockey, the tests will become such a matter of course in the minors that they will hardly be noticed by the next generation. But Don Fehr, acting executive director of the union, seems to doubt it. Although there is space for amendment, he notes that in the year since labor and management have entered into their joint drug plan, no player requested to undergo testing has refused. "As far as we can tell, our agreement is working—not perfectly, but it's working."

Fehr has a keen and proper concern for the rights of men. "We don't want major league players treated any differently than anybody else in this country," he says. "We don't want them treated any better, but we certainly don't want them treated any worse." On the other hand, Ueberroth has a keen and proper concern for the heroic images of idols admired and emulated by youthful fans. Their game is endangered.

[From the Washington Post, May 12, 1985]

UEBERROTH PLAN POSES PROBLEMS

(By Christine Brennan)

His words were sharp. His message was clear. When Commissioner Peter Ueberroth this week told all employees of the game he rules, with the exception of major-league players, that they would have to take a drug test, he was speaking to a much greater audience than the world of baseball.

The wide world of sports listened. And reacted. Once again, sports and drugs collided in public. And this time, people who know both say they might have reached the watershed.

Sam Rutigliano, the former coach of the National Football League Cleveland Browns and the only man to set up a drug counseling and treatment group within an individual professional sports team, liked what Ueberroth said.

"It's a bold decision," he said. "He's causing a lot of people to do Fred Astaires. Shuffle their feet. If you want to clean the problem up, you have to go for the jugular vein."

Dr. Irving Dardik, the former chairman of the U.S. Olympic Committee's Sports Medicine Council and a man who has spent much of the last year dealing with blood doping, drug testing and steroids, agrees with Ueberroth—with reservations.

"I think you have to do something to test athletes," he said. "But it's going to take a lot more than testing to solve the problems. There are drugs you can't test for, there are questions of what's legal and what's not, and there are new drugs all the time."

And while Gene Upshaw, executive director of the NFL Players Association, disagreed with Ueberroth's "grandstand play," he acknowledged that it wasn't all that bad.

"We feel we have our (drug situation) under control," he said. "We do it internally, quietly, discreetly. We don't put a gun to someone's head. I'm not saying the problem is solved in the NFL. It's an on-going process."

Three of the four major sports leagues admit they have drug problems that must be dealt with. Baseball, the NFL and the National Basketball Association have extensive drug detection and rehabilitation programs; the National Hockey League has no written policy and helps players individually.

Just this week, in Sports Illustrated, Buffalo Bills nose tackle Fred Smerlas said 40 percent of NFL players use steroids. Others said it is as high as 90 percent.

What's more, the networks—the companies that hold the purse strings—wonder if there might not be some small correlation between declining TV ratings and the increasing news of drugs in sports.

"Yes, it does go through your mind," said Neal Pilson, executive vice president of CBS/Broadcast Group, which carries NBA games. "I have received some personal statements from people who would qualify as average fans that this has had an impact. It's totally incapable of objective analysis, but does it help television when a sport is identified with drug users and people are indicted for drug use? There is no conceivable way you can say yes."

Pilson pointed to an improvement in ratings for the network's NBA telecasts as an example. The ratings are up slightly over last season. "Over the last two to three years the NBA has improved its image," Pilson said. "The owners and players have a proper sense of the image of the league. Has that helped TV ratings increase? Yes, I think it has."

Ueberroth's announcement has, at least, made people think and speak up.

Rutigliano, for example, never will be remembered for his record in Cleveland. During his 6½ years there, his teams won 47 and lost 50. He was fired after the Browns began 1984 with a 1-7 record. Then, with the help of several former players and doctors, he established the "Inner Circle," a support group for Browns players who were involved with drugs, especially cocaine. In four years, eight players were "directly" involved, he said. "They stayed with the program and absolutely straightened out their life."

The names have been kept secret, except for running back Charles White, who blew his cover when he attended a rehabilitation clinic in California, Rutigliano said. There has been no retribution from owner Art Modell of the Browns, or from the league. Former players such as Calvin Hill, who helped Rutigliano with counseling, swear by it. Doctors sing its praises.

But no one else in pro sports has tried anything like it.

"Why did no one else do it?" Rutigliano mused. "It involves so much, so much time, so much effort."

"Had the Cleveland Browns gone on and won the Super Bowl, then it would have been in vogue."

Drugs still are a "problem" in the NFL, he said. "Too many people have their head in the sand, thinking it's going to go away," he said. "It's not going to go away."

The Browns administer two drug tests per week to those players in the Inner Circle, Rutigliano said. The NFLPA knew about this, he said. "The owner and the team agreed. We were not monitoring them because of distrust, but because they knew they had to stay clean."

"Drug addiction is the one illness in which the person who has it doesn't think he's sick."

Rutigliano's success might be directly related to the size of his group. Ueberroth plans to test more than 3,000 people. Dardik scoffs at the notion of testing so many people.

"In the Olympics (Ueberroth was president of the Los Angeles Olympic Organizing Committee), we tested medalists and did some spot-checking.

"But Ueberroth is not just testing at the World Series. He's testing everyone through the year, I guess. I agree with drug testing, but it's very technical, extremely expensive and extremely complicated."

Dr. Robert Forney is a toxicologist at the Medical College of Ohio in Toledo. Rutigliano made him a part of the Inner Circle, and even asked him to travel with the Browns to counsel and advise players during free time in the hotel. Once Rutigliano asked Forney to talk to his team about drugs in place of the usual pregame psyche-up speech against the Los Angeles Rams.

Forney said drug testing sometimes is not monitored closely enough. It's not uncommon for a player to substitute another player's urine sample for his own, he said, or to alter the sample with a substance that masks the presence of drugs.

"Urine testing, I believe, is coming," he said. "I think we'll see it during pre-employment in many fields, and also during employment. Right now, people say, 'No one else does it. Why should we?' I think we'll see that argument evaporating."

In pro sports, drug tests are set up primarily to detect cocaine. In June 1982, former NFL defensive lineman Don Reese, now a member of the U.S. Football League's Birmingham Stallions, coauthored a cover story in Sports Illustrated about his use of cocaine. "All else being equal," he wrote with John Underwood, "you line up 11 guys who don't use drugs against 11 who do—and the guys who don't will win every time.

"If you're a team on drugs, you'll never play up to your potential, at least not for more than a quarter or so. Then it's downhill fast. I've known times on the field when the whole situation blacked out on me. Plays I should have made easily I couldn't make at all. I was too strung out from the cocaine. It was like playing in a dream. I didn't think anybody else was out there."

Forney said athletes who use cocaine find some short-term positive effects.

"Drugs make you feel good, no question," he said. "They may keep you from feeling drowsy. They can control your appetite. These are emotional things, and ballplayers are emotional beings."

Said Hill, who often speaks and writes about the dangers of drug use: "It charges players up when they take cocaine. It's the drug that makes people feel like they want to feel."

Forney, who counsels several other pro sports teams, said an NFL quarterback once spoke with him about a receiver on his team. The receiver, Forney recalled, was using cocaine during games. "The quarterback told me he knew it was happening and could tell when it was happening. The guy was not getting to his assignment on time, he was dropping the ball. The quarterback said he had to hit him on the numbers or he would drop the ball."

The quarterback was fed up. "I don't care what he does with his own life," Forney remembered the quarterback saying, "but when he starts affecting me, that bothers me."

When the quarterback talked to the receiver about it, Forney said, the receiver's answer was, "I do better with cocaine."

"The biggest problem we have is the problem of denial," Forney said.

The receiver, Forney said, never received treatment and, to the best of his knowledge, is out of the league.

Rutigliano said he could spot cocaine users from practice habits and game films, once he got to know the symptoms of drug use. He also quickly found out that "drug dealers were following us in the next plane that took off behind us, that they had reservations at our hotel."

The problem still gnaws at Rutigliano today. "I don't know what the answer is, but it is not sitting in an office in New York saying it will go away," he said. "There is no question it eventually will hurt the game."

Hill agrees. "I don't see anybody else working as hard as we are," he said of the Inner Circle. "And we're just keeping our heads above water."

LEAGUE DRUG POLICIES

NHL: The only league of the big four that has no written policy, the NHL does not require its players to be tested for drug usage. Urinalysis, a standard procedure in training camp physicals, is considered a "normal medical procedure," not a test for drugs, said John Halligan, NHL director of communications. If a player is caught with drugs, he is suspended.

NBA: For the last two seasons, the NBA has had a relatively strict policy. If a player asks, he will be provided counseling and medical assistance from the Life Extension Institute. The team pays the player's bills and the player stays on the payroll. A second voluntary request for treatment requires the player to be suspended without pay. Upon a third request, the player is permanently dismissed from the league. Until the point of dismissal, the player remains anonymous. Urinalysis for drug testing occurs only when an "independent expert," hired by the league, determines there is "probable cause." A player may be spot-tested four times within a six-week period; one positive test and he is kicked out of the league, according to the NBA's public relations office. There also is a league hotline for players and their families.

NFL: In the players' collective bargaining agreement, drug tests are allowed once during the preseason physical and once during the season, under the "probable cause" umbrella. There is no spot-checking, said Gene Upshaw, executive director of the players association. If players need rehabilitation or counseling, they may go to the Hazeldon treatment center in Center City, Minn., where confidentiality is assured.

Major league baseball: Major league players are the only employes of the game not under a plan to be tested, but that could change, pending contract negotiations. According to a plan adopted last summer, a team that suspects a player of drug involvement may ask him to undergo testing. If the player refuses, evidence must be submitted to a three-member review council, picked by a committee of owners and players. If the council recommends that the player be tested or treated and the player still refuses, he is subject to disciplinary action. Baseball owners adopted a plan for players who abuse drugs, not including marijuana, alcohol and amphetamines. A player who asks for time away for treatment receives his salary for the first 30 days and half pay for the next 30 days. After that, the club may release him.

AMERICAN GAS ASSOCIATION

Mrs. HAWKINS. Mr. President, on April 3 of this year, I joined the American Gas Association in announcing the National Child Watch Campaign. The AGA, in conjunction with the National Child Safety Council and the National Center on Missing and Exploited Children, has organized a nationwide campaign to help locate missing children. The National Child Watch Campaign offers gas and utility companies throughout the United States the opportunity to place flyers of stranger abducted children in their monthly mailings and participate in additional prevention, safety, and education efforts. George Lawrence, president of the American Gas Association, recently informed me that since the formation of the child watch campaign, 90 of their member companies and 102 utilities in 40 States have joined in the search for missing children.

Mr. President, I ask unanimous consent that a list of the participating utilities and an article on the child watch campaign that was printed in the May 1985 edition of AGA Monthly be printed in the RECORD as if read.

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

NATIONAL CHILD WATCH CAMPAIGN

Ann Gotlib, 13, and Mitchell Owens, 8, were kidnapped by strangers for reasons other than ransom, and they are likely to be hundreds, even thousands, of miles from their homes and families. You can play a major role in finding them.

A.G.A., in partnership with the National Center for Missing and Exploited Children and the National Child Safety Council, is organizing a nationwide campaign to help solve the tragedy of "missing" children—a grim problem that besets all areas served by the natural gas industry. This effort, called the "National Child Watch Campaign," offers gas companies throughout the United States the opportunity to unite efforts to help find some of these abducted children and help prevent future abductions. Through Child Watch, A.G.A. and its member companies can develop a national public information and education campaign directed at the more than 50 million households and many communities served by the gas industry.

The timely program is being implemented this month, just after National Child Safety Week and National Consumers Week.

The program's name is a takeoff on the "Neighborhood Watch" concept. As the name implies, the campaign will alert the public to watch out for missing children—to help reduce abductions by educating the public about ways to protect children and by reminding potential abductors that "we are watching!"

The National Child Safety Council, which operates the highly publicized and successful national program using milk cartons to advertise missing children, approached A.G.A. with the idea for the Child Watch campaign. Because gas utilities have regular access to millions of people, the Council believes that the gas industry is uniquely qualified to conduct this type of program on a national level.

A nonprofit, charitable organization, the Child Safety Council works closely with the government-funded National Center for Missing and Exploited Children, located in Washington, D.C., and the U.S. Department of Justice. As the oldest national child safety organization, the Council was the first to address the issue of missing and abducted children, some 30 years ago. In addition to its milk-carton campaign carried out in grocery stores nationwide, the Council also developed the "Safetypup" campaign, in which ½-pint-size milk cartons distributed to schools tell children about the potential for abduction and how to prevent it.

The National Center for Missing and Exploited Children is a national clearinghouse for information on the estimated 1.5 million children reported missing each year. The Center was established last year in a nationwide effort to protect children and to provide direct assistance in handling cases of child molestation, child pornography and child prostitution.

While local-level campaigns for missing children certainly are helpful, John B. Rabun Jr., deputy director for the National

Center, points out that children who are abducted by strangers are *almost never* located in their own communities.

"One should remember that the sightings of these children will normally *not* occur in the child's home locale," Rabun says. "Therefore, it is imperative that careful attention be given to the ability to receive information nationally and to professionally channel all of that information to the law enforcement agency having jurisdiction."

During last year's NBC television special on missing children, "Adam," a roll call of 51 abducted children was shown to viewers. Since the program aired last April 30, 18 of those children—35 percent—have been found. *Not one child was found in the state in which he or she was abducted.*

The gas industry's National Child Watch Campaign has two goals: to help locate, on a national level, missing children abducted by strangers and to help reduce the number of abductions through increased public awareness, public education and the determent of potential abductors. Many A.G.A. members have already decided to become involved in the nationwide effort to locate missing children.

"The idea is . . . useful, necessary and a very creative addition to the other methodologies already being employed," Rabun says.

Initially, Child Watch will focus on locating criminally abducted children by advertising photos and information about missing children on bill inserts, counter cards and poster. Once the program is off the ground, the public education and community service functions will be implemented. A.G.A. will coordinated the Child Watch campaign at the national level, and work directly with the National Child Safety Council and the National Center for Missing and Exploited Children. The Association will act as a clearinghouse for the various programs enacted by A.G.A. member companies, and serve as a conduit in providing resource materials to member companies.

Photos of, information about, missing children will be selected and provided by the National Center, in cooperation with the Justice Department. On a monthy basis, the Center will provided A.G.A. with photographs and background information on two children who have been abducted by strangers. If specifically requested, the Center will offer a third photograph, along with background information, for distribution to companies that wish to campaign for a child missing from their service territory or state—if such photo is available.

Ann Gotlib and Michell Owens were selected by the Center as the first two children on which gas industry efforts will focus.

Thirteen-year-old Ann was reported missing on June 1, 1983. She disappeared that day from a shopping mall in Louisville, Ky., while traveling to her home. Her bicycle was found leaning against a brick pillar at the shopping mall. Fair-skinned and freckled, Ann speaks Russian and English fluently.

Mitchell Owens, 8 years old, is from Menlo Park, Calif. Reported missing on Feb. 3, 1983, Mitchell's identifying features are a scar on the upper part of his nose and a surgical scar on one of his left ribs.

The Center will work closely with A.G.A. and the Child Safety Council in the development of educational information and materials that could be used by companies in their educational efforts. In addition, the 90 safety counselors employed by the Child Safety Council, and at work in all states but Alaska and Hawaii, can assist companies with educational activities.

The Child Watch campaign was announced publicly at a national press conference held in Washington, D.C., in early April.

First Lady Nancy Reagan, who will serve as campaign honorary chairperson, praised the program in a letter released at the press conference. "I'm pleased to be part of the National Child Watch Campaign," she said. "The groups which are combining their efforts . . . are to be applauded. Each of us can join their nationwide campaign to find those children already missing and prevent others from being abducted."

Sen. Paula Hawkins (R-Fla.) said the campaign was a "breakthrough in efforts to solve the national nightmare of missing children."

A.G.A. President George H. Lawrence noted that local gas utilities in over 40 states serving about 30 million households already had signed up for the program, and that he expected additional utilities to join the effort.

The ultimate success of the Child Watch campaign will be measured by the level of participation by A.G.A. member companies. Participation can range from the use of mail inserts with gas bills to in-school educational campaigns. For information on how you can help, call A.G.A.'s Wendy James or Steve Kussmann at 703/841-8668.

NATIONAL CHILD WATCH CAMPAIGN PARTICIPANTS

Company and City

[*Not member of A.G.A.]

Adams Electric Co-op., Inc.,* Gettysburg, PA.
Alabama Gas Corp., Birmingham, AL.
American General Life and Accident Insurance Co.,* Nashville, TN.
American Water Works Svc. Co.,* Belleville, IL.
Arkansas Western Gas Co., Fayetteville, AR.
Arkla, Inc., Shreveport, LA.
Atlanta Gas Light Co., Atlanta, GA.
Baltimore Gas & Electric Co., Baltimore, MD.
Bank of Boston,* Boston, MA.
Battle Creek Gas Co., Battle Creek, MI.
Baystate Gas Co., Brockton, MA.
The Berkshire Gas Co., Pittsfield, MA.
Boston Gas Co., Boston, MA.
The Brooklyn Union Gas Co., Brooklyn, NY.
Cascade Natural Gas Corp., Seattle, WA.
Central Florida Gas Corp., Winter Haven, FL.
Central Hudson Gas & Electric Corp., Poughkeepsie, NY.
Chesapeake Utilities Corp., Salisbury, MD, Dover, DE.
Citizens Gas & Coke Utility, Indianapolis, IN.
Citizens Gas Fuel Co., Adrian, MI.
Clearwater Power Co.,* Lewiston, ID.
Columbia Gas Distribution Cos. (Columbia Gas of Kentucky, Columbia Gas of Maryland, Columbia Gas of New York, Columbia Gas of Ohio, Columbia Gas of Pennsylvania, Columbia Gas of Virginia, and Columbia Gas of West Virginia), Columbus, OH.
Commonwealth Gas Co., South Borough, MA.
Concord Natural Gas Corp., Concord, NH.
Connecticut Natural Gas Corp., Hartford, CT.
Consolidated Edison Co. of New York, Inc., New York, NY.
Consumers Power Co.,* Jackson, MI.
Bill Danhausen* Gas Industries Magazine, Rosemount, IL.
The East Ohio Gas Co., Cleveland, OH.
Eastern Shore Gas Co.,* Ocean City, MD.
El Paso Natural Gas Co., El Paso, TX.
Elizabethtown Gas Co., Elizabeth, NJ.
Enstar Natural Gas Co., Anchorage, AK.
Entex, Inc., Houston, TX.
Equitable Gas Co., Pittsburgh, PA.
Essex County Gas Co., Amesbury, MA.
Fitchburg Gas & Electric Light Co., Fitchburg, MA.
Gainesville Gas Co., Gainesville, FL.
Gas Co. of New Mexcio, Albuquerque, NM.
Great Falls Gas Co., Great Falls, MT.
Great River Gas Co., Keokuk, IA.
Greeley Gas Co., Denver, CO.
Hoosier Gas Corp., Vincennes, IN.
Hope Gas Inc., Clarksburg, WV.
Indiana Natural Gas Corp., Paoli, IN.
Inland Power and Light Co.,* Spokane, WA.
Jordan, Jones & Associates,* Sacramento, CA.
The Kansas Power & Light Co., Topeka, KS.
KN Energy, Inc., Hastings, NB.
Knoxville Utilities Board, Knoxville, TN.
KPL Gas Service, Kansas City, MO.
Lloyd Mansfied Co., Inc.,* Buffalo, NY.
Lone Star Gas Co., Dallas, TX.
Louisville Gas & Electric Co.,* Louisville, KY.
Louisiana Gas Service Co.,* Harvey, LA.
Michigan Gas Utilities Co., Monroe, MI.
Minnegasco, Minneapolis, MN.
Mississippi Valley Gas Co., Jackson, MS.
Montana-Dakota Utilities Co., Bismarck, ND.
Mountain Fuel Supply Co., Salt Lake City, UT.
Nashville Gas Co., Nashville, TN.
National Fuel Gas Corp., Buffalo, NY.
New England Electric Co.,* West Borough, MA.
Niagara Mohawk Power Corp., Syracuse, NY.
New Jersey Natural Gas Co., Wall, NJ.
North Carolina Natural Gas Corp., Fayetteville, NC.
North Central Public Service Co., St. Paul, MN.
North Penn Gas Company, Port Allegany, PA.
Notheast Utilities (West Mass. Electric Co. & Conn. Light & Power), Hartford, CT.
Northern Illinois Gas Co., Aurora, IL.
Northern Indiana Public Service Co., Hammond, IN.
Northern Utilities, Inc., Portland, ME.
Northwest Natural Gas Co., Portland, OR.
Northwest Orient Airlines,* Coral Gables, FL.
Ohio Gas Co., Bryan, OH.
Oklahoma Natural Gas Co., Tulsa, OK.
Omaha Public Power District,* Omaha, NB.
Oral Health Products, Inc.,* Tulsa, OK.
Oxford Natural Gas Co.,* Oxford, OH.
Pacific Gas and Electric Co., San Francisco, CA.
Pacific Resources, Inc., Honolulu, HI.
Pennsylvania Gas and Water Co., Wilkes-Barre, PA.
Peoples Electric Co-op.,* Ada, OK.
Peoples Energy Corp. (Peoples Gas Light & Coke Co. and North Shore Gas Co.), Chicago, IL.
Peoples Gas System, Inc., Tampa, FL.
Peoples Natural Gas Co., Council Bluffs, IA.

The Peoples Natural Gas Co., Pittsburgh, PA.
Peoples Natural Gas Company of South Carolina, Florence, SC.
Philadelphia Gas Works, Philadelphia, PA.
Piedmont Natural Gas Co., Inc., Charlotte, NC.
Potomac Electric Power Co.,* Washington, DC.
The Providence Gas Co., Providence, RI.
Public Service Electric & Gas Co., Newark, NJ.
Public Service Co. of Colorado, Denver, CO.
Public Service Co. of Indiana,* Plainfield, IN.
Public Service Co. of North Carolina, Inc., Gastonia, NC.
Public Service of New Hampshire,* Manchester, NH.
Roanoke Gas Co., Roanoke, VA.
San Diego Gas & Electric Co., San Diego, CA.
Southern California Gas Co., Los Angeles, CA.
Southern Gas Co.,* Sarasota, FL.
Southern Union Co., Dallas, TX.
Southwest Gas Corp., Las Vegas, NV.
Suffolk Cty. Water Authority, Oakdale, NY.
Suffolk Gas Corp., Suffolk, VA.
Union Warren Savings Bank,* Boston, MA.
United Cities Gas Co., Nashville, TN.
Valley Cities Gas Service, Sayre, PA.
Valley Resources, Inc., Cumberland, RI.
Virginia Natural Gas, Norfolk, VA.
Washington Natural Gas Co., Seattle, WA.
West Ohio Gas Co., Lima, OH.
Western Kentucky Gas Co., Owensboro, KY.
Westmoreland, Larson & Hill (City of Duluth Water and Gas Department, Superior Water, Light and Power Co., and Intercity Gas Corp.), Duluth, MN.
Westover Bank,* Westover, WV.
Wisconsin Fuel and Light Co., Wausau, WI.
Wisconsin Gas Co., Milwaukee, WI.
Wisconsin Power and Light Co., Madison, WI.

BRIGITTE GERNEY—A COURAGEOUS WOMAN

Mr. KENNEDY. Mr. President, all of America learned something about courage last week when a woman of immense faith endured 6 hours of entrapment beneath a 35-ton crane that brought her face to face with death. But life and courage prevailed in a drama that was witnessed by millions of Americans whose hearts and hopes went out to Brigitte Gerney.

Just as there likely can be no better mirror of genuine courage, there also can be no better example of how human beings, even in our Nation's largest and fastest-moving city, reach out to comfort and help one another in time of need.

New York City came to a standstill, clearing its highways, readying its medical facilities, and saying its prayers for a woman to whom tragedy in life was already no stranger.

Just as her individual courage and faith in God have carried her through illness and deaths of the past, those strengths prevailed again. This time, a nation watched and a nation prayed with her.

The policemen who comforted her, the rescue workers who freed her, the medical personnel who attended her—all men and women of courage and duty—were bound together as inextricably as men and women can be bound: By the courage of a woman who would not surrender, who would not lose faith.

From what we learned from Brigitte Gerney and from those who spent those hours with her, we are a better people. It must be the Nation's hope that the tragic lesson of her experience will remain burned in our collective conscience so we never forget the need to shepherd and care for our fellow human beings, be they on the streets of Manhattan, the Borough of Brooklyn, or the deserts of Africa. Brigitte Gerney taught us once again that, indeed, we are the world.

DON WILLEN, LEGISLATIVE FELLOW

Mr. HECHT. Mr. President, I want to take a few minutes to commend Don Willen, a "legislative fellow" from the Department of the Interior, for his fine work as a member of my staff for the last 5 months.

Don's professional background is in natural resources, and his expertise in this field has proven invaluable to me during the development of the Nevada Wilderness Act and in doing research on other natural resource and related budget issues. His advice and recommendations were always thorough and complete.

Certainly the most concrete accomplishment of Don's fellowship has been the Nevada Wilderness Act. As you know, Nevada was one of the last Western States to introduce wilderness legislation, and Don played a very significant role in drafting some of the technical provisions and the floor statement. He also assisted in doing some preliminary research work for amending the Geothermal Steam Act which I intend to introduce in the near future.

Don's expertise was also valuable in the handling of constituent requests and issues. We all know how important constituent service is, but it takes a special kind of person to really get the job done well, making the necessary phone calls and doing extra research. Don did an outstanding job to assure that responses were accurate and timely. In all these duties, Don will be a hard man to replace.

Lastly, I want to commend Don on recently completing 26 years of service as a Federal employee. All of us in Congress take a certain pride in knowing that we are performing a service for our country and Don is no exception. We are fortunate to have people like Don in the Federal Government. He is a true professional in every sense of the word, and I salute him for his 26 years of loyal, dedicated service. I also commend the Department of the Interior for making this program available to such outstanding employees like Don.

Although Don has shared his valuable and unique expertise in natural resources with my office, he will also take away a new knowledge of the complexities, and very often the frustrations, of enacting legislation. I am sorry to see him leave, but I wish him success in his continuing Federal service to our country.

THE HENRY LIU MURDER

Mr. DENTON. Mr. President, on October 15, 1984, Henry Liu, a U.S. citizen of Chinese descent, was murdered at his home in Daly City, CA, by two members of a Chinese criminal syndicate called the Chu-lien Gang, or Bamboo Union Gang.

Liu, a frequent critic of President Chiang Ching-Kuo, had written a biography critical of the president although, by arrangement with Taiwan, some of the most critical portions had been deleted prior to publication.

Evidence subsequently developed by law enforcement authorities here and in Taiwan showed Henry Liu to be a paid agent of the Republic of China Intelligence Bureau as well as an agent of the intelligence service of the People's Republic of China.

Moreover, while Henry Liu was on both of these payrolls, he was, apparently without the knowledge of either agency, working for the Federal Bureau of Investigation as a paid informant. The FBI was at the time unaware of his other intelligence associations.

After the murder, law enforcement authorities in the Republic of China moved swiftly to apprehend the perpetrators, including Admiral Wong Hsi-ling, director of the defense intelligence Bureau, Maj. Gen. Hu Yi-min, his deputy, and Col. Chen Hu-men, deputy chief of the bureau's third department. With the exception of Tung Kui-sen, one of the murderers who is at present a fugitive from justice, all of the conspirators have been brought to justice after public trials and, importantly, all the convictions have been sustained after review by the appellate courts.

Mr. President, I would like to believe that fair minded people would conclude, after examining the facts in this case, that justice has been done. It seems, however, that this may not be so. Our colleagues in the House and some of our colleagues in this body seem determined to pass a resolution calling for the extradition of the con-

victed felons now incarcerated in Taiwan.

Mr. President, there is no extradition treaty between the United States and Taiwan, and therefore no basis for extradition. In fact, the act which the resolution demands of that government is contrary to its law.

Further, the State of California would not permit the trial in that State of those convicted in Taiwan for the identical offense, as this would constitute double jeopardy under California law. Theoretically under U.S. Federal law, a bank robber can be tried for the Federal crime of bank robbery even if convicted of the crime of bank robbery under State law. However, as a matter of policy, and I might add in my view quite properly, the Department of Justice does not seek to do so and such second prosecutions are not authorized. I do not believe it would be appropriate to change that policy in this case.

Mr. President, the June 5 issue of the Washington Times contains an editorial which I believe sums up the situation quite succinctly. I ask unanimous consent that it be placed in the RECORD following my remarks, and I urge my colleagues to read it.

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

THE HENRY LIU MURDER

Here we go again. Following the murder in California of Henry Liu, a Chinese-American writer hostile to the government in Taipei, the wheels of Chinese justice began to turn—began to turn, it must be conceded, somewhat more speedily than is generally the case in this country.

Mr. Liu was shot dead in his home last Oct. 15. By April of this year two Chinese thugs, members of the infamous Chulien gang, had been convicted in Taiwan and sentenced to life imprisonment. Two weeks later, Vice Admiral Wang Hsi-ling, 58-year-old head of Taiwan government's Military Intelligence Bureau was convicted of instigating the crime. He likewise was sentenced to life imprisonment. Two of his deputies, accessories to the crime, were sentenced to 2½ years in prison.

But that is not the end of the story. The U.S. House of Representatives is now asking that these criminals be extradited to this country, and a similarly dumb resolution is expected to pass the Senate. All this despite the fact that (a) due process already has been exhausted and (b) the United States has no extradition treaty with the Republic of China.

It makes no sense. The State Department from the beginning has discounted the possibility that higher-ups in the Taiwan government were involved in the Liu killing. It also acknowledges that Taiwan authorities cooperated fully in the murder investigation. Most significant of all, the criminals have been brought to trial publicly, promptly, and in accordance with the law, and have been sentenced—three of them to terms of life behind bars. So why all the fuss?

In the People's Republic of China thousands perhaps hundreds of thousands, are imprisoned without due process. One entire province, Qinghai, is a virtual slave labor camp. The total number of deaths arising out of the political orgies to which Communist governments are so susceptible approaches 100 million. And not a peep out of Congress. If you get the feeling that all the hoopla over the Liu killing is largely ideological, move to the head of the class.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 1003, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 1003) to authorize appropriations for the Department of State, the United States Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes, for fiscal years 1986 and 1987.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut [Mr. DODD] is now recognized.

Mr. DODD. 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. LUGAR. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that I may deliver a short introductory statement prior to commencement of the debate on the Dodd amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LUGAR. Mr. President, we begin today our consideration of the Foreign Relations Authorization Act for fiscal years 1986 and 1987. The bill authorizes appropriations for the State Department, the U.S. Information Agency, Radio Free Europe, Radio Liberty, and the National Endowment for Democracy.

We bring this bill to the floor in the same spirit with which we brought the foreign assistance bill before the Senate. It is, first, a spirit of bipartisanship: both the majority and the minority made compromises in order to bring to the floor a bill we jointly support. We may sometimes have different judgments about what our national security requires. But national security must not become an object of partisan passion.

It is, second, a spirit of fiscal restraint. Government must continue to eliminate the unnecessary and the extravagant. Agencies and departments must learn to do more with what they already have. They must become leaner, trimmer, and less bureaucratically cumbersome—they will be better for it.

It is, finally, a spirit of defense of national security. The agencies authorized in this bill do not procure weapons or train forces. But they formulate policy and explain it, gather information, promote democratic institutions, and secure American interests. It is naive to think that diplomacy is sufficient and that force and the threat of force are unnecessary. But the quiet and thoughtful management of our everyday affairs helps us to keep a peaceful world. Essentially, the bill before us authorizes appropriations for the conduct of our basic diplomatic relations.

Mr. President, S. 1003 was reported by the committee in the spirit I have discussed. Section 1 authorizes appropriations for the State Department. It does so in four categories: $1,874 million in 1986 for the administration of Foreign Affairs; $534 million for international organizations; $26.2 million for international commissions; and $355 million for several other activities, the chief of which is migration and refugee assistance.

In arriving at these figures the committee began from a simple premise: to start from 1985's original appropriation with the intention of freezing at this level unless there was strong justification for exceeding it.

The result of our deliberations is a budget for State Department activities that is $108 million below the total 1985 appropriations, including supplementals. This total is also $120 million below the level authorized by House bill 2068—including permanent authorities, even though the House total is described as a freeze by its managers.

The total we are recommending is, however, above 1985's original appropriations. The reason is simply that much of the supplemental appropriation voted after the tragedy in Lebanon to help secure our Embassies and the lives within them in fact involves recurring costs. These costs are now part of the base. We have identified these security costs and earmarked them in the bill. We thus have a total that provides the means for adequate security, at the same time that it allows our foreign relations to be conducted and our work in international organizations and refugee assistance to continue. Again—it is a total well below what the administration requested and what the House voted. But it is an amount adequate to our needs.

This bill contains a 2-year authorization. For the State Department for

1987, we authorized the same amount as in 1986. This results in a $198 million cut from the administration's request and a figure $209 million below the House's recommendation. We will consider a supplemental if it is necessary—but we will require clear and convincing evidence. By authorizing no 1987 increase the committee hopes to make clear that fiscal restraint cannot end in 1986, but must become a habit of good Government. A freeze in 1987 will send a clear signal that this Senate means what it says about long-term fiscal restraint.

It is particularly useful to point out that for the international organizations account, our 1987 figure is $534 million, 11.5 percent below the administration's request and just $14 million above the figure the House attained after an amendment mandating a 15 percent cut.

S. 1003 also authorizes—in sections 2 and 3—appropriations for the U.S. Information Agency and for the Board for International Broadcasting—the parent body for Radio Free Europe and Radio Liberty. We approached these budgets also in the spirit of economy: let us start with the 1985 appropriation and see if there is any reason to add to it. The result once more is a substantial cut from both the administration's request and the House's freeze level. The amount we are authorizing enables these agencies to help deliver news, explain American policy, and introduce others to the American way of life. It permits them to serve the cause of freedom by presenting the truth. But it does so within our fiscal limits.

For USIA, we added to the freeze level a small amount for an enhanced book program and a portion of the money necessary for Voice of America modernization. These are essentially capital expenditures, necessary if our country's voice is to be heard at all. In addition, following Senator PELL's 1982 amendment, we increased the exchange program—but, with his generous support, by only half of what would have been required. The overall result for USIA is a figure of $835 million, 14-percent below the administration request of $973 million, and 9-percent below the House figure. For 1987 we again froze at 1986 levels, with only one exception—a $10 million increase to meet the Pell requirement. the $845 million in our bill is 27-percent below the administration's request.

For Radio Free Europe and Radio Liberty we authorized $137 million, $5 million below the administration request. Again, we froze salaries and expenses, adding to this the funding required this year and next for modernization of transmitters. Without modernization the radios cannot be heard clearly, and if they cannot be heard clearly other expenses on them are unjustified.

Mr. President, S. 1003 also contains several other sections that are worth mentioning. It authorizes continued funding for the Asia Foundation and for the National Endowment for Democracy. It makes improvements in international narcotics control, in our refugee program, and in the training of our diplomats. It creates a framework for an undergraduate scholarship program. It is, I believe, a bill which authorizes a sound structure for the conduct of foreign affairs, in a fiscally prudent manner. It has the bipartisan support of our committee, and we urge its adoption by the full Senate.

Mr. President, the foreign relations authorization bill is an occasion to consider not only the management but also the direction of our foreign affairs. Before we begin the detailed discussion of other amendments to the bill we will turn to the various amendments on Nicaragua outlined, along with time limits, in the unanimous-consent agreement.

Mr. President, as Members know a unanimous-consent agreement has been entered into in order that full debate might occur on Nicaragua, and many Senators will want to address our foreign policy considerations with regard to that country.

Following those amendments, I understand that it is the intent of the leadership to proceed to discuss all other relevant amendments to the measure before us and to complete action today. I believe that all of us welcome that challenge and that opportunity.

There are provisions for specific time allotted to the sponsors of amendments under the unanimous-consent agreement. I know that each sponsor of an amendment will want a full hearing, and each is entitled to a full hearing. This is important business, and the arguments should be made part of the RECORD.

For my part, I will attempt to limit debate on our side substantially, so that the time now allotted to the Nicaraguan debate might be curtailed. This will not be meant to demean anyone's amendment, but simply to push us toward completion of the entire authorization bill today.

Mr. President, I suggest that Members might wish to listen in their offices, if they are not on the floor, to the initial debate on the amendment that is to be offered by the distinguished Senator from Connecticut. He has been a careful student of the issues involved, as have Mr. KENNEDY, Mr. HART, and Mr. BIDEN.

In the event that any Senator should not wish to offer an amendment already provided for, I would like to have some notice—and I am certain that Senator PELL would join in this—of what we might expect, in order that we can schedule the affairs of the day and expedite business for all Members.

Mr. President, I ask my distinguished colleague, Senator PELL, if he has any opening thoughts, preliminary to the amendment to be offered by Senator DODD.

Mr. PELL. I thank the chairman.

Mr. President, today the Senate will begin its consideration of S. 1003, a bill authorizing appropriations for the Department of State, the U.S. Information Agency and the Board for International Broadcasting for fiscal years 1986 and 1987.

The total amounts authorized by this legislation are $3.76 billion for fiscal year 1986 and $3.77 billion for fiscal year 1987. These figures are over $251 million below the administration's fiscal year 1986 request and $311 million below the fiscal year 1987 request. Despite these substantial reductions, it is the belief of the committee that this bill will provide the U.S. foreign policy and information agencies with the resources necessary to carry out their diverse and important mandates.

The bulk of the funding authorized by this legislation—over $2.7 billion in fiscal year 1986 and fiscal year 1987—is contained in title I. This money will be used to fund the operations of the State Department, pay the U.S. share of the assessed contributions to the United Nations and 43 other international organizations, finance the U.S. participation in 16 international boundary and fishery commissions, and pay for the U.S. Migration and Refugee Assistance Program.

S. 1003 also contains in titles II, III, and IV the funding for the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy. The committee mark for USIA in fiscal year 1986 is $835.6 million, an increase of $39.7 million over the fiscal year 1985 appropriation level but a decrease of $138 million below the administration's fiscal year 1986 request. The committee approved most of the administration's request to modernize the badly outdated Voice of America facilities.

Earmarked in the bill for fiscal year 1986 is the USIA's Fulbright, Humphrey and International Visitor Programs. This earmark represents an increase of $15 million over the fiscal year 1985 levels but falls short of the congressional mandate embodied in the 1983 Pell amendment, that these programs be doubled over the fiscal year 1982 levels by fiscal year 1986. However, the fiscal year 1987 request will meet the requirement of my amendment.

The Board for International Broadcasting authorization of $137 million for fiscal year 1986 will fund the ongoing operations of Radio Free Europe

and Radio Liberty as well as provide needed resources for modernization of the radios' facilities. This bill also includes an amendment I authored, to include the Secretary of State as a nonvoting ex-officio member of the B.I.B. This will ensure that U.S. foreign policy interests are a factor in the oversight of the radios as is envisioned by the Board for International Broadcasting Act.

Mr. President, in conclusion, I wish to join the chairman in pointing out that the committee has made a good faith bipartisan effort to reduce the budgets of these various agencies while providing them with the funding necessary to carry out their essential functions. Any further cuts could endanger programs considered essential to carry out U.S. foreign policy goals and to promote U.S. interests abroad. I hope my colleagues will keep this in mind in considering this legislation and support the bill as reported by the committee.

Mr. President, it is my understanding that we will now turn to the various amendments on Nicaragua.

Mr. LUGAR. Mr. President, I ask unanimous consent that Chip Andreae of my staff, and Mark Blitz, Bill Perry, Dave Keaney, Rick Messick, Barry Sklar, Bill Triplett, Peter Galbraith of the committee have the privilege of the floor throughout the duration of consideration of S. 1003.

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

AMENDMENT NO. 271

Mr. DODD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for himself, Mr. PELL, Mr. HARKIN, and Mr. KERRY, proposes an amendment numbered 271.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

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

PROTECTION OF UNITED STATES SECURITY INTERESTS IN THE CENTRAL AMERICAN REGION

SEC. —. (a) The Congress finds and declares that a direct threat to the security interests of the United States in the Central American region would arise from several developments including, but not limited to, the following:

(1) The stationing, installation, or other deployment of nuclear weapons or the delivery systems for such weapons in the Central American region.

(2) The establishment of a foreign military base in the Central American region by the government of a Communist country.

(3) The introduction into the Central American region of any advanced offensive weapons system by the government of a Communist country if such system is more sophisticated than such systems currently in the region.

(b) If any development described in paragraphs (1) through (3) of subsection (a) arises, the Congress intends to act promptly, in accordance with the constitutional processes and treaty commitments of the United States, to protect and defend United States security interests in the Central American region and to approve the use of military force, if necessary, for that purpose.

(c) Notwithstanding any other provision of law, the prohibition contained in section 8066(a) of the Department of Defense Appropriation Act, 1985, as enacted by the Act of October 12, 1984 (Public Law 98-473), which applies to funds available during the fiscal year 1985 to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities shall apply to the same extent and in the same manner with respect to any such funds available during any fiscal year beginning on or after October 1, 1985. For purposes of the application of this subsection, the reference in such section 8066(a) to the fiscal year 1985 shall be deemed to be a reference to the fiscal year in which such funds are available.

(d) There are authorized to be appropriated to the President $14,000,000 for the fiscal year 1985 to be available only to achieve—

(1) the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces which were supported by the United States before October 12, 1984; and

(2) the relocation of such forces, including members of the immediate families of individuals serving in such forces.

(e)(1) There are authorized to be appropriated to the Secretary of State $10,000,000 which shall be used only as may be necessary to assist the negotiations sponsored by the Contadora group and to support through peacekeeping and verification activities the implementation of any agreement reached pursuant to such negotiations.

(2) For purposes of paragraph (1), the term "Contadora group" refers to the governments of Colombia, Mexico, Panama, and Venezuela.

(f) Nothing in this Act shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this Act.

(g) For purposes of this Act—

(1) the term "Central American region" refers to the geographic region containing Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

(2) the term "Communist country" has the same meaning as is given to it by section 620(f) of the Foreign Assistance Act of 1961.

Mr. DODD. Mr. President, at the outset, let me explain briefly to my colleagues the substance of this amendment.

This is an amendment I sent to all my colleagues a week or more ago; but, for the purpose of debate this morning, let me reiterate the five central features of this amendment.

The first section of the amendment is a finding by the U.S. Congress as to what would constitute a direct threat to the security interests of the United States and the Central American region. It is not all inclusive, as the amendment clearly points out, but serves as an illustrative example of the kinds of things which the United States would find to be directly contrary to our national security interests within this hemisphere.

I identify three examples of such things that could occur which would jeopardize those interests: The stationing or installation of nuclear weapons or nuclear weapon delivery systems within the Central American region; the establishment of a foreign Communist military base within the Central American region; the introduction by any Communist nation of any advanced weapons system which exceeds the level of sophistication of those weapons already in the region.

The second part of the amendment does not say specifically what the United States would do. It does not require that we take a specific action if any of those three or other such actions were to be taken by any country, including, of course, Nicaragua. But it does make quite clear that the United States, should those security interests be jeopardized, is prepared to use military force to deal with those very legitimate national security interests.

I emphasize again I am not saying specifically exactly what all of the situations are that would provoke military response or even in fact that a military response would be the only response. I am merely trying to lay out as clearly as possible what those security interests are in the region and then also, of course to state unequivocally what the United States would be prepared to do, including the use of military force, to protect its very legitimate interests within the region.

The third part of the bill gets to the matter at hand and that is, of course, the issue of continued funding for the Contra operation.

The third part of this legislation prohibits any additional funding for military or paramilitary activities within the region.

My colleagues will recognize this section as being a continuation of the so-called Boland provisions and this part of the legislation continues the Boland language in force.

The fourth part of the legislation provides an appropriation of $14 million for fiscal year 1985 to be made available solely for the safe and orderly withdrawal of all U.S.-supported military and paramilitary forces from Nicaragua and the relocation of those forces, including members of their immediate families.

This is the funding that would provide for the assistance to the Contras and to their families to disengage. These are not funds to be provided to continue the activities of the Contra

operation, but to disengage entirely from that policy.

The fifth provision of the amendment authorizes to be appropriated a sum of $10 million to assist the Contadora negotiations and to support through peacekeeping and verification the implementation of any agreement that would be reached pursuant to those negotiations.

There is an additional section of which I should make note to my colleagues because I am sure they are apt to raise the question, and that is a war powers provision. There are some who are uneasy about the fact that I said I am willing to use military force in terms of national security interests emerging in the region, but to those who may be uneasy about that kind of language, I included a provision which would cover the language of war power provisions.

Mr. President, that is the sum and substance of the amendment. It is a departure from what will be the debate throughout the rest of this day. It will be a departure from what was debated in the other body where basically we are going to have an argument or a debate, if you will, over a funding level to be continued over this fiscal year and into the next to continue to support the Contra operation.

I believe, Mr. President, that policy is fundamentally flawed and that the issue is not whether or not we are willing to provide an additional $14 million or $35 million or $36 million or $27 million, to the Contras. The issue is not who is going to deliver this assistance, whether it is the CIA or AID or the United Nations or the Red Cross. The issue is not who is going to receive that aid, whether it is the Contras, or some independent third party in the region. The issue is not where those resources will be delivered, whether it is in Honduras or in Nicaragua, and that is basically what the debate will be.

The issue is not going to be, in my mind, whether it should be humanitarian or lethal or nonlethal.

Those are all questions which we will spend the greater part of today, possibly tomorrow, debating here.

Frankly, that is not the issue. And we make a mistake if we assume that is the debate.

The debate ought to be whether or not this particular decision, this decision to support the Contras, the Contra policy, is in the interest of the United States? Is a continuation of support of that counterrevolutionary effort in the interest of the foreign policy concerns of this country? That is the fundamental question and, unfortunately, we are not going to debate the fundamental question.

Instead, we are going to do what I think President Reagan has accurately described and that is, micromanagement of foreign policy. We are going to spend the next 8 or 10 hours arguing over the nuts and the bolts of a particular policy rather than the fundamental question of whether or not over the last 4 or 5 years our interests have been advanced or harmed by this policy, whether or not there is any likelihood of the next several years this policy is likely to bear the kind of fruit that those who support it suggest.

We will have discussions and debates today over whether or not nonlethal aid means jeeps or trucks, what constitutes clothing: are fatigues clothing or not clothing? We will argue over what shelter is. Is a shelter a field tent or is it a permanent tent? That is the kind of debate we are going to have, unfortunately.

We are missing the fundamental issue, and the fundamental issue is whether or not this policy is working, whether or not it is in our interests.

For the last several years, Mr. President, we have heard people on the so-called right call the Contras, the political equivalent of Jeffersonian Democrats, political equivalent of our Founding Fathers, all sorts of similar language to describe them. And on the so-called left, we have heard people describe the Sandinistas as the reincarnation of the Franciscan Order, who say that these are pure highly moral, ethical individuals who are only concerned about the welfare of their people. And the debate has been whether or not you support the Contras or the Sandinistas.

We have spent precious little time, it seems to me, talking about what is in the interests of our country.

I am concerned as I know my colleagues are about what happens in Nicaragua. I am concerned, as I know my colleagues are, about what happens in El Salvador, Guatemala, Honduras, Costa Rica, and every other country throughout Latin America.

But my interests in those particular countries are superseded by my interests in what is important to this country, what is in the interests of the United States.

And it seems to me at some point in this debate we ought to get back on track and start talking about what is in our interests, not in the Contras' interests, not in the Sandinistas' interests, not in the Salvadorans' interests, or anyone else's interests but what is in our interests. I do not believe we have done that.

So today, Mr. President, I offered this amendment. I should have said at the outset I have no illusions about it. I do not expect there will be a great many votes in support of this amendment. I am tremendously grateful to my colleague from Rhode Island, the ranking minority Member of the Foreign Relations Committee, Senator PELL, Senator HARKIN, and Senator KERRY for cospsonsoring this amendment. But I think all of us recognize that we are taking a position that is somewhat different from what our colleagues will be engaged in debating over the remainder of today.

Mr. President, I hope in the next few minutes to be able to demonstrate why I think this policy is ill-founded, why I think it is dangerous, why I think it is harmful, not only to ourselves and to our allies, but also that it is a cruel hoax on the Contras themselves.

I believe continued support of this policy will be a mistake. I think the sooner we say this to ourselves and to our allies, the better off we will be.

I know there are those who have already suggested that it is too late, that over the past 4 years, we have expended some $100 million to $150 million of U.S. taxpayer money, we have seen people lose their lives in this policy, and that we cannot now go back.

I realize that that is a compelling argument to some. But I would certainly hope that people would recognize that as difficult a choice as that may be, in June 1985, it does not get any easier. Tomorrow it will be tougher. In 6 months, it will be tougher. A year from now, it gets tougher. And I am sure as I stand here before you today, we will hear that argument.

We are committed. We spent the money. We are involved. We cannot change that policy. We cannot pull back.

No matter how well-founded that policy may be, we will march on the road of folly. We will proceed and continue to pursue a policy despite the fact that no one seems to see it contributing to our long-term interests in the region.

Mr. President, I kind of wish that the alternative to what I am offering here today would be offered. But as I look down the list of amendments, it appears as though it will not be offered.

It seems to me there are two choices. If the Contra policy is working, which, as I stated already, I do not believe it is, but for those who think it is, that this is having a profound effect on Nicaraguan behavior, it seems to me we ought to have the courage here to give it the kind of support it deserves if it is working.

Instead of talking about humanitarian, nonlethal aid to be delivered by some nonthreatening body to some neutral place, why do we not talk about giving the Contras real assistance? I regret there is not an amendment going to be offered today that says, "Look, if the Contras need $114 million a day, they ought to get it. And if they need military assistance, they ought to get it."

I disagree with that viewpoint, but, I would say to my colleagues this morning, I have a great deal of respect for those who argue that position. That is

a credible policy. That policy at least suggests that they might succeed at some point in bringing about the kind of change that is suggested by President Reagan and others.

But to talk about nonlethal humanitarian Band-Aids and Jeeps to be delivered in some place no one knows about by some third party over the next 2 or 3 years, that is nothing. All that does guarantee us that we can go back home in the next couple of days and say to that constituency in one part of our State that is opposed to the Contra aid, "We only gave them nonthreatening assistance." And to that part of the constituency that thinks supporting the Contras is a great idea, we can say, "We provided assistance to the Contras."

What we are going to be doing here today is satisfying a domestic political problem. We are not advancing foreign policy interests of the United States at all. It will be argued that we are buying time by supporting this approach. I would argue that we are losing time; that if we continue to pursue a policy that is not working, as I said a moment ago, we jeopardize not only our own interests and our allies' interests, but the interest of peace and stability in this part of the world.

So this is one of the options, the viable options, to decide that what we are doing has not worked, to admit it to ourselves, and to start traveling on a different road as soon as possible.

I have tried to offer in this amendment at least some constructive alternatives. It is regrettable that the Contadora process has become a cliche, that four good, strong allies of ours in this hemisphere, who tried desperately over the past 4 years to formulate an alternative to the kind of carnage that we have seen in El Salvador and throughout this region over the past several decades, are being relegated to snickering in some corners, of being naive, of being foolish, of being a waste of time.

I do not think I can adequately today—I am not talented enough—describe to my colleagues how the good friends of ours in Latin America feel about us, how disappointed they are over the fact that we have relegated their honest good-faith proposal to something of an annoyance. And that is what they think we think of them. That is what the Mexicans, Colombians, Venezuelans, and Panamanians think—people in strong democracies, not mirror images of our our democracy but people struggling to improve the quality of life for their own people, not perfect governments but, God knows, far better than what we have seen in the Cubas and the Chiles and the juntas of Argentina. And they think that we do not think they understand. They think that we think that they do not really care. And, unfortunately, that policy is being relegated to a trash heap by the failure of this Government, our country, both the Congress and the administration—I do not lay all the blame at the doorstep of the White House—but unfortunately it is being relegated to the trash heap because we fail to appreciate the historical significance of this effort.

For those who have bothered to read any history of Central America prior to 1979—and, unfortunately, there are very few who have, but for those who have—this is an historic opportunity, the Contadora process. Never before in this hemisphere have four countries been willing to step out and to offer to take the leadership role in trying to resolve Latin problems—Latins grappling with Latin problems. For the first time, they tried to do this. And, as I said a moment ago, we have relegated it to certain failure.

Third, Mr. President, I hope that we might spend some time trying to lend our support to those people inside Nicaragua who are not fighting but who oppose the Sandinista government. They have been virtually forgotten over the last several years, people like William Baez, in the private sector, people within the Catholic Church, people within the opposition political parties, people within the media, who are not in the mountains, who are not fighting in the hills with military hardware, but are trying to bring about some change within that country. It seems to me we ought to be doing more for them.

And, fourth, we ought to provide some real meaningful assistance in terms of economic development in the region. I am pleased to have supported an amendment that was offered a few weeks ago that provided for some long-term assistance, economic assistance, to the region. I think that kind of signal is extremely important.

So, Mr. President, what I am offering here, as I said at the outset, is what I would consider at least an honest alternative to pursuing the present policy, recognizing that what we have been engaged in over the past 4 years has failed economically, politically, as well as militarily.

I might also add that it is kind of a cruel hoax, as I said earlier, on the Contras themselves. Some people within that operation are former Somoza national guard figures. Not all of them are. A lot of them are very well-intentioned people who feel as though their rights have been significantly harmed by the Sandinistas. They are good people. And we are going to turn them into cannon fodder. We are going to march them into that valley because they believe that we are going to stand behind them and come in with U.S. forces to back them up when the Nicaraguans chew them up. And there is not a person in this Chamber who believes we are going to do that. Yet that is what we are telling the Contras that we are going to do. That is a cruel hoax to play on those people, yet we are engaged in it.

It has been hard to identify exactly what this administration's foreign policy is with regard to Nicaragua and Central America. There have been different messages over the last 4 years. But, in fairness to them—and I will wait and see if anyone would fundamentally contradict what I am about to say, because, I tried to synthesize it as I understand it over the last several days—it seems to me, with regard to Nicaragua, the Reagan administration's foreign policy objectives have been: To encourage the Nicaraguans to reduce the military buildup in their country, to discourage them from expanding their revolution beyond the borders of their own country, to discredit them internationally within the region and, last, to encourage them to institute some democratic reforms and live up to the ideals that they espoused prior to their success in 1979 in the overthrow of the Somozan government. That was, at least it seems to me, to be the broad framework of this administration's foreign policy objectives when we started the Contra operation some 4 years ago.

We have expended as I mentioned—which is public information now—some $100 million to $150 million on this operation, and yet as I look at Nicaragua today, more than 4 years after this operation has begun, we find the Nicaraguan military machine a lot stronger in May 1985 than it ever was in January 1981 and getting stronger. We find democratic reforms inside Nicaragua in worse shape today than they were in January 1981, and we see people like Daniel Ortega being received as a conquering hero in the capitals of Western Europe and throughout this hemisphere.

It seems to me that the goals, if I am at least close in approximating what the goals were of this administration, have not only not been achieved nor have we come close to achieving them, but in fact it is the goals, it would appear, of the Sandinistas that have been advanced. They are better off militarily. They are doing what they want inside their own country, and they are now perceived as heroes throughout this hemisphere. If that has been our goal, if that is what our foreign policy interests have been over the last 3 or 4 years, and if we are not succeeding—in fact losing that battle—why do we insist upon pursuing a policy that would seem to have the absolute opposite effect on what we are trying to achieve? If it is not working, why do we not have the courage and the honesty to try something else? Why do we insist upon pursuing a

policy that is hurting us and dividing us from our allies?

The President imposed an embargo a few weeks ago. We had to break a Honduran arm to find one country to support us, and in a nothing gesture with an embargo that meant nothing. We had to use all of the diplomatic influence of the President of the United States to bring the President of Honduras up to this country, and to get on a bended knee to beg him to support our embargo—one country.

We are losing the war with our allies. Do we really want to be isolated with our Western European allies, and with our Latin American allies? If we are isolated today, does it get better or worse if we pursue this policy? I suggest of course the latter.

So while I recognize this is not an amendment that is going to enjoy broad-based support I hope it will be perceived at least as a choice we will ultimately have to make. I tell you that as certainly as I stand here today. I promise you that within a matter of weeks or months we will be back here making this choice. We will have to make the choice of whether to really go in and do something, including the use of military force, or make the choice that will not only be a tough one but also a harmful one when it comes later—the choice of saying it is not working, and we are going to pull back. It is hard enough to do that now. There is a certain amount of credibility lost as a result of doing it. I will be the first one to admit that. But it gets tougher, and the loss of credibility grows larger with time, not less. So if we are honest with ourselves, honest with our constituents, and honest with our allies, it seems to me we would have the courage to make that choice today. Let us either go in and give these Contras the kind of support that they are going to need to have if they are going to prevail, or let us travel down a different road.

I suggest by the way that there is little or no likelihood that the Sandinistas are going to change fundamentally. There may be some cosmetic changes. In fact, I was surprised that some Democrats were surprised that Daniel Ortega went to Moscow. Where do my colleagues think he was going to go? Disney World?

This man is a Marxist. We should not argue about that. He is a Marxist. We know that. But it is disingenious, I believe, for those who argue that there is no way that this government is going to fundamentally change, and yet argue that, if we provide a little more money to the Contras, maybe we can get them to change or come to a negotiating table. The only way the Sandinistas are going to change to such a degree that this administration will be satisfied is if the Sandinistas are overthrown. That is the only change that is going to achieve the satisfaction of those who believe that the Sandinistas are a fundamental threat to the U.S. security interests and security interests of allies in the region. That is the only option. We are not going to get them to change otherwise. We are naive if you believe so.

So I say once again the options are either to go in and get rid of them and support actions that are likely to achieve that goal, or to seek a different path that at least may identify the real interests of the United States, to make it clear that we are prepared to defend those interests and to try to build some consensus in our allies among the regions in Western Europe so the actions we do take down the road with regard to Nicaragua may enjoy some broad-based support, and to try if we can through this Contradora process, as troublesome as it is, to come up with some answer for this part of the world that will bring long-term stability and hope for these people. We ought to get about the business of trying to do that.

What I said does not fit on a bumper sticker unfortunately. It seems to me that is the kind of foreign policy that works today. If it does not fit on a bumper sticker and you cannot say it in one sentence, do not bother bringing it up.

But I hope at least at some point before it is too late, and before we find ourselves drawn into this situation even deeper than we already are that we would listen to good friends. We should not see this as an issue of support for Marxism or nonsupport for Marxism, but as intelligent choices for the United States. I commend the President because he has made them in other places. I know it was not easy for him because of his deep-felt views about Marxism. I know he did not like raising a glass with Deng Xiaoping. I know how President Reagan has felt about him. But he did it. I know when he lifted the sanctions on Poland it was not because he thought General Jaruzelski was a great advocate of human rights or that Solidarity was no longer a problem. He made a pragmatic decision and choice. He is sitting down today with our negotiators in Geneva trying to work out a SALT or START agreement, a reduction in the proliferation of nuclear weapons.

That is not because he likes the Russians, or he likes the People's Republic of China, or that he likes the Polish Government. But he understands that you have to live in this world, you have to grapple with the problems, and you try to do it intelligently to advance our interests.

All I am suggesting today is we do here what we try to do elsewhere, that we try to look at this situation with the same kind of cold eye, the objective eye of reducing the kind of tensions and troubles that we face if we proceed in this policy.

One last point I meant to make, Mr. President, and then I will yield the floor on this. I tell my colleagues today that I am deeply concerned and worried about the immediate expansion of this conflict. By the way, the news this morning that the Nicaraguans have shot down two additional helicopters is tremendously disturbing. Those helicopters went down apparently in Honduras. I can see the situation occurring very shortly where the Nicaraguans will cross that Honduran border, or they will cross that Costa Rican border and they will use the very same argument that Israel used in June 1982 when it went into southern Lebanon—that no self-respecting nation would tolerate the existence of terrorist groups, terrorizing its people, and that they will go across that border to ferret out those pockets of terrorism. They will not stay there forever, they will tell us, but they will cross that border, and we will get that kind of provocative action. I guarantee you that the Hondurans will then call upon the United States to come in to defend their interests. Then we will have a kind of catch-22 situation. I hope that does not happen but I can see that coming. We seem to be getting closer and closer to it.

I suggest to you that despite all of the treaties that we have signed that would call upon the United States to go in to defend Hondurans or Costa Rica in that situation, that in the world court of public opinion Nicaragua would probably look like they were doing the right thing. I suspect in this country there would be a strong feeling that for us to go down to engage in a conflict with Nicaragua in that kind of a situation would not be the "right thing to do."

I see that happening. I suggest to you that if it happens it will be because we pursued a contra policy that is not getting us anywhere and that is drawing us into that kind of decision, which I suspect would do serious damage to the credibility of this country, not only in this hemisphere but throughout the globe.

Mr. President, I reserve the balance of my time at this point.

Mr. LUGAR. Mr. President, I would like to begin our side of the debate that we will have today on Nicaragua and the Contras, with an opening statement and then to address specific points which have been raised by the Senator from Connecticut.

We find ourselves, again today, debating the question of providing assistance to the armed opposition in Nicaragua. The Congress has been doing this at frequent intervals for some years now—with little to show for it in terms of contributing to the forging of effective policy. The reason for this interminable, inconclusive exercise is that we have lacked—up to the

present time—bipartisan consensus in support of a coherent administration policy. We have not been able to agree on the nature of the threat to Central America presented by the Managua regime nor on the means by which it should be confronted. Thus, we have been unable to decide what, if any, role our support of the opposition in Nicaragua ought to play in a comprehensive strategy to address the problem.

Only a strategic consensus of this nature will allow us to make the firm and binding commitments necessary for effective policy. The American body-politic is now, finally, coming to such a consensus. The amendment that will later be introduced by Senator NUNN and myself expresses this agreement and prescribes a responsible and effective way in which our support of those elements resisting the Marxist authorities in Managua can contribute to resolving both the Nicaraguan question and the challenge that it poses to our Central American policy as a whole. And I am afraid that the amendment offered by the distinguished Senator from Connecticut does not meet these criteria.

Over the past 4 years, our Central American policy has come a long way toward producing the positive results for which we all hoped. These objectives, simply stated, are stable development, peace and democracy in this troubled region. At present, the evolving situation in Nicaragua presents the single greatest remaining obstacle to achievement of these goals.

At this point it behooves us to review the record. There were clear efforts to treat normally, and even generously, with the authorities in Managua during 1979 and 1980. And the current administration, although increasingly suspicious of the ominous trends already clearly evident in Sandinista policy, attempted to come to a purely diplomatic modus vivendi with the Nicaraguan Government through most of 1981. The members of the revolutionary directorate proved obdurate, however, in their pursuit of policies aimed at institutionalizing Marxist dictatorship, subverting its neighbors, building up excessive military capabilities and forging close ties with Cuba, the Soviet bloc and the whole spectrum of terrorist organizations.

As a result, the United States began channeling assistance to armed opposition elements as a means to blunt Sandinista subversion of its neighbors, impede consolidation of a Marxist regime and provide an incentive to meaningful negotiations. This approach became increasingly controversial in a Congress that was slow to recognize the basic nature of the Nicaragua Government or to accept the need for dealing with it in these terms. Such assistance has thus been held in abeyance for more than a year now as the Congress and the administration wrestled over policy.

And what have been the results? The Managua authorities have continued along their clear course toward the institutionalization of a Marxist-totalitarian state. They have persisted in subverting and threatening their neighbors. They have escalated their arms buildup. And they have woven their ties ever tighter with the Communist powers and the international terrorist network. At the same time, the conduct of the commandantes has produced steadily growing disenchantment among the population. The opposition to the regime—both armed and unarmed—has assumed an increasingly broad-based character and now evidences the clear intention of compelling the Sandinista leadership to honor the public commitments of the revolution to democracy, peace with its neighbors, and an autonomous foreign policy.

I, for one, have seen enough of the Sandinistas to understand the nature of this regime today and the objectives which it entertains for the future. I have also come to the firm conclusion that only a change in its fundamental structure will secure the modification of its domestic and foreign policies necessary to preserve U.S. interests and those of our regional allies as well. This, in turn, will require the participation of the Nicaraguan opposition in the future political life of that nation.

The resistance has already put forth a reasonable plan for their incorporation into the political structure of Nicaragua. And the Sandinista government has thus far refused even to consider discussion of such a process—a process which I believe to be indispensable to the achievement of peace within Nicaragua and good relations between that nation and its neighbors.

But to entertain any hopes for a development of this kind we must forthrightly support the opposition. We should not be embarrassed to support forces struggling against Marxism and for the establishment of democracy in Central America. Indeed, brave individuals of this nature deserve our support. Assistance to these groups also serves U.S. interests—another consideration for which we have no reason to apologize. The armed opposition has impeded full consolidation of a Marxist government in the area and obstructed its efforts to subvert its neighbors. The existence of these groups provides the Managua authorities with their only realistic incentive to negotiate. And finally, aid to the Nicaraguan opposition sends a powerful signal of U.S. resolve to this country's allies in the region and to those in Nicaragua who are inclined to resist the consolidation of Marxist tyranny.

Prudent U.S. assistance to the democratic forces of Nicaragua and negotiations are not mutually exclusive—as some contend—but rather indispensably complementary. In the real world—and particularly with Marxists—negotiations take place only between elements with real resources behind them. The Nunn-Lugar amendment that will later be introduced supports the Contadora process and any bilateral negotiations between the United States and Nicaragua that could have productive results. But the basic negotiations that matter are between Nicaraguans themselves. There will not be peace in Nicaragua if we continue to deny even humanitarian assistance to the Contras. And there will not be stability in Central America until there is real representation of democratic elements in the political structure of Nicaragua.

This amendment of Senator NUNN and I can resolve the impasse that has afflicted our Nicaraguan policy and forge a realistic consensus that both Houses of Congress, the administration and the American people can support. It is not enough to desire or advocate democracy, negotiations, and peace in Central America. Given the importance of the region and the other forces at work there, we must be involved if our ideals are ultimately to prevail. We must demonstrate a way to construct a framework of incentives which, while encouraging negotiations, does not simply acquiesce to the aggressive and antidemocratic instincts of the Marxists.

We must have a reasonable policy—but one with substance behind it. And we must have the resolve to stand firmly behind this policy over time. The amendment before us does not meet these criteria. Our amendment, which will be offered at a later stage in the debate, does so and will suceed in forging effective policy from the consensus which I now believe finally exists with respect to Nicaragua. The amendment of Senator NUNN and I can mark a significant step toward realization of the hopes for the future of Central America that I believe all Americans share. And I earnestly urge my colleagues in this body to give it the commanding majority that will clearly demonstrate the bipartisan consensus that we have finally come to on this vitally important issue.

Let me say in respect to the amendment offered by my distinguished colleague from Connecticut, that he has presented, a departure from most analyses of the situation in Nicaragua and, for that matter, most solutions to the problems that we face with that nation. Indeed, Senator DODD has called for withdrawal of our support for the Contras and withdrawal, for that matter, of the Contras from Nicaragua—a separation, in essence.

I think in fairness to the distinguished Senator from Connecticut that his amendment needs to be recog-

nized as one which suggests that, as opposed to support of a military character, humanitarian character, or any other kind of character, he sees the issue of one as to whether we ought to be involved with the Contras—opposition forces, the freedom fighters—at all.

He has suggested that an honest opposing policy would be one that asks the Contras what they need and then the administration ought to provide those resources. In my judgment, the amendment had a second major aspect that is intriguing and certainly arguable, because it suggests that the only real problem is the possibility of Soviet presence there. Senator DODD has been forthright in his opposition to the landing of high-powered or high-tech Soviet aircraft or other munitions there and suggests that that is the real threat and one that ought to be met overtly. I suspect that a large number of Senators share his anxiety and suspicion that, in the event that such a thing occurred, we would be united in opposing it.

I think that the dilemma that many of us will find in the Senator's amendment is that it really offers us no way, in my judgment, to move toward negotiations. The incentives that are implied in Contra pressure upon the Sandinista government are removed. In a way—in a humanitarian way—the Contras are withdrawn. The money is used to try to take care of their needs as that situation is wound down. But for anybody looking for a reason why the Government of Nicaragua would negotiate, it would be hard to find at this point.

One of the intriguing things about the Dodd amendment is that he suggests that the only way the Sandinistas might change is if they are overthrown. I gather he is arguing that this Marxist regime, which he has characterized as Marxist—and suggested that those who had not seen that really should have. Mr. Ortega is a Marxist and has been, and is, espousing Marxism. But Senator DODD is suggesting also that Marxists do not change and that they do not negotiate. If we are even looking at the Contadora process for some possibility of ameliorating that rather harsh regime, bringing in political parties, freedom of the press, democratic institutions, we are likely to find that a forlorn hope, suggesting that those who really value democracy in Nicaragua—and I characterize myself as one of these—had better be prepared to overthrow that government.

Senator DODD suggests that it is a Marxist government, is going to remain a Marxist government, and that the only way you change it is to supplant it. Senator DODD is suggesting as a point of analysis that honestly, you really ought to give those who would supplant it the tools to do that, really have a civil war of sorts, and finally hope that your side prevails.

That, I think, is a breathtaking conclusion. Senator DODD's analysis of the regime may ultimately prove to be correct. There may be many people on the right and the left of the political spectrum who would agree that Marxists never change. They would hold that the regime of the Sandinistas is beyond negotiation, that despite all the protestations that they have had elections, that La Prensa still prints even with heavy censorship, it really is not a collectivized, thoroughgoing totalitarian Marxist system, but rather a Nicaraguan variety of that that is less thoroughgoing. And if, in fact, the Ortega regime will never negotiate with anyone, we have a very bleak prospect ahead of us in Nicaragua.

Even if that were the case, I would not favor the Dodd approach of simply pulling out all the support behind the freedom fighters. Nicaraguans who were part of the Sandinista revolution have every right and claim to political participation as the result of its success. I think when we talk about the Contras—and persons may come to many different characterizations of the various groups and strains that comprise them—there is in this opposition, in the freedom fighter group, a good bit of the original revolution that overthrew Somoza. In my judgment, the better elements remain—those who favor plurality political parties, freedom of speech, democratic institutions. As I indicated in my opening statement, we ought to have no apology for being in favor of those who want to bring about democratic institutions. We ought to be opposed, it seems to me, to a policy that would clearly say Nicaragua is Marxist and let us leave it alone, let us withdraw any irritants to their position. If the Marxists bring in the Soviet Union, let us strike hard and fast, but barring that, leave the Marxists to do their will.

The dilemma of this, I think, is clear. And this is the idea of "a revolution without borders" has meant just that—subversion of the neighbors—a very unhappy relationship, at least, with everybody in Central America who genuinely wants economic reform and lives in threat that bridges are going to be blown up and roads damaged and all the rest as subversive groups throughout the area are aided by the Sandinista government in Nicaragua and by the flow of goods and services through Cuba and from the Soviet Union, Eastern Europe, North Korea, and the almost United Nations group that has formed in Nicaragua to be a part of this experience.

I am hopeful that the Senate will reject the Dodd amendment because it appears to me to offer no momentum for the change that needs to happen. It clearly offers no bipartisan consensus for a policy that will stir Americans, might explain the situation to Americans or, indeed, offer us any real point of departure.

Ultimately, it is literally an appropriation or an authorization, at least at this stage, of money for withdrawal. It is literally money down the drain. I hope that this is clear to Members.

I add just one more thought because I suspect this strain will come through some of the rest of our debate. I noted yesterday as rhetoric moved into higher and higher levels in the House of Representatives that Speaker O'NEILL commented that down deep, the reason he opposes assistance of any kind to the Contras is that he believes literally that we are headed toward a war involving American troops. He sees that absolutely clearly down the trail: Therefore, he opposes assistance to the Contras because he believes in his heart that that is likely to bring that about. I respect the Speaker's analysis of this, but I respectfully suggest to him and likewise to the distinguished Senator from Connecticut that, in the event that we have nothing going for democracy in Nicaragua, we do not have people who are Nicaraguans working to obtain their freedom, working to try to keep the neighborhood from being subverted by the Sandinista government, working to keep pressure on so that the Soviets and other unwelcome influences know that they are not welcome.

If in fact we wash our hands of the Contras, offer no aid or, as in the case of the Dodd amendment, aid only for withdrawal, then we really do face a situation in which the Sandinista government will not go away and in which the problems that are a part of present circumstances remain and in which, in my judgment, the dangers to our country remain. That is not to imply that we will want to act upon that for any foreseeable time in the future. Perhaps we will simply tell our friends in Central America that we are sorry that their governments are being subverted and as revolutions occur and as emigration occurs and as many, many refugees, almost like a Vietnam boat people scenario, come to the United States, we will indicate that we are sorry all this is occurring.

But anyone who believes that simply by withdrawal, sort of an antispetic move at this point, and with the threat to the Soviets that if they land, we will do something, I think is an incorrect analysis, and that is what the debate on the Dodd amendment boils down to in my judgment.

Mr. President, I yield to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I am not going to debate the amendment, but I did want to indicate that I have had inquiries from a number of my colleagues about the schedule for the remainder of the day and week. As I indicated last evening, much depends on what happens to the bill before us today. If we can complete action on this bill today, we could turn to some matters tomorrow that are not controversial and probably would not require rollcall votes.

I would suggest that if Members have any desire to leave tomorrow, they can demonstrate that by speaking briefly today. We cannot have it both ways, but we will try to accommodate those—and there are a number of them—Members on each side who have official commitments tomorrow.

So we hope we can complete action on this bill and accommodate as many Members as we can by not having rollcall votes tomorrow, even though we will be in session and we will have legislation.

Mr. HART. Mr. President, I wonder if the Senator from Indiana will yield for a question.

Mr. LUGAR. Yes, I am happy to yield for a question.

Mr. HART. I thank the Senator. My question, Mr. President, is asked in ultimate good faith and not knowing the answer. It is not a rhetorical question.

What does the distinguished chairman of the Foreign Relations Committee think is the long-term purpose of continued nonmilitary or humanitarian assistance to the Contras? In other words, where does it lead? Where do the supporters of that position hope this situation would be in 5 years as a result of this continued nonmilitary support?

Mr. LUGAR. This Senator would hope that the assistance which may be authorized today by the Senate would lead toward negotiations—specifically negotiations among Nicaraguans, which are the most preferable kinds. Also, it would encourage the Contadora process, and even a recognition that direct negotiation between the U.S. Government and Nicaragua will be preferable to no negotiations and no progress.

It seems to me that through the humanitarian assistance route, but also the sharing of intelligence, sharing of political information—various supports that are provided in the Nunn-Lugar amendment—there is at least a holding in place of the strength of the Contra forces. Their presence is obvious, and with assistance we would hope from others in the region, from European countries, from others that might be brought into the process, a movement toward negotiations would lead to a change in the government—plurality of parties, freedom of the press, some movement of reassurance to the neighbors, some pledge of an autonomous foreign policy so that there would not be the threat of Soviet incursion in there. That, I think, is a fair statement of where we hope this would lead.

Now, the Nunn-Lugar amendment would also, however, leave open the opportunity for the President, after we have tried this process of negotation—bilateral, multilateral, or regional—if this simply is not bearing fruit, to come back to the Senate and to ask, quite frankly, for military resources for the Contras so that they might move ahead in a different way. But the contemplation at least in the near term would be to give negotiations a full opportunity while keeping the Contras in place. And, in the longer term, if this does not work, to move toward military assistance.

Mr. HART. If the Senator will yield further, it is difficult to quarrel with that hope, and certainly that policy, which I believe the vast majority of the Members of the Senate and the American public would support. I guess it is in fact the word "hope" that concerns the Senator from Colorado.

What concrete evidence does the Senator from Indiana have that in fact the administration has policies to bring those negotiations about, to the degree that it is within our power to do so? In other words, beyond "hope," how does this aid link to a leadership position of this administration, not waiting for things to happen but causing those negotiations to happen?

Mr. LUGAR. Mr. President, I think the answer to the distinguished Senator from Colorado is that the Secretary of State has at every opportunity tried to make things happen in terms of negotiation bilaterally, in the Manzanillo conferences that we have had with the Sandinista government, and also through any number of other occasions in which we have tried to shore up the Contadora process and tried to get other of our allies interested in the situation. I think we have pressed very hard. As the Secretary of State has pointed out, at some point when there does not appear to be any movement in negotiations—and our sense is that the Sandinistas have no incentive to be forthcoming—then a predicament occurs and the question is how to get things off dead center. How do you change the real politik of the situation in a way in which the Sandinistas might want to negotiate more seriously with anyone.

Mr. HART. What incentive do the Sandinistas have to negotiate under our guidance or direction when we are in fact providing the military assistance to try to overthrow them?

Mr. LUGAR. Mr. President, it seems to me that they would have every reason to want to negotiate because the fact is that a cease-fire and peace would be preferable in Nicaragua to a civil war. It clearly would be preferable for the trade embargo to be removed or other obstructions to be eliminated. In other words, there are a number of ways in which life in Nicaragua might improve, as well as the relationship of the Nicaraguan people to its Government. These pressures, it seems to me, are felt. One can argue to what extent. Some can say they are felt very much. A core Marxist group never changes. But I suppose the proponents of administration policy are more optimistic about the regime—hopeful even at this late stage that there might be some admission of an opposition and the beginnings of democratic institutions in Nicaragua.

Mr. HART. But is not the argument a little like a man in an alley who is being assaulted by another man with a club, and the man with the club assaulting him says, "I want to talk to you," as he is banging him on the head—"I want to negotiate with you, and I am going to keep hitting you until you agree to negotiate with me?"

The formulation of the Senator from Indiana and the administration seems to me to ignore a basic fact of human nature, which is something called national pride.

If a nation is under attack indirectly by the people who are saying "We want to negotiate," the first thing that nation does is defend itself and say, "Well, we are not going to negotiate under the barrel of a gun. You withdraw the gun and then you come and talk to us about negotiations." Is that not the way human nature works?

Mr. LUGAR. The Senator from Colorado is an experienced student of history. Various countries have negotiated for all sorts of reasons. I am not privy to what the Sandinistas may have determined about their future in this respect. Clearly a sense of national pride is there with that government. But I think other students of Nicaragua have noted that essentially a Marxist government is incompatible with the nature of the Nicaraguan people and that there is a friction, by definition, between the government and the populace of present. This is not as yet a totalitarian regime that has been so thoroughgoing as to have squeezed out, cell by cell and neighborhood by neighborhood, all opposition. I think it is a reasonable assumption that negotiations are still possible and, furthermore, a reasonable assumption that so long as there are Nicaraguans who have an equal claim upon the political process of Nicaragua, we ought to support them. The gist of what we are debating today is whether that is a reasonable thing to do. I believe that it is, without being able to predict the success of future negotiations.

Mr. President, let me say at this point that there are other Senators who are asking me for time. If the

Senator from Colorado will withhold for the moment, I would appreciate it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask Senator DODD if he will let me have 8 or 10 minutes.

Mr. DODD. Mr. President, if I may inquire first, how much time remains on the side of the proponents?

The PRESIDING OFFICER. Each side has 15 minutes.

Mr. DODD. I will be glad to yield to the distinguished ranking member 7 minutes of those 15.

Mr. PELL. Eight.

Mr. DODD. Eight minutes.

Mr. PELL. Mr. President, the Senate, today, has an opportunity to make a positive contribution to United States policy toward Nicaragua, an issue we have been dealing with for some time now. Needless to say, we have a formidable task and challenge.

We are being challenged to consider a policy which is much more than providing a relatively small amount of money to an insurgent force bent on overthrowing the Nicaraguan Government. We are being challenged to consider a policy dealing with the much larger and graver issue of war and peace, with stark implications for this country because of the prospect that U.S. military forces must become directly involved. Our response to this challenge ought to be to end the spiraling cycle of fighting, violence, and terror that has placed our Nation in a difficult international position. Instead of voting to continue the war, we should be constructing a policy that will contribute to peace and justice in Central America.

The key to peace in the area is held by the nations of the region themselves. The Contadora nations of Mexico, Panama, Venezuela, and Colombia have worked hard against tremendous odds to formulate a treaty that would bring lasting peace to the region by gaining commitments regarding the arms race, the presence of foreign troops, arms traffic, verification and control mechanisms, national reconciliation, and political reform. We all know by now, however, that in order for a Contadora treaty to be realized and effective, it must have the full and unfettered support of the United States. It will take more than lip service and generalized calls for peace in the region. The administration must use all possible means to convince our friends in the area that the United States is 100 percent behind the Contadora process as the best hope for peace in Central America.

A parallel vehicle for peace in the region is the mechanism of bilateral talks between the United States and Nicaragua, which were suspended by the United States. These talks, which the Nicaraguan Government believed were moving toward the improvement of relations, would have provided the direct contact necessary to resolve the very difficult issues that have developed between our two countries. These talks would be an important complement to the Contadora process.

In dealing with the amendments that are before the Senate today, I ask my colleagues to seriously consider what their votes mean in terms of war and peace in the region, the implications for direct U.S. military involvement, and the standing of the United States in the world community of nations.

Mr. President, I congratulate Senator DODD on his amendment and I am glad to be a cosponsor. It is an excellent amendment and provides strong American support for the Contadora process, authorizing $10 million to assist in bringing about a negotiated political settlement.

I think the fundamentally important point here, a basic question in considering whether or not we support the Contras, is what their role in life is.

I should like to revert for a moment to the definition of terrorism. I read the following definition:

International terrorism means activities that—

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished . . .

Under that definition, it seems to me that the Contras fulfill the definition of being terrorists. They are our terrorists, and we should not be shy about calling them terrorists.

The difference between a terrorist and a freedom fighter is very simple. Terrorists are indiscriminate in their targets. They kill men, women, and children and cause damage to civilian infrastructure. A freedom fighter, generally speaking, aims for military objectives.

If we look down through history, there is a difference between freedom fighters and terrorists. Obviously, very often, from the subjective viewpoint, one country's terrorists will be another country's freedom fighter, but there is a difference between the two that can generally be held.

I think that if we look at our own early history, we realize that our forebearers were not terrorists; they were freedom fighters. Throughout the years, as countries have achieved independence and have had their revolutions, there has been this difference—whether the people who have been attacked in an indiscriminate form have been civilians or whether they have been military objectives.

If something looks like a duck, waddles like a duck, and quacks like a duck, then it probably is a duck. In my view, the Contras, by this definition of terrorists, are terrorists.

We have inveighed against terrorism. Some believe it is to our advantage that our terrorists should be helped and supported. But if we truly disagree with terrorism as a means of affecting the policy of a nation's government—and that is really the purpose of terrorism—then, in my mind, we should oppose terrorism in any form, anywhere, on any continent, no matter under whose auspices, whether under our auspices or anyone else's.

For these reasons, I am glad to be a cosponsor of this amendment.

I believe we should not do anything to encourage the support for our terrorists, the Contras. In that regard, the civilian casualties of the Contras in Nicaragua as of June a year ago—the total civilian victims—were estimated to be 4,038. That is a good many. These do not include military people who have been killed.

So, for all these reasons, I think this is an excellent amendment. From the viewpoint of public opinion at home—and while we should not always be the patsy of public opinion, we should be guided by it as well as what is in our country's best interests—the American people are against U.S. support of the Contras.

According to a recent Harris survey, 58 percent of the public is opposed to sending $14 million in nonmilitary aid to the rebels.

On the trip that Daniel Ortega took, when he tried to get help from seven Communist countries—countries under Soviet domination—he also visited six countries not dominated by the Soviet Union: Sweden, Finland, Italy, France, Spain, and Yugoslavia.

In addition, Vice President Sergio Ramirez, on earlier trips to Europe visited Western European countries: Spain, Great Britain, Ireland, and France.

So we can see that Ortega was looking for help throughout Europe. I will agree that he got more help from the Soviet Union than anywhere else, and that is most deplorable and unfortunate—certainly from our viewpoint.

Mr. WILSON. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. WILSON. It is a simple question and can be answered yes or no.

I am wondering whether or not the Senator from Rhode Island considers that the guerrillas who were undermining and subverting and, I would

say, conducting terrorism against the Government and the civilian populace of El Salvador would be characterized by the Senator as the same guerrillas who are being armed and directed from Managua as terrorists.

Mr. PELL. When they are attacking civilian targets, they are, to my mind, terrorists. If they are attacking military targets, some people might say they are freedom fighters. That is the difference between the two.

Mr. WILSON. I thank the Senator from Rhode Island.

Mr. LUGAR. Mr. President, I yield 5 minutes to the Senator from California [Mr. WILSON].

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. I thank the distinguished manager of the bill.

Mr. President, in listening to my friend from Rhode Island, I was struck by what seems to me the inconsistency of a position that says that those who are freedom fighters in Nicaragua are terrorists, while those whom others would characterize as freedom fighters in El Salvador—who are indeed terrorists, armed and directed from Managua—are freedom fighters when they attack government positions.

I would not make the distinction between terrorists and freedom fighters in the same fashion. Indeed, I do not think it is very consistent to find the same person a terrorist and a freedom fighter, depending upon the target.

I will agree that innocent civilians should not be the target of military action or of terrorism. There is no justifying that, in any instance. But when the government that is being attacked, even when it is through its army that it is being attacked, is that of a freely elected democracy—that being the situation in El Salvador—you have a situation that is enormously different from that in Nicaragua, where the Government, whether Marxist or not, is a Government that seized by power or force and has governed by force.

I hope no one is persuaded that the charade that occurred there last fall was in fact the same kind of legitimate election which elected President Duarte in El Salvador. It was, instead, the kind of sham we see take place in the Soviet Union.

Mr. President, earlier today I heard my friend the Senator from Connecticut suggest that we should disassociate ourselves from freedom fighters in Nicaragua because one day the Sandinista regime in Nicaragua will use them as an excuse to cross the borders into Honduras or Costa Rica, calling them terrorists, in much the same fashion that Israel sought to protect its northern borders and its population from the terrorists attacks of the PLO, who achieved free rein of southern Lebanon.

Mr. President, what is wrong with that analysis is that it defies the truth of the difference in the situations.

The people of Israel were in fact entirely justified in going after terrorists who were marauding, who were sending rocket rounds in Israel from their base in southern Lebanon.

To equate that kind of terrorism with the sort of thing that has been going on either in Afghanistan or in Nicaragua, as freedom fighters have attempted to fight back, is to simply say that all who attack a government whether it is a freely elected government or one that is despotic and in place by force are in fact terrorists and we must equate them and, therefore, we must simply wash our hands. That simply makes no sense.

Mr. President, the people of Central America know that they cannot stand up to a Soviet-Cuban financed regime of terrorism and subversion, one that somehow does not quite transcend the bounds of the Rio Treaty because it is not open aggression, not overt aggression. But they know that ultimately their fate can be sealed unless they have some support. They are disposed to resist this revolucion santeros that the Sandinista regime seeks to export beyond its own borders, violence, subversion, and terrorism.

But I think perhaps the clearest example of the kind of help they need has been made clear in a letter of April 4, 1985, from President Duarte to President Reagan, and I know my friend from Connecticut, the sponsor of this amendment has a great admiration for President Duarte, one which I share, one that is deserved by history. He has hardly been an oligarch; rather he has been the victim of oligarchy.

Now he is a victim of an attack from beyond his borders, one that is financed and directed by Managua, one that——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. WILSON. I ask for an additional 2 minutes.

Mr. LUGAR. Two minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WILSON. I thank the Chair.

In his letter, President Duarte wrote to President Reagan:

> We remain concerned as we have been for some time by the continuing flow of supplies and munitions from Nicaragua to guerrilla forces here in El Salvador which are fighting against my government and our programs of reformed democracy, reconciliation, and peace. This continuing intervention in our internal affairs is of great concern to us and we deeply appreciate any efforts which your government can take to build a broad barrier to such activities, efforts which a small country like El Salvador cannot take on its own behalf.

Mr. President, what the President of El Salvador is saying is that he needs help against the kind of subversion and guerrilla activity that is being conducted against his government. It is directed from Managua, it is supplied, it is financed with money from the Soviet Union and Cuban bloc.

To try to equate these guerrillas attacking the Duarte government with the activities of the Contras is to simply ignore the very differences in their situation. The Sandinista regime that seeks to subvert other governments through just guerrilla activity in El Salvador is the target of the Contras. If, in fact, we wash our hands, if we take the money that the Dodd measure would appropriate to get out of an association with freedom fighters, then why do we not do the same thing with the Afghans who are resisting the Red army in Afghanistan? Because, Mr. President, there is a fundamental difference. The truth is the Afghans are resisting an invader who has taken their land by force, and the same thing is true in Nicaragua, though the invader happens to be not the Red army but the Sandinistas.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana,

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. I thank the Chair. Mr. President, I am going to try to stay within the 5 minutes and make four or five points.

First, at the heart of each of these amendments is the issue of who is at fault for what is going on. The Senator from Connecticut referred to the two helicopters that were shot down and that will lead us into an endless debate about who started it, who is perpetuating it, and who is at fault.

The reality is that you cannot blame the U.S. involvement except indirectly in the specific acts of violence that are taking place because we have not had a presence in Nicaragua since we stood on this floor a year ago debating whether or not to continue support for an alleged covert action.

I think the reality is, and I was in Costa Rica on Friday at 2:20 in the afternoon when two of the civil guards were killed on the border, is now that the Nicaraguan issue is Nicaraguan and Nicaragua. And the role that we play here is in danger of becoming superficial to that issue.

The Sandinistas have been killing El Savadorans indirectly for at least 5 years. They are now in the process of killing Hondurans and Costa Ricans in a very direct kind of a sense. Yes, mixed into the reality of why they are doing the killing, in the case of the Salvadorans it has something to do with popular revolution in El Salvador which I think is successful but they are still feeding the killing and I think it has something to do with El Salva-

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doran people in FDN need to be attacked from Honduran or Costa Rican territory so you can indirectly find some play somewhere else.

But the reality is it is Nicaraguan against Nicaraguan today and it is in a setting of Central American setting much more than it is an east-west or north-south kind of a setting.

I would reply in elaboration of the question of the Senator from Colorado about the long range. The long range in Nicaragua is democracy. That is the issue that we ought to be debating here today. The difficult question is who are the democrats? I do not mean in the sense of the folks across the aisle. But who are the democrats in Nicaragua?

I originally opposed any involvement down there because I know there would be a day when we would be wrestling with who the true democrats are.

The reality is today, and I met with some of these people while I was there, the leadership on the democratic side in Nicaragua will come from a large and enlarging group headed up by the triple-A. The triple-A include Arturo Cruz, Alfonso Robelo, and Adolfo Calero. All first names start with "A". That is how they get to be the triple-A. It is their task to take political charge of an effort which was at best missed in the military sense.

They told me last weekend, "Whatever you do in your resolution next week make sure that the democratic resistance, the democratic revolution in Nicaragua, if it is armed with support from the United States that support includes a condemnation of atrocity terrorism, indiscriminate killing of civilians, and so forth, on the part of people in the democratic resistance." They are taking charge of the democratic side.

They are doing it because the reality throughout Central America is that this is no longer a U.S. national security problem. It is a national security problem for Central America.

The reality is that six Central American countries cannot exist with a dictatorship in its heart. The heart of Central America has always been a democracy. It has been stifled for years and years with the help of the United States.

Today democracy is alive and well in those countries and in every country except Nicaragua.

There is a grafitti all over San Jose, Costa Rica which is in Spanish "Comandantes lo mismo que Somocistas" and that says the commandantes are all Somocistas.

It is common consensus in Central America that all we have accomplished, all the Costa Ricans accomplished, with all of that support that they gave to the anti-Somoza forces, all they did was trade a military dictatorship of one for a military dictatorship of nine. That is the heart of the issue. It is not the U.S. policy as much as it is the future of Central America.

My distinguished colleague from Rhode Island referred to the Gallup Poll in the United States about support for U.S. involvement in Central America.

The PRESIDING OFFICER. The Senator will suspend. His 5 minutes have expired.

Mr. DURENBERGER. I ask unanimous consent that I be allowed to continue for 2 minutes.

Mr. LUGAR. How much time remains on this side?

The PRESIDING OFFICER. Two minutes.

Mr. LUGAR. Two minutes.

Mr. DURENBERGER. I will take 1 minute.

Mr. LUGAR. All right.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. DURENBERGER. Mr. President, in this poll taken in Costa Rica by the Gallup organization just in the last couple of months "Do you consider Nicaragua a significant threat to peace in Costa Rica?" Ninety-eight percent of the Costa Ricans said yes.

"Do you consider it necessary to improve the capability of the Costa Rican civil guard to deter the threat from Nicaragua?" Eighty-eight percent of 1,500 sampled Costa Ricans said yes.

So we can debate U.S. national security policy around this amendment forever. We will not get to the heart of the problem. The problem is the future of Central America, the future of democracy, and the reality of "Comandantes lo mismo que Somocistas."

Mr. LUGAR. Mr. President, we have but 1 minute remaining. I will simply indicate that I believe sufficient reasons have been given for Senators to vote against the amendment. Keep in mind the Nunn-Lugar amendment coming along the trail later on today which, in my judgment, offers a better foreign policy for our country.

I yield back any remaining time that we have.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Connecticut has 9 minutes remaining.

Mr. DODD. Mr. President, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

Mr. DODD. Mr. President, I do not anticipate using the entire 8 or 9 minutes remaining to me at all. I do not have any additional requests for time on this side so I will try to respond, if I can, to some of the comments that have been made since I proposed the amendment in my opening remarks.

First of all, with regard to the likelihood of the Sandinistas changing any of their policies at all, my good friend and chairman from the State of Indiana, Senator LUGAR, indicated what I was suggesting was that there is no hope at all.

What I was trying to point out is that if your stated goals have been to reduce the size of the Nicaraguan military, to improve democratic institutions from within, and to at least lessen the credibility of the Sandinistas internationally, that over the past 4 years, with the expenditure of a large amount of money in support of the Contra operation, we have not reached those goals.

We are not talking about hopes and wishes and what our feelings are about, as I mentioned earlier, members of the Contras who are tremendously sympathetic because of what they are trying to do. I am asking my colleagues here to make a choice about what makes sense for us. This is not just a question of wishing or hoping is it going to work. My response is it is not. Is it in our interest to continue a policy that is doing more harm than good? If one can stand up here and tell me how, as a result of what we have done in the last 4 years, Nicaragua is reducing its military buildup, it is moving to institute some of the democratic reforms and promises it promised prior to the overthrow of Somoza, I would be willing to listen to why we ought to continue to support the Contras.

But, if you get the opposite effect, it seems to me we ought to have enough common sense to say, "Let's try something else." Either that or give the Contras the type of aid they need to do their job. I hear my colleagues say they deserve our support. If they deserve our support, why not give them support? We are going to argue about jeeps and band-aids and the United Nations and the Red Cross. If they qualify, give them help. If it is not working, we should try something else and we ought to have enough honesty and integrity to say that, as well.

On the question of comparing this, my good friend from California suggested that there were some differences between the Nicaraguans and the Israelis. Of course, there are. I was not drawing the comparison to the extent of two governments that are reflective of each other in their policy. The comparison I was drawing was the reaction of the Israelis to the problems as they perceived them and we perceived them in their northern borders and the southern part of Lebanon. What the Nicaraguans can point to is their problems on their northern border and the southern part of Honduras. And in that court of international public opinion, I would suspect today that the Nicaraguans would

enjoy far more support in crossing that border to deal with that problem than they would have 2 years ago, 3 years ago, or 4 years ago; that today they would appear to be operating under the color of right, protecting their sovereignty.

That is where the comparison begins and ends, not over the legitimacies of the two governments or whether or not you like the two governments or not, but whether or not they are going to appear as doing that which was in their self-interest to protect their sovereignty. That is the extent of the comparison.

The Gallup and other polls and so forth that people talk about, I wish the work word "polls" never enter the debates around here, and they do too often. If we are deciding that we are going to set our foreign policies based on polling data, God help us. It is bad enough as it is. We start talking about whether or not 51 percent of the people like this policy or 49 percent do not. It is hard enough to try and fashion something, but if we start doing it based on polls every day to determine where a popular opinion is then we are in far more trouble than I imagined.

So I hope we would keep polling data as far removed from the debates as possible. If it is the right thing to do, then we ought to do it. If it is the wrong thing to do, then, regardless of the amount of public support it would apear to have, we ought to try something else.

Again, Mr. President, let me just conclude by saying that I realize what I am offering here is a position that is quite different from what else we will debate today. But it seems to me it is the central question. Does this policy make sense for us? Is it working for us or is it not?

Unfortunately, we will spend the rest of the day, and I suspect what we will adopt here will be adopted in the House, on some very nice little package that will be very appealing to all of our constituencies back home: "We are giving aid to the Contras, but I promise you we are not going to give them anything to fight the fight with. We are going to give them band-aids and trucks and jeeps and we are going to do it through the Red Cross, the United Nations, AID, or the CIA, or delivered in some neutral way by someone who will never be seen. Don't worry about it."

That is what we are going to argue, not whether or not this policy makes sense. If it does, give it the kind of support it deserves. If it does not, then try something else.

Mr. President, I thank my colleague from Indiana for his gracious comments about this effort. I would just say, in conclusion, that we will be back at this choice. I hope that will not be the case, but I will tell you at some point we are going to come back here to this choice, whether it is in 5 months, 4 months, or a year. We will be back here on this point. I hope we would make it sooner rather than later.

Mr. President, I yield back whatever time I have remaining.

The PRESIDING OFFICER (Mr. GOLDWATER). All time has been yielded back. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST] is absent due to illness.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The result was announced—yeas 17, nays 79, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—17

Burdick	Kennedy	Metzenbaum
Cranston	Kerry	Pell
Dodd	Leahy	Riegle
Harkin	Levin	Sarbanes
Hart	Matsunaga	Weicker
Hatfield	Melcher	

NAYS—79

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baucus	Gore	Nunn
Bentsen	Gorton	Packwood
Biden	Gramm	Pressler
Bingaman	Grassley	Proxmire
Boren	Hatch	Pryor
Boschwitz	Hawkins	Quayle
Bradley	Hecht	Rockefeller
Bumpers	Heflin	Roth
Byrd	Heinz	Rudman
Chafee	Helms	Sasser
Chiles	Hollings	Simon
Cochran	Humphrey	Simpson
Cohen	Johnston	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stennis
DeConcini	Lautenberg	Stevens
Dixon	Laxalt	Symms
Dole	Long	Thurmond
Domenici	Lugar	Trible
Durenberger	Mathias	Warner
Eagleton	Mattingly	Wilson
Evans	McClure	Zorinsky
Exon	McConnell	
Ford	Mitchell	

NOT VOTING—4

Denton	Inouye
East	Wallop

So the amendment (No. 271) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 272

(Purpose: To urge the United States to resume bilateral relations with the government of Nicaragua, and to prohibit the introduction of Armed Forecs of the United States into or over Nicaragua)

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. 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 Massachusetts [Mr. KENNEDY] proposes an amendment for himself and Mr. HATFIELD numbered 272.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

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

BILATERAL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF NICARAGUA

SEC. . It is the sense of Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

LIMITATIONS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. . (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the purpose of introducing Armed Forces of the United States into or over the territory or waters of Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to an introduction of the Armed Forces of the United States into or over Nicaragua for combat if—

(1) the Congress has declared war; or

(2) the Congress has enacted specific authorization for such introduction, which authorization may be expedited in accordance with those expedited procedures set forth in Section 8066 of the Department of Defense Authorizations Act (1985), Public Law 98-473; or

(3) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I asked for a division of the amendment as indicated on the amendment. The first division is on the section on bilateral talks between the United States and Nicaragua. The second division is on the introduction of U.S. combat troops in Nicaragua.

The PRESIDING OFFICER. The Senator has a right to divide the amendment. The amendment is so divided.

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Do we have the yeas and nays on both?

The PRESIDING OFFICER. The yeas and nays having been authorized for the division, it applies to both.

Mr. KENNEDY. Mr. President, there are two parts of this amendment, one dealing with the bilateral negotiations and the second with regard to combat troops.

The distinguished Senator from Oregon is a cosponsor of the provisions dealing with the combat troops, and I will be glad to yield to the Senator to address that particular issue if he would so like at this time. And then I will make the presentation with regard to both sections of the amendment.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Senator from Massachusetts.

Mr. President, I rise to support the entire amendment as offered by the Senator from Massachusetts and myself, but I would like to make a few remarks at this time relating to that section that addresses the question of the introduction of American troops.

Frequently, we hear the Members of this body and others say that there are no parallels between the American involvement in Central America and the American involvement in the war in Vietnam.

Obviously, there are definite dissimilarities between those two actions and policies, but there are also some irrefutable similarities. One of them, I fear, is one that can happen in such a subtle way that we are caught unaware. It was in this fashion that we found ourselves in the longest war in American history, a war that was never declared, a Presidential war that was supported by the Congress. Why that occurred was, of course, subject to many interpretations, but I think one of them was because the Congress ducked its responsibility. It was a congressional responsibility from the very beginning. We failed to draw a distinction between a Presidential military response that has always been considered valid, which is to introduce military force to defend an immediate threat to the United States or its citizens and the introduction of U.S. troops to conduct war without acknowledging that it actually is a war. Thomas Jefferson established the precedent for the former option very clearly under the African pirate case. But certainly the war we fought in Vietnam was not such a case, and the Congress never did stand up to its responsibility to officially make a declaration of war.

What this amendment proposes to do is simply require that there be a congressional authorization or a declaration of war before American troops are sent to Nicaragua.

Mr. President, 2 or 3 years ago I addressed this Chamber in terms of my concern about that possibility. I did not want to see the nightmare of Vietnam repeated in the case of Central America. No one thought that it was a very serious concern to be expressed at that time. I think it is very interesting that the New York Times carried a front-page story in which they conducted almost 50 interviews with officials from various sources indicating that discussion of the invasion of Nicaragua has been commonplace in this administration—discussions of the invasion of Nicaragua. I think there are some people who would like the discussion to become a bit more commonplace. I think we have to be aware that this possibility is not a way out. We are not engaging in some kind of theoretical accusation. Nor was there one being made 3 years ago.

When we create the image of a threat to America by this little Central America republic today, we are also creating a responsibility that will ultimately be ours to destroy it. And if the forces that are operating there today cannot demonstrate capability to destroy it, then we have no other option but to introduce our own forces to "destroy this great threat to the American Republic."

Now, in the debate in April we had a hate-in—everybody said, "I hate the Sandinistas more than you do. I just hate them differently." It was very interesting to watch the debate at that time on the floor. We had all kinds of suggestions: "We want to exhaust all the economic and diplomatic 'hate' options before we go with the military option."

Virtually everybody was willing to create a monster which we could destroy later, and the administration helped us along with trade sanctions. Then Ortega helped us along a great deal with his trip to Moscow—one of the dumbest things I ever saw pulled on any political stage. If stupidity were sufficient reason to set the stage for war, then Mr. Ortega deserves war, one might say, but the problem is that it will not be Mr. Ortega who will pay the price; it will be the peasants in the countryside, and the 14-year-old children the Sandinistas parade around in uniforms carrying guns, as reprehensible a regime that it may be. But before we try to destroy the monster we are urgently creating, let us make sure that the American people agree.

I do not want to get into one of those situations again where Members of Congress ran around the countryside after it was too late trying to say, "Well, this is President Johnson's war." Of course it was President Johnson's war, because you had a gutless Congress that did not stand up to its congressional responsibility. But that in no way justifies it nor did that sanctify the war. It merely made it more reprehensible because it was such an unwinnable one. Mr. President, when we debated this issue in late April I said that what we do or do not do today affects the unfolding caricature of the Nicaraguan regime. I said that our responsibility is immense, because the mark we make on that caricature through our actions will go far in determining whether it will be necessary to send American troops to war tomorrow. To the extent that the caricature of that society is still unfolding, I believe, Mr. President, we virtually guarantee that our most sinister suspicions will be validated every time we fail to embrace opportunities to change it. I also said that everyone here who talks of a totalitarian, Leninist-Marxist, Soviet beachhead in Nicaragua better know exactly what he or she is talking about because, if a majority of us are convinced of that now and act accordingly, we are going to have it. We are going to have it as sure as we are going to have to stop it one day in order to save face. We better be careful about that before we cross that xenophobic threshold.

I still feel that these perceptions are not only valid, but that they have taken on certain new authenticity as a result of these reports of discussion about invasion going on within the officialdom of our Government.

I think we also have to realize, Mr. President, that as we ask for this amendment to be adopted, we are not in any way blazing the trail for any new policy or any new proposal or any strange doctrine. I am merely asking along with my colleague from Massachusetts that we underscore and reemphasize the congressional constitutional responsibility. All we are suggesting in this amendment is that we reaffirm our basic commitment to the Constitution. That Constitution states very clearly that, it shall be the responsibility of the Congress of the United States to make a declaration of war before American troops are introduced into military action. We must realize that once those troops are introduced, with or without our authority, the President of the United States is still the Commander in Chief and he prosecutes the war.

I am not suggesting that we take on the Commander in Chief's responsibility. We are simply reaffirming our

constitutional responsibility to take a specific action, prior to the introduction of American troops into Nicaragua. We do not say El Salvador. We do not say Honduras. We do not say Costa Rica. We do not say Guatemala. We say Nicaragua. That is the essential purpose of this amendment. It is a simple reaffirmation of our constitutional responsibility.

Mr. KENNEDY. Mr. President, this amendment is in two parts; the first part expresses the sense of Congresss that the United States should resume bilateral negotiations with the Government of Nicaragua; the second part sets forth language similar to that which appears in the foreign aid package that was passed by the House Foreign Affairs Committee prohibiting the introduction of U.S. combat troops in or over Nicaragua without prior approval of Congress.

I will deal with the first part of this amendment first.

Last June, Secretary of State Shultz met with Daniel Ortega in Managua. At that time, the American people were told that the United States would begin to conduct discussions directly with the Government of Nicaragua. Many critics of the administration suggested that this initiative was politically motivated, that President Reagan had only agreed to bilateral discussions with the Sandinistas as part of his campaign for reelection, and that as soon as the American election was over, the talks would be halted.

But there were those of us who applauded the President's decison. We had argued that military force should be a policy of last resort. We had contended that the United States should explore and exhaust diplomatic and political avenues for resolving our differences with the Sandinistas, and that we should do this before resorting to direct military pressure. There were those of us who saw Secretary Schultz's trip to Managua and the talks that grew out of that trip as a promising step forward, a hopeful sign that, once the two parties began talking together directly, progress might be made—not only in resolving differences between Nicaragua and the United States but also in dealing with some of the obstacles that still stood in the path of a Contadora agreement.

And so we supported the talks that ensued at Manzanillo. Those discussions seemed promising. Both parties sent experienced and high-level diplomats to conduct the negotiations, and both parties were careful to keep the contents of their discussions out of the newspapers. The meetings went forward over the summer, into the fall, and on into the winter. After the June 2, 1984, meeting between Shultz and Ortega at the airport in Managua, the parties sent their respective delegations to Manzanillo, Mexico for the first set of discussions on June 25-26. Thereafter, the delegations met on July 16 in Atlanta and then again on six other occasions in Manzanillo between the end of July and November 20. The last set of meetings occurred on December 10-11, 1984. Thereafter the American delegation announced that it would not return to Manzanillo for the January meetings and that the talks would be suspended.

There were those who expressed a certain cynicism about the decision to withdraw from the Manzanillo talks, pointing to the fact that the talks were initiated 4 months before the Presidential election in the United States and were then halted just 1 month after President Reagan was reelected. The decision to halt these negotiations was all the more disappointing when we learned that the administration also wanted Congress to send $14 million in additional military assistance to the Contras. It appeared to many of us that we had returned to the mistaken policies of the past and that what should have been the course of last resort—the military option—was actually this administration's preferred policy. We then learned, directly from President Reagan himself, that it was the policy of the United States of America to make the Sandinistas "cry uncle" and to "replace" the Sandinistas with a "new structure." It is understandable that this administration might be reluctant to negotiate directly with a government that it is seeking to overthrow, and—in the context of the administration's decision openly to announce its intention of overthowing the Sandinistas—I can understand why the President would decide to call off the Manzanillo talks.

But there are those of us who still believe that the United States of America should not be in the business of overthrowing governments that we do not like. There are those of us who think it is wrong under international law and wrong morally for the United States to interfere in the internal affairs of another country the way we have been interfering in the internal affairs of Nicaragua. We still believe that the United States should turn to the military option only as a last resort, when our own national security interests are clearly at stake, when our citizens are in danger or when our treaty obligations require us to do so. In the absence of those circumstances, we believe that diplomatic and political and other avenues of influence should be used before resorting to armed force.

This amendment is very simple. It states clearly and unequivocally that it is the sense of Congress that President Reagan should direct Secretary of State Shultz to return to the negotiating table with Nicaragua, to explore ways in which our differences might be worked out peacefully, and to exhaust diplomatic and political avenues.

Recently there was a hopeful sign that the United States might be contemplating a return to the Manzanillo talks. On May 11, 2 weeks before Congress went into recess, the Security Council introduced a resolution condemning the U.S. trade embargo of Nicaragua and calling on the United States to resume talks with the Nicaraguan Government. Of the 16 paragraphs contained in that resolution, the United States vetoed those 3 that dealt with the trade embargo but abstained on the paragraph that called on the United States and Nicaragua to resume the suspended talks that had begun in Manzanillo. After the debate, U.S. Ambassador Jose S. Sorzano said that the United States was "not against a dialog" with Nicaragua. I believe that Congress should go on record in support of such a dialog.

At a time when Secretary of State Shultz meets and talks with Foreign Minister Gromyko, at a time when President Reagan has expressed his desire to meet and talk with Mr. Gorbachev, at a time when an American delegation is meeting and talking with a Soviet delegation in Geneva, at a time when the nations of the Contadora group are meeting and talking in a persistent and determined effort to resolve the conflicts in Central America by way of a comprehensive regional agreement, at a time when the United States has even negotiated with Mr. Castro about the return of some of those who had entered the United States from Mariel Bay, to get them returned to Cuba, surely it is not too much to ask the U.S. Government to open direct discussions with the Government of Nicaragua.

Mr. President, all we are asking, is for this administration to "give peace a chance" and to return to the negotiating table. I urge my fellow Senators to support this part of the amendment.

Mr. President, I say to the chairman of the Foreign Relations Committee that I would be glad to discuss the second part of the amendment if he would prefer, and then we could have a discussion on either part following that, or we could talk about the first part.

Mr. LUGAR. If the Senator will proceed with the discussion of the second part, that is my preference, and I will attempt to discuss both parts.

Mr. KENNEDY. Mr. President, as the Senator from Oregon has pointed out, the second section of my amendment, if enacted, will prohibit the introduction of U.S. combat troops into Nicaragua without advance approval of Congress, except in a situation where the President determines that U.S. combat troops must be sent to meet a clear and present danger of

attack upon the United States, its territories or possessions, to provide protection for U.S. Government personnel or citizens, or where Congress has declared war.

This is not the first time that the Senate has debated this question, but I hope it will be the last. At long last, we should respond to the concerns of the American people and send a clear message to this administration: We do not want to slip-slide into a war in Central America without full consultation with Congress, and we should not send American boys to fight and die in the jungles of Central America unless and until Congress and the American people have had a chance to be heard.

I am offering this amendment today because of the mounting evidence that this administration is preparing to send U.S. combat troops to Nicaragua to finish what the Contras have started. On May 23, in a speech before the American Bar Association in Washington, DC., Secretary of State Shultz warned Members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "They are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

On April 17, the New York Times cited a classified report from the White House to Congress in which the administration stated that it has, for the time being, ruled out "direct application of U.S. military force" in Nicaragua but warned that this course "must realistically be recognized as an eventual option given our stakes in the region, if other policy alternatives fail."

According to the Times:

> The document contended that only direct pressure brought by expanded rebel forces fighting on Nicaragua's northern and southern borders could force the Sandinistas to accept United States demands.

The document went on to state that, in order to "create real pressure on the Government of Nicaragua," it would be necessary for Congress to appropriate funds for a 20,000- to 25,000-man force in the north and a 5,000- to 10,000-man force in the south.

Thus, we see that it is the best assessment of the White House that it will take no less than 25,000 to 30,000 men to create real pressure on Nicaragua" and, says the White House, if this policy option fails, sending U.S. troops "must realistically be recognized as an option given our stakes in the region."

I ask unanimous consent to print the April 17 New York Times article in the RECORD.

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

[From the New York Times, Apr. 17, 1985]

A LARGER FORCE OF LATIN REBELS SOUGHT BY UNITED STATES

(By Hedrick Smith)

WASHINGTON, April 16.—The White House, pressing for $14 million in aid for Nicaraguan rebels, has told Congress that it wants to expand the size of the insurgent forces to put more pressure on the Nicaraguan Government.

A document sent to two Congressional committees said the Administration had for now ruled out "direct application of U.S. military force" but warned that this course "must realistically be recognized as an eventual option, given our stakes in the region, if other policy alternatives fail."

Publicly, President Reagan has given no indication of any plan to expand guerrilla forces. Talking to trade association lobbyists at a White House gathering today, he accused Congress of being "paralyzed over a mere $14 million in humanitarian aid."

REPERSENTATIVE MICHEL URGES COMPROMISE

Previously, Mr. Reagan had said that if the money were approved, humanitarian aid would be provided to the rebels during a 60-day cease-fire. He said it would then be shifted to military aid if the Sandinista Government did not reach a peace settlement with the rebels in that period.

Reflecting the tough battle expected over the President's request, the Republican leader in the House, Robert H. Michel of Illinois, urged Mr. Reagan today to be ready to compromise. His advice came as proponents of the aid argued on Capitol Hill that it was needed for national security.

DIRECT PRESSURE ON SANDINISTAS

The Administration objective was described in the 22-page document marked "top secret" that was delivered by the White House to Congressional appropriations committees and later made available to The New York Times.

The document indicated that the Administration was moving on two levels. Publicly, negotiations are being cast as the first priority. But the document contended that only the direct pressure brought by expanded rebel forces fighting on Nicaragua's northern and southern borders could force the Sandinistas to accept United States demands.

"Assistance provided to the Nicaraguan democratic opposition will be structured so as to increase the size and effectiveness of its insurgent forces to a point where their pressure convinces the Sandinista leadership that it has no alternative but to pursue a course of moderation," including major political concessions, the White House report to Congress said.

The President's "determination," or official request and justification to Congress for funds, set out the objective of resuming aid "at levels sufficient to create real pressure on the Government of Nicaragua (20,000- to 25,000-man insurgent force in the north and 5,000- to 10,000-man force in the south)."

Administration officials now estimate that the Nicaraguan Democratic Force has 15,000 guerrillas fighting from bases in Honduras on Nicaragua's northern border and that the Revolutionary Democratic Alliance has 5,000 guerrillas fighting along Nicaragua's southern border with Costa Rica.

Presenting the rationale for the Administration strategy of aiding Nicaraguan rebels, the White House document contended that the alternative would be an expensive and doubtful strategy of "containment" against Nicaragua. The containment strategy, it contended, could raise the cost of American economic and military aid programs in Central America from a current level of $1.2 billion a year to as much as $4 billion to $5 billion a year "for the immediate future."

"The containment approach is obviously deficient in that it is passive and does not contemplate changes in Sandinista behavior," the White House contended. "Only major direct pressure can induce change."

Government sources said the document was delivered to Congress by the White House Congressional liaison office late on April 3, the day before President Reagan publicly unveiled his cease-fire proposal but after Mr. Michel had been informed of that plan. Its delivery formally set off Congressional consideration of the aid request.

DECLASSIFIED VERSION OF DOCUMENT

The White House put out a 16-page declassified version of the document today. It contained some of the same general material but excised any references to expanding the guerrilla forces, the Central Intelligence Agency operations or the role of third countries.

Roughly $80 million in formerly covert aid to the rebels, channeled through the C.I.A., was cut off by the House last May. A later effort to revive it was delayed by Congress last fall, setting up votes this spring.

The first Congressional action will come Thursday at hearings of the defense appropriations subcommittees of both houses. The chairman of the House subcommittee is Representative Joseph P. Addabbo of Queens, a foe of aid to the rebels. The chairman of the Senate subcommittee will be James A. McClure of Idaho, a leading supporter of the Administration on this issue.

The Administration's official report to Congress, titled "U.S. Support for the Democratic Resistance Movement in Nicaragua," enumerated guidelines for the "management of the program," including "a small U.S. advisory team" that would "maintain direct contact" with Nicaraguan rebel leaders.

ROLE OF THE C.I.A.

Although Congressional sources have said that in the past some American C.I.A. agents had entered Nicaragua with rebel groups, the latest White House document pledged that C.I.A. staff members and contract personnel would not enter Nicaragua or "participate in military or paramilitary operations of any kind."

"U.S. presence will be limited to a small group of C.I.A. advisers outside Nicaragua whose function will be to provide intelligence, limited tactical advice based on that intelligence and logistical guidance," the document said.

Mr. KENNEDY. Most recently, in a lengthy report in the June 4 edition of the New York Times, Government officials are quoted as saying that a U.S. invasion of Nicaragua is now militarily feasible. In the words of one official, an invasion of Nicaragua by the United States would be "like falling off a log * * * (T)hey'd never know what hit them." According to this Times report, Col. William C. Comee, Jr., the director of operations at Southern Command, has estimated that it would take the United States 2 weeks to gain control of 60 percent of the Nicaraguan population. Another U.S. official predicted that, in the

event of intervention by the United States, "the Nicaraguan people would rise up in support of an American invasion and that neighboring armies would assist the United States eagerly."

I ask unanimous consent to print the June 4 Times article as well as a related article on June 5 at this point in the RECORD.

[From the New York Times, June 4, 1985]

U.S. MILITARY IS TERMED PREPARED FOR ANY MOVE AGAINST NICARAGUA

(The following article is based on reporting by Bill Keller and Joel Brinkley and was written by Mr. Keller.)

PANAMA.—In the last two years, the United States Southern Command, from its tropical hilltop headquarters here, has presided over the establishment of a sophisticated military apparatus in Central America.

While President Reagan and his top advisers say the use of American military force in the region is an unlikely and undersirable last resort, the military is prepared for contingencies, according to military officers and diplomats in Washington and Central America. Authorities say this has been accomplished with a vigorous tempo of war games, construction of staging areas and listening posts, the creation of an elaborate intelligence network and a major effort to fortify allied armies.

The United States military presence, once devoted almost exclusively to defending the Panama Canal, was expanded in the name of protecting stability throughout Latin America. More recently, the officials say, its focus has narrowed on Nicaragua, which the Reagan Administration believes is the main threat to peace in Central America.

The military officers and diplomats said in interviews that the buildup of the Southern Command, one of six global subdivisions of the American military, is now largely complete and that it is adequate to carry out any likely emergency in the region.

These officials also challenged what they called the apparently popular belief that if the United States was drawn into direct military involvement in Central America, it would inevitably lead to a Vietnam-style quagmire.

"LIKE FALLING OFF A LOG"

According to American military and intelligence assessments presented at the highest levels of the Government, the United States could quickly and easily rout the Sandinistas who govern Nicaragua.

An intelligence official whose opinions have been solicited by members of the National Security Council said that an invasion of Nicaragua was undesirable "from a propaganda point of view," but that if it became necessary it would be "like falling off a log."

As Congress begins another round of debate over how to deal with Nicaragua, both supporters and opponents of Administration policies are examining the military options embodied in the Southern Command with renewed interest.

One reason is that the Administration has begun talking more openly about the risk of American military involvement if Congress continues to foreclose less drastic measures, such as renewed military aid to the United States-backed Nicaraguan rebels seeking the overthrow of the Sandinista Government.

Moreover, United States and Central American officials say, the unpredictable behavior of the Nicaraguan Government could increase the likelihood of American involvement at any time.

PRUDENT, OFFICIALS SAY

American military officials say the activities at the Southern Command is prudent preparation for such dangers.

"I can say with some confidence that the exercises have provided us with a significantly improved capability to operate in the region," said Col. Charles Pearcy, who heads the command's task force in Honduras.

Some critics, on the other hand, have long seen the muscle-flexing at the Southern Command in a more ominous light.

Eugene J. Carroll Jr., a retired admiral who is director of the Center for Defense Information, a group often critical of the Pentagon, wrote last year that "accelerating U.S. military preparations" in Central America "suggest that the decision has already been made by President Reagan to send U.S. troops into Nicaragua."

House Speaker Thomas P. O'Neill Jr., brushing aside the President's consistent statements that he is determined to avoid sending combat troops to Central America, said in April, "I've said all along that I don't think the President of the United States will be happy until American troops are down there."

THE COMMAND'S MISSION

The decision to use military force would be made in Washington, but the preparation and execution are the responsibility of the Southern Command, known as Southcom.

The headquarters, a cluster of neat frame buildings under coconut trees, has changed little in size or appearance since a few years ago when the command, in the words of its spokesman, Col. William C. Hansen, was "one of those final assignments" on the way to retirement.

But in 1983 the Southern Commands' importance began growing in earnest. That year the Administration, fighting one anti-Government insurgency in El Salvador while underwriting another in Nicaragua, without fanfare rewrote the command's mission statement.

Once assigned primarily to defending the Panama Canal, the command was committed, among other responsibilities, to "counter Soviet and Cuban militarization and other destabilization undertakings."

"There would not even be a United States Southern Command today, I am convinced, had it not been for the propensity of these Marxist-Leninists to pursue their own goals, ignoring the aspirations and needs of their own peoples" in Central America, Gen. Paul F. Gorman, the head of Southern Command, told the Senate Armed Services Committee in February, a few days before he retired.

THE CHANGES ARE MADE

General Gorman is widely considered responsible for changing the command to suit its new mission.

"When I came to Panama two years ago, I found an Army component very well designed to defend the Panama Canal against brawlers and rioters, but ill suited for supporting allies in the region," he told the Senate committee. He promptly disbanded the Army's canal-oriented mechanized infantry unit and sent to Washington for experts in intelligence, communications aviation, medicine and construction.

Within a year of General Gorman's arrival, Southern Command had begun to build or enlarge eight airfields in Honduras, using engineering battalions brought in for military exercises. A member of the Senate Intelligence Committee who has toured the installations recently described them as "a pretty sophisticated staging area."

At Palmerola, in the central highlands west of Tegucigalpa, the largest airstrip was dedicated last February. The 8,000-foot, lighted, all-weather runway shimmers like a mirage in the midst of a sprawling military town of wood huts, camouflaged antiaircraft emplacements and repair shops. It can handle any plane the United States military owns, including jumbo C-5 and C-141 transports and high performance fighter planes.

VERSATILE PLANE SOUGHT

Palmerola is home for Joint Task Force Bravo, the American operating arm in Honduras, established in 1983 to train Hondurans, build and maintain shared facilities, organize war games and assist American military missions in the area.

In the last year the buildup has continued. The fiscal 1986 budget, for example, calls for moving to Southern Command a detachment of C-7 Caribou planes, a plane of 1960's vintage that can land on tiny, undeveloped airstrips. General Gorman told the Senate that, whereas 30 airfields in Central America can handle C-130 cargo planes, the little Caribou can deliver troops or materiel to some 900 locations.

Much of the more recent activity at Southern Command is not visible at all, involving intelligence-gathering.

In his testimony, General Gorman said that he had built "a very close working relationship with the entire intelligence community" and that he met constantly with Central Intelligence Agency station chiefs in his region.

A Congressional source said that within the last several months the National Security Agency had installed "the best technology we've got" at electronic eavesdropping posts on Tiger Island, in the Gulf of Fonseca near Nicaragua, and other locations.

SUPPLIES OF FUEL IN PLACE

The military has been thwarted by Congress in some of its more ambitious proposals, including a plan for storing bombs and rockets at Palmerola and San Lorenzo, about 40 miles from the Nicaraguan border.

The Southern Command has, however, stored fuel. According to a classified Pentagon report, the Southern Command on Jan. 1 was the only one of the six regional commands that divide responsibility for American military commitments around the globe that had stored 100 percent of its estimated oil requirements.

In manpower, the Southern Command is the smallest of the six commands, with about 9,600 people stationed at various installations in Panama and an average of 1,200 troops in Honduras.

But General Gorman noted that this was deceptive. Southern Command is designed to have a small permanent staff, but to draw troops, in event of conflict, from the United States Readiness Command, based at MacDill Air Force Base in Florida, and the United States Atlantic Command, based in Norfolk, Va., which patrols the Caribbean and the Atlantic.

BEHIND THE WAR GAMES

Getting those forces to Central America has been a central point of exercises conducted over the past two years.

Until 1983, Colonel Hansen, the Southern Command's spokesman, said, the command staged only one sizable exercise a year, an annual drill called Kindle Liberty that practiced defense of the Canal.

Since 1983, the Pentagon has added several major war games a year, testing on the playing field of Honduras virtually every wartime contingency that might arise in the region.

In an exercise called Big Pine III, completed May 3, the Americans staged Nicaraguan-style tank attacks near the Choleteca gap on the Honduras-Nicaragua border, while Honduran troops practiced defensive tactics. Universal Trek, which ended May 5, practiced landings by Marines and paratroopers—and for the first time tested how the Pentagon would handle reporters covering an unannounced military operation.

TROOPS WILL BUILD ROAD

This year's third major Honduras exercise, beginning June 7, will send 1,800 American troops to build a 15-mile road to the airfield at San Lorenzo and practice paratrooper attacks against guerrillas.

Colonel Pearcy, the Joint Task Force commander, said these war games served multiple purposes, including realistic training of American and allied troops, and served to remind the Nicaraguans of American resolve.

Most of the lessons could be applied to other regions. But the exercises, American officials said, have worked extensively on two abilities that would be essential in a Central American conflict: moving men and equipment to the region in a hurry and working in tandem with the Honduran Army, which American officals say would be a likely partner in any American military enterprise.

"What you do on the ground is often less important than the preparation for going, getting there an existing," Colonel Pearcy said.

MILITARY ADVICE PROVIDED

In addition to being host for exercises and training, Southern Command has helped run a gradually increasing program of military aid and advice for Nicaragua's neighbors, El Salvador, Honduras and Costa Rica.

In May, the United States sent 20 Green Berets from the Army Seventh Special Forces in Panama to train the Costa Rican civil guard in basic military skills at a new camp near the Nicaraguan border.

The Defense Department siad it was the largest American military training team ever dispatched to Costa Rica, a neutral country that does not maintain an army, and the move prompted protests from some Costa Ricans that the United States was pressing their country to militarize.

THE DEBATE ON INVASION

Whether these preparations are enough to assure American success in any military operation that might arise is still a matter of lively debate.

No one in Government is suggesting that an invasion of Nicaragua is imminent or desirable. Still, in recent weeks senior Reagan Administration officials have for the first time begun openly discussing this as a possibility.

For example, in a speech to the American Bar Association on May 23, Secretary of State George P. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of U.S. combat troops."

Interviews with numerous American and foreign government officials in Washington and in Central America indicate that the possibility of United States military involvement in Nicaragua has become a matter of open discussion.

THE FEARFUL ANALOGY

One factor that has caused many Americans to recoil from the idea of direct military involvement in Nicaragua is the Vietnam analogy.

In a conflict with the United States, the argument goes, the Sandinistas would quickly retreat to the hills like the Vietcong—jungle-wise guerrillas—and would draw American troops into a bloody quagmire.

"I think most people think it would be a very messy business, and don't want to do it for that reason," said Mark Falcoff, a Latin American scholar at the American Enterprise Institute who was a consultant to the commission on Central America headed by former Secretary of State Henry A. Kissinger.

In Nicaragua, where an American invasion is a topic of constant speculation, Cmdr. Julio Ramos Argüello, the army Chief of Staff, also said "this would be a kind of Vietnam war."

But a contrary view seems to have gained wide acceptance within the Administration. The view is that an invasion of Nicaragua, however undersirable for political reasons, would not be such a difficult task in military terms.

SANDINISTA DEFICIENCIES NOTED

In interviews, American military officers and other Government officials familiar with the region argued that the Sandinistas lacked the military skills, the popular base and the supply lines to prolong a guerrilla war in the face of an American invasion.

United States intelligence sources in the region have told their superiors in Washington that major Nicaraguan installations are lightly defended. In the Managua area, for example, an intelligence official said the Sandinistas had 13 potential targets that were protected by antiaircraft artillery, primarily 57-millimeter and 37-millimeter antiaircraft guns.

"If proper tactics and proper ordnance were applied to those sites, they'd never know what hit them," an intelligence officer said.

This officer and others said that with minimal risk, American pilots could destroy the small Nicaraguan Air Force, radar, artillery, tanks, supply depots and command centers.

According to a source who has discussed the subject with him, Col. William C. Comee Jr., the director of operations at Southern Command, has estimated that it would take the United States two weeks to gain control of 60 percent of the Nicaraguan population.

Colonel Comee, who has overseen war games and other operations in Central America since 1982, declined through a spokesman to be interviewed. In June he will replace Colonel Pearcy as commander of the Joint Task Force in Honduras.

Another United States political-military officer in the region said the most plausible scenario in the event of a full-scale conflict would be this: "The U.S. would come in heavily for a month or so, mostly with air strikes against major facilities. Then a new government would be put into place, and it would come with its own army."

It would be up to the new government, presumably organized from the existing democratic opposition, to pursue the Sandinistas, several military analysts said.

"The Sandinistas would be up in the hills, but that would be a problem for the new Nicaraguan government," an American officer said. "It wouldn't be our problem. We'd probably have a program like El Salvador, advisers and assistants, but no Americans involved in the fighting."

One United States military officer who has briefed members of the National Security Council asserted that the Nicaraguan people would rise up in support of an American invasion and the neighboring armies would assist the United States eagerly.

In addition, the officer has told senior officials in Washington that the Sandinistas would find the hills inhospitable because their presumed sanctuaries are now inhabited by the rebels and by largely conservative farmers who consider the Sandinistas a threat to their private property rights.

The officer said, "They've lost the support of people in the mountains," the officer said. "They'll get their heads chopped off up there."

Commander Ramos, whose responsibilities include the defense of Managua, said in an interview that this was a dangerous assumption. The initial American assault, he said, would kill thousands of Nicaraguans, uniting the citizenry in their outrage.

Another problem for the Sandinistas, according to several American military analysts, is that Nicaragua has no counterpart of Vietnam's Ho Chi Minh Trail which was used to deliver the Vietcong ammunition and other supplies from the North. In Nicaragua, land supply routes would be through mountainous jungle, while air and sea routes would be policed by American forces.

"We could seal that place tighter than a drum," an American military officer said. Other officials, noting that the United States had been unable to cut off arms traffic between Nicaragua and El Salvador, were not as confident that blocking arms to Nicaragua would be easy.

American intelligence reports show no evidence the Sandinistas have prepared large caches of ammunition or fuel in the hills, according to one knowledgeable official. Commander Ramos said: "We do have some things. Not many. Some fuel."

Colonel Pearcy, commander of the United States task force in Honduras, and other analysts noted that for the United States, the logistics would be much more favorable than they were in Vietnam. In addition to shared facilities in Honduras, the United States has bases in Panama and Puerto Rico, and Nicaragua is a five-hour transport plane flight from the American mainland.

Colonel Pearcy added a cautionary note. "I've been in the Army 24 years, and I've never seen anything neat."

Other American officials noted that even the 1983 invasion of Grenada, in which Army, Air Force, Navy and Marine units swarmed onto a tiny island, left 18 American servicemen dead and 116 wounded.

Invading Nicaragua, said Senator Sam Nunn of Georgia, who is the senior Democrat on the Armed Services Committee, "would be a much tougher military situation than that."

THE POLITICAL PITFALLS

Many experts say the worst difficulties of a United States invasion would be political rather than military.

One would be assembling a stable government in Managua from the contentious military and political rebel groups. Another would be a possible torrent of refugees into neighboring countries.

A senior Costa Rican official said that in the event of an invasion, his Government would probably issue a statement blaming

the Sandinistas for provoking it. But he added: "We will suffer the consequences. We will have the Sandinista leaders in Costa Rica. We will have hundreds upon thousands of refugees. We will have instability."

An a third consequence, some experts say, would be a deep and lasting resentment in Latin America.

"You have to understand the emotional scar tissue left there by our historical involvement in the region," said a former Administration official, who supports the present White House policy. "The political, emotional, psychological cost would be high."

[From the New York Times, June 5, 1985]

NICARAGUA AND THE U.S. OPTIONS: AN INVASION IS OPENLY DISCUSSED

(The following article is based on reporting by Joel Brinkley and Bill Keller and was written by Mr. Brinkley.)

WASHINGTON, June 4.—Reagan Administration officials have begun openly discussing a subject they had previously refused even to speculate about: the possibility that American combat forces might one day be sent into Nicaragua.

No one in Government is saying that an invasion is imminent or desirable. But in the last few weeks, President Reagan, Secretary of State George P. Shultz and other senior officials have for the first time begun warning that if other policies fail, the United States may be left with little choice in the years ahead.

Interviews with almost 50 military, diplomatic and foreign government experts in Washington, Panama, Costa Rica, Nicaragua and Honduras indicate that discussion of the issue has become commonplace in official circles.

The interviews and other inquiries also brought to light these points:

Although no one in Congress has publicly called for United States military involvement in Nicaragua, the mood in Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista Government. Many members say there is growing doubt that any of the policy options still available, including renewed aid to the insurgents, is likely to bring fundamental changes in the Sandinistas' behavior.

The Administration has agreed that a number of possible situations would leave the United States little choice but to use military force. They include Nicaragua acquisition of high-performance fighter planes and the granting to the Soviet Union of the right to establish a military base in the country.

Both critics and sympathizers of the Sandinistas say they would not be surprised if Nicaragua committed an act that provoked American intervention.

In Central America, American officials and others assert that Nicaragua's neighbors are growing more concerned by the day about the Sandinistas' policies. In Nicaragua, an American official said, business groups and others are asking, "When are you coming?"

In public and in private, the Joint Chiefs of Staff, Defense Secretary Caspar W. Weinberger, the White House national security adviser, Robert C. McFarlane, Mr. Shultz and, most importantly, President Reagan, all have said they hope the United States is never called upon to send American forces to Nicaragua. Still, every official interviewed said that events beyond United States control could change that almost overnight.

CONGRESS IS OPPOSED TO MILITARY ROLE

Without support from Congress, Administration officials agree, military involvement in Nicaragua is most unlikely. Today, Congress remains implacably opposed.

Many members reacted with alarm last month when President Reagan, in a classified report to Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in the region, if other policy alternatives fail."

In a speech to the American Bar Association on May 23, Mr. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of American combat troops."

And in an interview on May 22, Fred C. Iklé, Under Secretary of Defense for Policy, warned that if Congress persisted in what he called "a policy of pinpricks," it raised the risk of "some variant of the Cuban missile crisis."

"What are you going to do two or three years from now, when Nicaragua is fully armed?" he asked. "Are you going to provoke another Cuban missile crisis? Are you going to send in the Marines?"

At the same time, the Nicaraguan Government's reputation on Capitol Hill has soured in the last few weeks.

"The Sandinistas don't have any friends up here any more," an aide to the House Democratic leadership said. "The change has been almost palpable."

SANDINISTA'S TRIP COSTS HIM SUPPORT

A key event behind the change was the trip to Moscow by Nicaragua's President, Daniel Ortega Saavedra. The announcement came on the day the House was voting on renewed aid to the rebels, and many members of Congress said they were stunned by the timing.

Senator Sam Nunn of Georgia, the senior Democrat on the Armed Services Committee, said: "What he did was rather stupid, from the Sandinistas' own point of view. It certainly cost them support up here."

The clearest demonstration of the changed view is that both houses are now considering renewed aid to the Nicaraguan rebels, even though the House refused to approve aid in any form just a few weeks ago.

So far, however, Congress has shown little interest in granting the type of aid the Administration says is most needed—military aid. And Gen. Paul F. Gorman told Congress in February that, even with renewed military aid, the rebels could not be expected to change the Sandinista Government "in the foreseeable future."

The next most likely step, several officials said, is the ending of diplomatic relations with Managua.

"I think that is going to happen," said Senator Richard G. Lugar, the Indiana Republican who is chairman of the Senate Foreign Relations Committee. "But I don't know how soon."

If relations were ended, "then we might recognize a government in exile," Mr. Lugar said, referring to an idea that has been discussed among Administration officials.

A senior official in the region said "we could permanently station U.S. forces" in Honduras. If that fails, the official added, "I guess the strategy would be a policy of containment," meaning heavily arming Nicaragua's neighbors. But Mr. Iklé said, "We know from experience that that doesn't work."

THE CHANGES DEMANDED BY THE ADMINISTRATION

In general, the Reagan Administration has demanded that Nicaragua demilitarize, cut its ties with the Soviet Union and Cuba and change its form of government to a pluralistic democracy.

But many officials in both the Nicaraguan and United States Governments believe the prospects are remote that the Sandinistas will adopt policy changes that would be satisfactory to the United States.

"They are hellbent on pursuing their policy," Mr. Iklé said. "The idea that you can strike a deal with them seems unrealistic."

In a speech in April, Nicaragua's President, Daniel Ortega Saavedra, said: "The United States still doesn't understand that this is an irreversible revolutionary process. Here, there can be no backward steps."

Senator Lugar said some members of Congress already believed that "the time for redemption is past" and that "a Marxist government can't reform."

In the months and years ahead, a Senate aide said, if further diplomatic sanctions are tried and fail, the military option may seem more tempting. "If you try everything and none of it works," he said, "then eventually you have everyone nibbling at the same bait."

WHERE THE U.S. DRAWS THE LINE

Asked under what circumstances the United States might attack Nicaragua, American and Nicaraguan officials say the line is most clearly drawn against the acquisition by Nicaragua of high-performance warplanes.

Last November, American officials said that they suspected Soviet-made MIG-21 jet fighters were aboard a cargo ship bound for Nicaragua and that they would probably order what they called a "surgical" air strike to destroy the planes.

If the planes were aboard the ship, they were never unloaded. But when asked this month if the Nicaraguan Government had given up the idea of acquiring MIG's, Cmdr. Julio Ramos Arguello, chief of intelligence for the Nicaraguan Army, said simply, "No."

At the same time, American officials say they have not dropped the threat to destroy any such planes and in fact they have broadened it to include Czech-built L-39 jet training planes and similar aircraft.

The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end. But a senior Administration official said: "I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill 80 or 90 people, they could come at the embassy."

In Managua, Commander Ramos said, "If the airplanes arrive, and if they bomb us, obviously we will be doing something about it."

Another circumstance would be the establishment of a Soviet-bloc military base in Nicaragua.

A senior Administration official said: "Access for Soviet Backfire or Bear bombers, port rights—any kind of Soviet military access, even without the presence of weapons systems. That would be a threshold." Nicaraguan and Soviet officials say they have no such plans.

ADMINISTRATION FEARS "A SECOND CUBA"

Still another circumstance, Administration officials say, would be the consolidation of Nicaragua's Government into what Administration officials often call "a second Cuba," meaning a heavily controlled, Soviet-bloc dictatorship that actively promotes Marxist revolution elsewhere.

A senior American diplomat in the region said, "Above all, Ronald Reagan is a consummately pragmatic man" who would not use force if the circumstances did not warrant it.

But Mr. Iklé said, "Even members of Congress say they are not going to permit a second Cuba."

With "a second Cuba," Senator Lugar said, "we might be invited" by Nicaragua's neighbors to invade "as we were invited in the East Caribbean." Before the invasion of Grenada in October 1983, the leaders of several Caribbean island-nations formally requested American military intervention.

HOW ITS NEIGHBORS VIEW NICARAGUA

"In public and private," Senator Nunn said, the other countries of Central America "would be strongly opposed" to an American invasion of Nicaragua.

But many American military and diplomatic officials and others in the region have reported a different view to their superiors in Washington.

A senior diplomat in San José asserted that "an awful lot of Costa Ricans" would in fact welcome an invasion.

A Costa Rican official who opposes the idea acknowledged that his Government probably would not condemn it. If the United States invaded, he said, his Government would issue a statement "saying something like it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it."

Costa Rica's Public Security Minister, Benjamin Piza Caranza, said, "There's no way we can live with a Marxist-Leninist state on our border that is open to exporting revolution." But he declined to speculate about how his country would react to an American invasion.

In Honduras, President Roberto Suazo Córdova has been quoted as saying that Nicaragua is "like a cancer: the only cure is to cut it out."

There is also a large and growing body of opinion within the Administration that the majority of Nicaraguans would welcome an American invasion, several American officials said.

An American intelligence officer who has interviewed dozens of people in Nicaragua said: "What the people tell me is 'we'd get out of your way and let you take care of the Sandinistas'" if American troops landed. The biggest problem United States forces would face, he added, would be preventing "severe retribution" against Sandinista officers.

POLLING THE PEOPLE ON MANAGUA STREETS

This officer has been called upon to brief numerous senior Administration officials on his views, including Mr. Weinberger, Mr. McFarlane and Gen. John W. Vessey Jr., the Chairman of the Joint Chiefs of Staff.

Representative Glenn English, an Oklahoma Democrat who opposes some elements of the Reagan Administration's policy in Nicaragua, said the officer had briefed him too, but Mr. English was skeptical. So while in Managua this month, he and Senator David L. Boren, another Oklahoma Democrat, interviewed about 15 Nicaraguan citizens they chose at random on the streets.

"They were pretty strong on condemnation of the Government," Mr. English said. "Virtually all of them said they wanted a change in Government, and one lady said flat out, without being asked, that she wanted the U.S. to invade."

A spokeman for the Sandinista Government, María Christina Argüello, said: "They may criticize the Government now because of the economy and the shortages" of food and other items. "But when there is an emergency, you can be sure they will take up arms."

WILL THE NICARAGUANS PROVOKE AN ATTACK?

It is difficult to find anyone, friend or foe of the Nicaraguan Government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States.

Sandinista officials have said they are being careful not to give the United States a pretex to attack.

But Edward L. King, a retired Army lieutenant colonel who opposes Reagan Administration policy in Nicaragua and has spent months there talking to numerous Sandinista officers, says he believes "the chances are pretty good" that Nicaragua will err in a manner that could lead to an American military response.

The view of Mr. King, who has wide military and civilian experience in Latin America, is noteworthy because he knows the Sandinistas well and because they say they trust him. After observing them, Mr. King said, he has concluded that "some of them hate us so much they almost have a death wish."

Some members of the Sandinista leadership, he added, "almost want a confrontation with us." "The hotheads say, 'Yeah, bring the gringos in here' just so they can kill a few of them."

"I make no case for the Sandinistas," Mr. King said. "They are real blunderers."

An American official with wide experience in Nicaragua said it was "martyrdom," not blundering, that might cause the Sandinistas to prompt the United States to invade.

"I think it is their sense that the revolution is bogged down anyway, and maybe it wouldn't be such a bad thing if they could survive" an invasion "and be a legend."

In Managua, Sandinista officials say all such speculation is nonsense. Commander Ramos and others said the Nicaraguan Government was interested in negotiation with the United States, not military confrontation.

Mr. KENNEDY. Mr. President, these are the words and deeds of a government preparing to do what is necessary to achieve its objectives in Nicaragua—including sending U.S. combat troops to war.

Now the administration has repeatedly stated it has no intention of sending U.S. combat troops into Central America. The Secretary of Defense has told us that the Defense Department has no plan, no strategy, no thought of putting U.S. combat troops in Central America. We are all encouraged by such statements and would like to believe them.

But the facts give us cause for concern.

First, U.S. military assistance to the countries in the region has grown by leaps and bounds over the past 5 years.

Second, the United States has built an immense military infrastructure in Central America that is clearly intended to support the deployment of thousands of American troops in the region.

Third, the United States has conducted perpertual military maneuvers in Central America, involving as many as 5,000 military personnel in the Big Pine exercises.

Fourth, the United States has actively intervened in the internal affairs of Nicaragua not only through our support of the Contra operations but also with direct action by Americans. We learned, for example, that the Defense Department consciously sought to intimidate the Nicaraguans, to make the Nicaraguans think that the United States was on the verge of invasion. A senior State Department official confirmed that there was a Perception Management Program at work and said, "Every time there's an invasion scare, they make some concessions." We learned that American surveillance aircraft flew over Managua with the specific purpose of causing sonic booms to scare the Nicaraguans.

Another official stated that one of the central purposes of the military exercises was to create the fear of an invasion. He said that the troops "push very close to the border, deliberately, to set off all the alarms."

We also learned from a report that appeared in the Wall Street Journal last March that CIA personnel were directly involved in attacking and mining Nicaragua's harbors, that, in air and sea raids, Americans flew and fired directly on Nicaraguan positions, and that a CIA plane provided sophisticated reconnaissance guidance for attacks by Contra helicopters.

The conclusion is unmistakable: This administration is preparing for war in Nicaragua. We are systematically placing U.S. ships, planes and personnel in harm's way, by injecting them into situations where, directly or indirectly, they are increasingly involved in the hostilities. The trend is clear, and the Reagan administration's aims are similarly clear, I do not think that the United States should send its soldiers into Central America for the purpose of fighting a war unless Congress and the American people have been consulted and given their approval in advance.

I offer an amendment that will correct this situation by prohibiting the introduction of United States Armed Forces into or over Nicaragua for the purpose of combat without advance approval of Congress.

This amendment reflects the deep and growing concern of the American people that this administration is taking us to war in Central America.

As stated in the amendment, the word "combat" means "the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy." United States Armed Forces are not precluded from conducting military training in El Salvador. Nor does the amendment limit flights by American military aircraft in the region carrying out reconnaissance activities. Only the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy is prohibited.

The amendment does not apply in all circumstances. The exceptions are clearly stated:

This prohibition does not apply if Congress has declared war or enacted specific authorization for such introduction.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger of hostile attack upon the United States, its territories or possessions.

The prohibition does not apply when such introduction is necessary to meet a clear and present danger to, and to provide necessary protection for and to evacuate, U.S. Government personnel or U.S. citizens.

The amendment leaves to the President the determination of when force is necessary under the circumstances I have just listed. The amendment thereby preserves the President's authority to respond to threats to the United States, its Embassies, personnel, and citizens.

A number of my colleagues have expressed concern about how this amendment affects the War Powers Resolution. We know at the current time that if the President of the United States decides to send American troops into combat in Nicaragua, he is free to do so and would only have to notify the Congress under the procedures of the War Powers Act. He would then be able to maintain those troops for a period of 60 days. What this particular amendment provides is that, prior to the involvement of American combat troops in combat, as defined in the amendment, the President must obtain positive approval, by the Congress before sending those troops. We are simply asking that the Congress be permitted to act prospectively, not after the fact.

I believe, Mr. President, that given the factual situation—the escalation of American involvement in the region with more and more United States military personnel in that area and with the kind of activities that I mentioned earlier in my statement, that it is important that we, the Congress, play some role in the decision before American combat troops are sent to Nicaragua for the purpose of delivering weapons fire upon an enemy.

President Reagan has stated that he has no intention of introducing U.S. Armed Forces in Central America for combat. And he has promised to consult with Congress before taking any such action if such action is needed. This amendment simply takes the President at his word and puts into law what has been stated as the administration's official position.

This amendment will not affect the activities of the current military advisers assigned to El Salvador, nor their role in assisting in the training of the Salvadoran military. It will not limit the current reconnaissance flights by U.S. military aircraft in the region. It will not limit the ability of the U.S. Naval or Air Forces on the high seas or in the air to monitor Soviet or other naval activities of concern to our Armed Forces.

It will not inhibit any duly authorized military operations currently under way in Central America or elsewhere in the Caribbean. It will in no way limit our treaty obligations in the region, or in the hemisphere and it will allow the President to use United States combat forces to eliminate any threat he deems is a clear and present danger to the United States, and under this legislation, it will not in any way limit the President's power to defend our vital security interests, to use United States. combat forces for example in a preemptive strike against any missiles that might be introduced in Central America by the Soviet Union.

It will not inhibit the President in his power to use United States combat forces to protect American lives. Under this legislation, for example, the President would have been justified in using the U.S. combat forces to intervene in Grenada.

Mr. President, a similar amendment carried overwhelmingly in the House last year. While it was defeated last year in the Senate, I think the situation in Central America has become dramatically worse. I think Congress should be involved in the takeoff, and not just in the landing, when American troops are to be sent into combat.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. LUGAR. Mr. President, I appreciate the arguments of the distinguished Senators from Oregon and Massachusetts. I take as a point of departure the final comment of the Senator from Massachusetts that, with affairs in Central America moving adversely, the amendment that he and Senator HATFIELD have suggested ought to be adopted. I would argue and have argued earlier that in fact the trend of affairs in Central America has gone well for this country. It is remarkable to consider the progress found in El Salvador, when so many persons on the floor of this Senate and elsewhere argued that our involvement simply would come to know good, that human rights would be violated, that democracy was impossible, that we were in danger of involvement of American troops and forces. In fact a constituent election has been held, a President has been elected, and democracy is infinitely stronger today.

It can be argued, I suspect, with less force that democracy in Honduras and even the beginning of democratic institutions in Guatemala, have proceeded and that the policies we have adopted as an administration and a Congress have helped. Others would argue that the people in El Salvador, Guatemala, and Honduras have helped themselves; that perhaps the great heroes are persons in those countries who value freedom and value democratic institutions.

I respectfully would suggest that it is that this amendment—in the context of all that has happened and all that is being called for—should not simply draw out of context the thought of a demand that we proceed to the negotiating table in bilateral negotiations with Nicaragua or that in a unilateral fashion we declare that this body must act before the President has the power to use American military forces in Nicaragua. Given all the exceptions, I would grant, that are part of the amendment, these are steps that are unwise in the unfolding of our foreign policy and the unfolding of any potential success of negotiations.

Let me point out that, in the earlier comments that I made with regard to the Dodd amendment, I pointed out that negotiations and support of the democratic forces in Nicaragua are not incompatible. As a matter of fact, they move together. I would suggest that negotiations without support of the Contras, of the forces that are attempting as Nicaraguans to bring about democracy in that country, those negotiations are not likely to be very productive.

The Senator from Colorado asked the Senator from Indiana about negotiations, their possibilities of success, and we went back and forth as to the probable results of those negotiations. None of us know. But I would say that, in the Nunn-Lugar amendment we will be considering later on this afternoon, we encourage the President to enter into negotiations.

I will state the exact language. We encourage simultaneous negotiations to implement the Contadora document objective, to develop close consultation and cooperation with other nations within the region and outside the region. We ask the President to pursue vigorously the use of diplomatic and economic measures to resolving the conflict, including simultaneous negotiations.

In short, I think we will find a larger majority of Members of this body are in favor of negotiations within con-

text. But let us try to find the source of negotiations that must happen. I suppose we are all concerned with the peace process in the Middle East presently, and thinking through how that might move to a settlement. And I pick that particular analogy because it is topical and it is useful. Negotiations are a complex business. To throw out a cliche, "Let peace have a chance, let negotiations have a chance," is meaningless without the context of why anybody wants to talk.

To suggest unilaterally that the President ought to get right to it, send the Secretary of State and others down there to negotiate, without any reasonable assurance that there is anyone in Nicaragua that wants to negotiate, that wants to move off the dime, is an exercise in futility. It is fatuous on the face of it. There is a good sound to it. None of us want war. Everybody wants peace. The suggestion is go negotiate. Now negotiations occur successfully, at least as opposed to simply parties meeting without having a whole lot to say, if there is some reason for movement.

The point the Senator from Indiana will make today is that, as the Senator from Massachusetts has described it so well, six meetings have occurred in Manzanillo without movement. The Secretary of State has testified publicly and privately that the Sandinistas do not have the slightest reason to move in any direction and indeed they do not. To send the Secretary of State to Manzanillo again and to have done nothing to have assisted the freedom fighters to have put pressure upon that situation is not only to invite futility in the negotiations but I think incredulity as to why we are involved in the action at all, aside from the cliched thoughts of giving peace a chance and talk is better than war and what have you.

The negotiations that must occur are within Nicaragua—Nicaraguans with Nicaraguans. For us to believe for an instant that the significant negotiations are bilateral ones between the United States and Nicaragua is to believe the Nicaraguan argument which is an invalid one. The Sandinistas do not want to talk to freedom fighters. Marxists do not want to talk to people who want liberty. That is what it boils down to.

Those are the negotiations we should be urging, if the Senator from Massachusetts and the Senator from Oregon were saying:

> Let's mandate that the Sandinistas meet with the freedom fighters. Let's mandate a truce and a cease-fire. Let's mandate that people stop shooting each other and that they provide for at least two parties for free elections, for freedom of the press, for some kind of a country that does not threaten everybody around.

The argument I have heard thus far from the Senator from Massachusetts would imply that the United States is the aggressor, that the Sandinistas are hapless persons upon whom we are preying, and the gist of the amendment is to ask us to cease and desist, to let these persons proceed with whatever they want to do in consolidating Marxism in a totalitarian sense in their country, in threatening El Salvador, Honduras, or Costa Rica, without an army or anybody around, to proceed if they wish to, for that matter, deal with any and all countries of the world in terms of the buildup of military assistance. The Senator from Massachusetts says that in the event you see Migs there, Soviet Migs, might be a time to act, that might be an exception. That would be a terrible time to have to act, having failed to put the pressure that ought to be placed upon that regime now so there is not doubt on the part of the Soviet Union.

If the whole gist of the Senate is to micromanage our foreign policy to indicate to the Secretary of State that regardless of his judgment as to how negotiations might prove successful or which ones might prove successful and in what context, that he is to go anyway, that is our mandate, that is not a very good way to handle foreign policy and, as a matter of fact, in this case is bound to be unsuccessful.

What the Senator from Indiana is suggesting is that negotiations might be successful if, in fact, the Sandinista government has some reason and realpolitik to want to talk. And I think they might have some reason.

The reasons are basically that their economy is shot. The standard of living is declining very rapidly. Our Ambassador to Nicaragua testified before the Foreign Relations Committee that what was already an $800 per capita income in Nicaragua—on an annual basis—has fallen to $500 in the last 2 years. That does not approach Bangladesh at this point but it is moving rapidly in that direction. The Sandinista economy has been a disastrous failure. The Sandinista government says, well, we are at war. We are devoting our resources to fighting off the Contras, and indeed they need not fight off persons who were involved in their own revolution. The Marxists have no more claim to that revolution than does Arturo Cruz or various other persons who are in favor of democracy and not of Marxism. There is every reason if we are to put pressure on this body for negotiations that we say loudly and clearly to the Sandinistas it is time for you to cease fire and talk to your own people to try to recover the pledges you made to all the neighbors around, the OAS, and to the rest of the world. Why we apologize for our activities which try to bring about democracy and freedom I cannot imagine. There is no reason to do so.

Let me suggest that to unilaterally call upon the United States to negotiate out of the context of the Contadora process, of internal talks in Nicaragua, is simply to ensure once again an impasse which leads I suspect to two courses of action, and neither is desirable. One was suggested by Senator DODD this morning, and that is we just withdraw. The Senate has spoken on that 79 to 17. The other, of course, if you have futility of negotiations, then the Senator is correct. People then get onto more vigorous measures, and more difficult measures. That is not the policy of the President of the United States. The Senator of Massachusetts characterized President Reagan correctly in his statement that we do not want American forces in Nicaragua, and we do not want them in Central America at all in a combat status. We do want to help people who want to help themselves. That is what we are about.

Let me suggest with the second half of the amendment, namely, that which suggests that the United States could not proceed to have armed forces in that area without specific action of the Congress that the War Powers Act which the Senator from Massachusetts has cited does cover a number of possibilities. The War Powers Act was adopted by the Congress because chief executives in a dangerous world sometimes must act rapidly for the security of all of us. Persons who are preoccupied with this question must still admit that the President must be our major foreign policy spokesman. This is an administration function, with the advise and consent of the Senate. The War Powers Act tightened that up a good bit. It said notwithstanding any emergencies, any of the ways in which our President must act, within 60 days there has to be an accounting for this. If you have not declared war within 60 days you will have to do so. There is some latitude given in a dangerous world to the President of the United States, and that is the way it ought to be.

This amendment changes the War Powers Act rather significantly. As a matter of fact, it obliterates the War Powers Act and says before the President in the case of Nicaragua can move there has to be affirmative activity except with the exceptions noted in the amendment.

I have noted the exceptions, and they are important ones. Among this list I would have thought would have been our obligations under the Rio Treaty of 1947—if for example, Nicaragua attacks Costa Rica, or if Nicaragua is involved with war with Honduras. These are not far-fetched situations. In recent days there is evidence that Nicaragua has in fact been found attacking persons in neighboring countries. The Sandinistas would claim it was in hot pursuit of Contras or for

various other reasons. Be that as it may, the dangerous situation presented by an aggressive force, a revolution without borders, a group of people who have never been able to settle down within their own territory but have constantly been meddling in trying to subvert their neighbors and felt that was simply their own form of democracy in action—it seems to me that the Senator from Massachusetts would need to contemplate other activities in which clearly we have an obligation and the Rio Treaty would be one of these.

But I suggest beyond that, to begin once again micromanaging American foreign policy before the U.S. Senate, there could be no movement in what is a vital security interest of the United States as perceived by the President, or by the Contadora group, or the OAS, or any number of people that might meet. It is not a good idea. The surface appeal—the thought that giving peace a chance, negotiate now, no troops in Nicaragua, the cliches of this amendment are all over it—is evident. But in terms of sound foreign policy, it is simply lifted out of the context of what is occurring, and stands history in Central America on its head.

The malfactors in this case are a group of Marxists who have seized a revolution from persons who believe in freedom. That is fundamental, and that is where the negotiation ought to be occurring. To try to turn this on its head, see the United States as the malfactor, to be encouraging from the floor of the Senate at a time that the Sandinistas are involved in what they are doing that we ought to rush to the table, and that we ought to tie the hands of the President is simply in my judgment unsound policy. And I hope the Senate will reject both parts of the amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the view of the chairman of the Foreign Relations Committee. I have a great deal of respect for his understanding of world history, for his knowledge of the Constitution of the United States, but also for our responsibilities to stand up to our constitutional responsibilities.

But, Mr. President, I read the Constitution of the United States somewhat differently from the chairman of the Foreign Relations Committee. I read the Constitution of the United States to say that the power to make war resides in the people's elected officials in the Congress, in the House and in the Senate of the United States. I only suggest to the chairman of the Foreign Relations Committee that the American people ought to have a voice, ought to be able to express their views before sending their sons to the jungles of Central America, and that this should not be a unilateral decision made by the President of the United States. I think the American people ought to be able to have a voice, ought to be able to express their views in the Congress of the United States. And, I cannot believe that the chairman of the Foreign Relations Committee is willing to give all of that authority to the President, to allow him without consulting Congress to send the sons from his own State of Indiana to fight in the jungles of Nicaragua. I want to make it very clear that this Senator from Massachusetts is not prepared to give up that authority and that responsibility to this President of the United States nor to any President of the United States.

I failed to speak on the same issue some years ago on the Gulf of Tonkin resolution, and I am not going to commit that mistake twice, Mr. President. We heard almost similar arguments on the floor of the Senate at the time of the Gulf of Tonkin resolution—such as "Let the President of the United States decide these matters." "How are we going to have the kind of information in the Senate of the United States that the President will have?" "Let the President make those decisions; he is going to have the knowledge, the information, and he is going to have the briefings from the NSC and the Joint Chiefs of Staff."

But Congress made a mistake when it accepted those arguments. Fifty-five thousand deaths and hundreds of thousands of wounded Americans paid a fearsome price for the failure of the Senate to, as you call it, "micromanage" that particular incident.

Mr. President, this amendment is not about all of Central America. This amendment is targeted on Nicaragua. We have had a whole series of events during the last 3 years—many of which this body has authorized—with regard to Nicaragua—not Costa Rica, not Honduras, not Guatemala, but with regard to Nicaragua.

We have heard statements, including statements from the Secretary of State, talking about the possibility of the introduction of American troops in Nicaragua—not in Costa Rica, not in Mexico, but in Nicaragua.

So this amendment is directed toward Nicaragua. That certainly ought to be understood on its face.

We see that people are dying in Nicaragua, and we see increasing involvement, increasing American participation in that conflict. I hold no brief for the Sandinista government. I recognize that the Sandinistas share responsibility for the conflict within the area and within the region.

But the question comes back once more, Mr. President: Before we resort to the use of force, before we send American military combat troops, should we not at least make one additional effort at diplomacy.

My understanding of the Manzanillo talks is somewhat different from the understanding of the chairman of the Foreign Relations Committee.

I had briefings on those negotiations. I do not intend, however, to divulge the content of those conversations because they were confidential. I am sure the chairman of the Foreign Relations Committee had briefings as well.

But I can give the assurance to the Members of this body that Manzanillo talks were not as empty and valueless as the Senator from Indiana has suggested.

The Senator from Indiana has included in his own resolution a section urging the President to go back for further negotiation with the Sandinistas and wisely so. I gather that the principal difference he makes between his urging and our urging involves the other different provisions of his amendment.

But whatever the circumstances, whatever the framework, I hope the Secretary of State will resume those negotiations. We have a President of the United States who says he is prepared to meet with Gorbachev. Perhaps Senator LUGAR can tell us what greater sense of hope he has about that conversation, based upon our President's statements about Gorbachev and Gorbachev's statements about the President of the United States, as opposed to his lack of hope about talking with the Sandinistas.

We have had negotiations with all the Eastern European countries on MBFR. We have also had negotiations with Fidel Castro about Cuban families in the United States and the reentry of certain Cubans back to Cuba following the Mariel boatlift. Why not talk to the Sandinistas?

We have people dying in Nicaragua every day, and there is a real danger of American involvement in the form of American combat troops in the future—not according to this Senator from Massachusetts but according to this administration's Secretary of State.

So there is a sense of urgency, Mr. President, that propels some of us in this body to offer what constructive suggestions we might have to try and see if additional steps can be taken to make sure that if direct U.S. involvement is to occur, Congress will be consulted.

Mr. President, I would hope that the Senators will be able to support this amendment. It simply urges a resumption of talks—that is not micromanagement—and it makes it possbile for Congress to speak and to vote before we send our sons to the jungles of Nicaragua, and I do not believe that is micromanagement.

I would hope this amendment will be agreed to.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, as I was occupying the chair, I listened to the Senator from Oregon talking about the power of war. This is something which has deeply concerned me ever since this body unwisely passed the War Powers Act. I would like to read from the Constitution the powers of Congress.

We have the power to declare war. What does that mean? Just what it says. The President has called the troops out, I think, 202 times in the history of our country and there have been five declarations of war, two of those in the same war. We could declare war here all day long. But only the President of the United States, under his power as Commander in Chief, can send troops into war. If we want to declare war, then, it is a nice thing to do and one that the President, I think, would always enjoy having done.

We can grant Letters of Marque and Reprisals and make rules concerning captures on land and water.

We raise and support armies but no appropriation of money to that use shall be for a longer term than 2 years.

To provide and maintain a navy.

Here is one we have sadly overlooked our responsibilities in: It has been since 1922 since we exercised this power, to make rules for the government and regulation of the land and naval forces.

I can promise my colleagues that the Committee on Armed Services is working on that right now.

Now let us look very quickly at the power of the President. I have to admit that this has never been really clearly defined in the Constitution. The Supreme Court has always refused to make a determination of this because, as they rightly say, in my opinion, if we have a situation where the executive branch and the legislative branch can make a decision, there is no need for the Court to get into it.

Section 2:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may require the opinion . . .

And so forth and so on.

But only the President, Mr. President, can send our troops to war. If it is the feeling of Members of this body, in the Senate or in the House, that only the Congress should have that power, then I suggest, Mr. President, that we prepare a constitutional amendment and put it up to a vote of the people. I do not think the American people want 535 people guided by 535 different sources of strength making the decisions concerning power in this country. The great strength of this country, up until recent times, has been the fact that the President has the right to formulate foreign policy, with the advice and consent of this body, and has the power of the troops to back that up.

I think we are treading on very dangerous ground when we keep bringing up amendments and talking about the power of this body or the other body to send troops into war. There is no constitutional authority for it at all.

I thank my friend from Indiana for yielding.

Mr. LUGAR. Mr. President, I wish to yield time to the Senator from Minnesota. How much time does the Senator want?

Mr. DURENBERGER. I shall take only 30 seconds.

Mr. LUGAR. I yield 1 minute.

Mr. DURENBERGER. I thank the Senator from Indiana.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment of the Senator from Massachusetts.

I do so because it is my belief that the amendment begs the issue of the real and present danger that the Sandinista regime poses to its Central American neighbors, not to the United States. No one would reasonably claim that the United States is in immediate danger of a Sandinista invasion from the south. Yet, this amendment demands an immediate response on our part to any hostile attack upon the United States, its Embassy in Managua, or its citizens in Nicaragua.

Simply stated, I do not feel that this amendment addresses the real question. The threat of the Sandinista regime to the United States is not the immediate security problem involved here. Rather, the issue is whether the emerging democracies in Central America are immediately threatened by the aggressive and hostile actions of the Sandinistas. I would respond strongly in the affirmative.

In the past week, we have seen at least three clear indications of the Sandinistas' plans for their neighbors. During this time, the Sandinistas have launched cross-border incursions using substantial forces against their neighbors, the Costa Ricans and the Hondurans. Yet, the Sandinistas immediately rushed before the international media to claim that they, amazingly enough, were the aggrieved party. Their obvious hope is that few people outside Nicaragua will care to look into the facts of these examples of Sandinista aggression.

By shifting the focus of the Sandinista threat away from the Central American nations and onto the United States, Senator KENNEDY has missed the real issue. This debate should instead be one which states this country's willingness to do whatever is necessary to restore democracy to Nicaragua and to recapture the democratic spirit and the broad popular support which characterized the 1979 Nicaraguan revolution. I believe that Senator LUGAR has made a critical point—the Sandinistas will negotiate only when they believe that it is to their advantage or when sufficient pressure has been exerted upon them. Last week, during my visit to Central America, this point was hammered home to me by nearly all of the Central Americans with whom I met. Conservatives, liberals, socialists, businessmen, religious, and campesinos all stressed that only the United States possessed the sufficient capability to bring the Sandinistas to the negotiating table with the Nicaraguan democratic opposition. Not the Sandinistas' neighbors. Not the Contadora group. Not the Organization of American States.

Clearly the only effective negotiations will be those which consider all of the factions currently embroiled in the Nicaraguan civil war. Still, the Sandinistas have steadfastly refused to negotiate in good faith with any element of the opposition. Just last week, for example, the Sandinistas inexplicably broke off negotiations with Brooklyn Rivera's Misurasata group. This week, the Sandinistas showed their complete disinterest in a democratic and peaceful resolution of the conflict with the Miskito peoples by turning their guns on Rivera's Miskito warriors.

How can we let the Nicaraguan democratic opposition stand alone when we know that the Sandinistas will negotiate only in bad faith? We have seen this demonstrated at the bilateral Manzanillo talks and at the multilateral Contadora negotiations. In my view, talks are useful when the negotiating parties are serious about negotiations. I have seen no firm evidence that the Sandinistas have acted with any seriousness in any of these processes. I therefore see no reason why we should enter into bilateral negotiations with a regime which has no intention of negotiating with the real aggrieved party in this dispute, the Nicaraguan people.

The Senator from Massachusetts talked about sending our sons to Nicaragua. Three Members of the body have sons graduating from high school in 15 minutes. I am more than a little upset, I suppose, as one who has spent more time, or at least as much time as anybody in the body, dealing with this issue at the fact that a lot of rhetoric kept us from dealing with this issue yesterday. Now, somehow, this process has chosen this particular moment in my life to make me make a decision

about being with my son or being with an issue I care a lot about. I intend to take the option of being with my son.

I hope that, somewhere in this institutional process, someone would have the consideration to postpone any further votes on this amendment until after approximately 4 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I believe it would be appropriate to move to the vote for a number of reasons. I shall yield back all the time on my side unless others are prepared to debate. I think the issues have been well stated.

I say this in conclusion: Obviously, the Senator from Indiana does not want to send young men from Indiana or Massachusetts or Minnesota to war. As a matter of fact, the whole process today is one in which we try to divine how to make certain we will have peace in our hemisphere and safety for our people. I think that is clear. The question is the matter of the context and the tactics of how negotiations might work and what the proper powers of the President and the Congress are.

I think we have had a good debate. I hope that both parts of the amendment will be defeated.

I yield back all the time on our side.

Mr. KENNEDY. Mr. President, if the Senator would withhold on that, I want to yield 3 minutes to the Senator from Colorado [Mr. HART].

At this point I wish to indicate to the Senator from Minnesota that control over the timing of this measure today was not in the hands of those of us who are calling up this amendment. I am happy to give the Senator from Minnesota a live pair on this amendment if he wants to be with his son this afternoon.

Mr. LUGAR. Mr. President, does the Senator from Massachusetts have time remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes and 30 seconds remaining.

Mr. KENNEDY. The Senator from Massachusetts yields to the Senator from Colorado.

Mr. HART. I shall not even take that time if the Senator from Minnesota is trying to vote and go some place else. Is that the case?

Mr. DURENBERGER. Yes, Mr. President.

Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to division 1 of the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I also announce that the Senator from North Carolina [Mr. EAST], is absent due to illness.

I further announce that, if present and voting the Senator from Alabama [Mr. DENTON], and the Senator from Wyoming [Mr. WALLOP], would each vote nay.

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

The result was announced—yeas 48, nays 48—as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—48

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Bradley	Hatfield	Pell
Bumpers	Heinz	Proxmire
Burdick	Inouye	Pryor
Byrd	Johnston	Riegle
Chiles	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dixon	Leahy	Simon
Dodd	Levin	Specter
Eagleton	Mathias	Weicker
Exon	Matsunaga	Zorinsky

NAYS—48

Abdnor	Grassley	Moynihan
Andrews	Hatch	Murkowski
Boschwitz	Hawkins	Nickles
Chafee	Hecht	Pressler
Cochran	Heflin	Quayle
Cohen	Helms	Roth
D'Amato	Hollings	Rudman
Danforth	Humphrey	Simpson
Dole	Kassebaum	Stafford
Domenici	Kasten	Stennis
Durenberger	Laxalt	Stevens
Evans	Long	Symms
Garn	Lugar	Thurmond
Goldwater	Mattingly	Trible
Gorton	McClure	Warner
Gramm	McConnell	Wilson

NOT VOTING—4

Armstrong	East
Denton	Wallop

So division 1 of the amendment (No. 272) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the division 1 amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to division 2 of the amendment of the Senator from Massachusetts. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. Mr. President, on this vote I have a pair with the distinguished Senator from Minnesota [Mr. DURENBERGER]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] would each vote "nay."

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

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—31

Andrews	Hart	Mitchell
Baucus	Hatfield	Pell
Biden	Inouye	Proxmire
Bingaman	Kerry	Riegle
Burdick	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Stafford
Exon	Matsunaga	Weicker
Gore	Melcher	
Harkin	Metzenbaum	

NAYS—64

Abdnor	Goldwater	Murkowski
Bentsen	Gorton	Nickles
Boren	Gramm	Nunn
Boschwitz	Grassley	Packwood
Bradley	Hatch	Pressler
Bumpers	Hawkins	Pryor
Byrd	Hecht	Quayle
Chafee	Heflin	Rockefeller
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Simpson
D'Amato	Humphrey	Specter
Danforth	Johnston	Stennis
DeConcini	Kassebaum	Stevens
Dixon	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
East	Lugar	Warner
Evans	Mattingly	Wilson
Ford	McClure	Zorinsky
Garn	McConnell	
Glenn	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Kennedy, for

NOT VOTING—4

Armstrong	Durenberger
Denton	Wallop

So division 2 of the amendment (No. 272) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which division 2 of amendment 272 was rejected.

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

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, the unanimous-consent order says that we will now proceed to the amendment of the distinguished Senator from Colorado, Senator HART.

I ask that the Chair recognize Senator HART.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Colorado is recognized.

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

AMENDMENT NO. 273

(Purpose: To restrict the circumstances under which combat units of the U.S. Armed Forces may be introduced into Central America)

Mr. HART. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. HART], proposes an amendment numbered 273. On page 31, after line 23, add the following:

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

RESTRICTION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA

SEC. 601. (a) The Congress finds that—

(1) the Government of Nicaragua has disregarded its commitments to internal pluralism and non-intervention in its neighbors' affairs, and thereby caused grave concern in the United States and among the nations of Central America;

(2) the Government of the United States has placed an economic embargo on Nicaragua and resorted to other economic and political pressures to affect the policies of Nicaragua;

(3) the increasingly frequent presence of American combat troops in Central America for training exercises, particularly in the current, extremely tense atmosphere, does not advance American foreign policy objectives and may lead to military conflicts; and

(4) the Government of the United States should place its first priority on diplomatic initiatives in the conduct of its foreign policy, and such initiatives should precede any use or threat of military force.

(b)(1) No combat units of the Armed Forces of the United States may be sent into the territory, airspace, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purpose after the date of enactment of this Act unless—

(A) the Congress has authorized the presence of such units in advance by a joint resolution enacted into law; or

(B) the presence of such units is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

(2) In either case described in clause (B) of paragraph (1), the President should advise and, to the extent possible, consult in advance with the Congress.

Mr. HART. Mr. President, Senator KERRY and I are introducing an amendment which will increase congressional oversight over the introduction of U.S. combat forces in Central America.

The amendment would require congressional approval—in the form of a joint resolution—prior to the introduction of American combat troops in Central America for training exercises or other purposes. It would, however, allow the President to introduce troops immediately in the event that the United States was threatened with attack or American lives were in jeopardy. Our amendment is intended as a crisis-prevention measure to place limits on the increasing numbers of U.S. forces on maneuver and to reduce the likelihood that those troops will become entangled in a conflict in Central America.

Mr. President, since the United States increased the scope and intensity of military maneuvers in Honduras in 1983, we have witnessed the nearly constant presence of American combat troops on the border of Nicaragua. At the end of April, that presence numbered nearly 11,000.

During these latest maneuvers U.S. tanks and heavy equipment came within 3 miles of the Nicaraguan border.

There is little to suggest that such displays of might have advanced American foreign policy objectives in the region since they began on an expanded basis in 1983. But the continued presence of these large numbers of U.S. troops in close proximity to ongoing fighting between the Contras and the Sandinistas is a case where a display of American military power for symbolic purposes is tangibly increasing the prospects that the United States will become directly involved in hostilities.

All too often in the past we have seen nations start down the path to war on the basis of miscalculations, unintentional clashes, and unforeseen crisis. Promoting the continued presence of thousands of American troops so close to forces that are fighting in earnest—so close to a nation with which we have such severe disagreements—is like placing a match in a tinderbox.

This amendment would not have the effect of banning troop maneuvers, nor would it interfere with U.S. intelligence gathering capabilities nor prevent U.S. military advisers from aiding friendly nations in the region. We are not suggesting that the United States should not conduct any training exercises in Central America.

This amendment would simply ensure that Congress subjected plans for the introduction of troops into Central America to careful and deliberate review, to ensure that such actions are dictated by U.S. security requirements, are commensurate with the need to train allied forces in the region, and are not a form of dangerous gunboat diplomacy carried out on land.

Mr. President, our amendment is especially important now, in light of the Reagan administration's decision to impose an economic embargo on the Sandinistas and the increasing likelihood that this Congress will provide some sort of aid to the anti-Sandinista Contra forces through third parties or other indirect means.

I oppose these policies. But regardless of where one stands on the embargo or Contra aid—it is clear that together they reflect an escalation in tensions between the United States and the Sandinistas; tensions which are already running extremely high.

Now is the time to mandate a thorough congressional debate prior to additional massive introduction of U.S. troops in the region—not after events have gotten out of hand, and our only option is to become embroiled in conflict.

Our proposal will not in any way limit the President's prerogative to protect American lives or respond to the threat of attack. We are not attempting to interfere with the authority of the Executive. Rather with this amendment we have attempted to strike a reasonable balance between the President's need for flexibility in conducting foreign affairs and the Congress' responsibility for passing upon policies that could lead this Nation into war.

Mr. President, the purpose of this amendment is somewhat similar to the previous amendment proposed by the Senator from Massachusetts, but it is also somewhat different. Its differences are these: The purpose of my amendment is to proscribe the level of combat forces the United States may introduce into the region of Central America, as defined by specific terms, to those listed countries—unless the President of the United States has received prior congressional authority. The purpose of this amendment, Mr. President, and the reason for bringing it forward on this bill are quite obvious. There is deepening concern among the people of the United States, in this Chamber and throughout the Congress about whether the administration may be planning for or intent upon some sort of military action against Nicaragua. That concern has been deepened by published reports and quotations of anonymous administration officials and sources in the Defense Department, the State Department, and the White House that suggest that those plans have indeed been made, and that there is a body of thought within the administration which strongly advises that we be prepared on fairly short notice to undertake that kind of military operation.

Mr. President, I will not take the time of the Senate to parade the potential loss of American lives posed by American involvement in a Central American conflict; or to suggest to each Member of the Senate what this might mean to their own families or to the constituents they represent. I will not take the Senate's time to analyze

and compare this potential to that of our recent and tragic experience in Southeast Asia. There are differences. I realize those differences of geography, differences of American interests, and all the rest. I do not by this amendment, Mr. President, intend to draw a one-to-one analogy between the sad experience we had in Vietnam, and the potential for an even sadder experience in Central America.

Suffice it to say, Mr. President, it is the conclusion of the Senator from Colorado—and I think reflective of the view of a large majority of the American people—that to seek to solve the thorny and complex problems of Central America, and our relations with Nicaragua through an invasion force or through direct military intervention by the United States—absent some more immediate threat to our own security and our own vital interests—would be an act of folly of the deepest dimension.

I, as the Senator from Colorado, have no particular inside information about what the administration may plan or may intend, or what have those who favor some greater military presence may have over the thinking of the President of the United States or of this administration. But I do know, Mr. President, that all of the ingredients are there for that act of folly—a willingness on the part of some of the key policymakers in our Government and a willingness on the part of some military officials, to resolve an increasingly complex problem for U.S. diplomacy by a swift and hopefully decisive military action.

I think any of us who have studied the situation in Central America for even one moment, or who have read even 10 pages of military history, know that action would not be swift, and it is far from certain that it would be decisive. In this respect, I think there is a certain question whether people have learned any lessons in Vietnam or not. Nevertheless, Mr. President, I think any person with commonsense and reasonable judgment would have to quarrel with the unnamed official in the Pentagon quoted in the New York Times article saying that we could occupy Nicaragua and it would be as easy "as falling off a log."

Mr. President, we are all reluctant to personalize these judgments and these decisions. The Senator from Colorado just happens to be the father of a 19-year-old son, presumably a son who would be subject to any involvement this country might undertake in the short or long term in Central America or elsewhere. It is the belief of the Senator from Colorado that his son, being as patriotic as any other young American, would be more than willing to engage himself in the defense of this country and its vital interests whenever called upon by his Government in any kind of legitimate cause. I think the issue before this Chamber today is whether a military invasion of Nicaragua is a justifiable cause, calling upon the potential loss of many 19-year-olds similar to this Senator's son.

Mr. President, it has been discussed here today, and in the highest traditions of the debates of the U.S. Senate throughout history—to debate who does or should have the authority to commit this Nation to acts of war or military enterprises. It was suggested earlier in a previous debate, a previous amendment by the senior Senator from Arizona [Mr. GOLDWATER] that the Congress has gone too far in making foreign policy or involving itself in fundamental decisions about deployment of American military forces; that what we ought to do is just give the President whatever authority he needs and trust his judgment to do whatever he thinks is best for this Nation. If any of us are students of American history, and try to sort our way through the history of ideology in this country, we find arguments of that sort ironic.

For, after all, it was the more conservative elements of those who founded this country, our Founding Fathers, who insisted—who insisted—that the Congress of the United States, and particularly the Senate of the United States, have considerable authority in issues relating to foreign aid ventures by this Nation, international relations, or relationships with other countries.

It was the concern on the part of those conservatives, those conservative Founding Fathers, that an all-powerful Executive might in fact abuse that power and unnecessarily involve this Nation in unwise activities and adventures abroad, military, diplomatic, and otherwise.

Let me, for example, if I may, Mr. President, cite Thomas Jefferson on the question of congressional involvement with respect to declaring and waging war, or being involved in military ventures abroad.

In a letter in 1807 to then-Vice President Clinton, Mr. Jefferson had this to say:

> The power of declaring war being with the legislature, the executive should do nothing necessarily committing them to declare war.

In other words, President Jefferson in 1807 was saying that the Congress should not permit itself to get into the position where Presidents can so precommit this Nation, so expose its interests unnecessarily, that the Congress then has no other choice but to intervene to carry out that commitment.

Thomas Jefferson is saying the President should not have that power because the power of declaring war is with the legislature.

He said earlier to James Madison in 1793:

> As the executive cannot decide the question of war on the affirmative side—

Let me repeat that.

> As the executive cannot—

He does not say "should not"—

> cannot decide the question of war on the affirmative side, neither can he do so on the negative side by preventing the competent body from deliberating on the question.

Once again, anticipating his statement to Vice President Clinton some 14 years later, he is saying that it is accepted doctrine, constitutional doctrine, that the Executive cannot—he is not saying should not, but cannot—commit this Nation to war on the affirmative side by an affirmative declaration. Therefore, logically the executive should not have the power to prevent the Congress, which he calls "the competent body," from deliberating on that question.

The President cannot, by any negative means, preclude the Congress from exercising its constitutional mandate to determine when this Nation goes to war.

Then finally, in an even earlier letter to Madison, Jefferson said:

> We have already given one effective check to the dog of war by transferring the power to declare war from the executive to the legislative body, from those who are to spend to those who are to pay.

The "we" he is referring to is not only himself and Mr. Madison but the other framers of the Constitution who, in their wisdom, were concerned about a too powerful Executive, particularly in the area of committing this Nation to war. He says:

> We have taken that power away. We have already given one effective check to the dog of war by transferring the power to declare war from the executive to the legislative body.

Namely, those who can spend money, the President, to those who pay the bills, the Congress.

Finally, Mr. President, on this same subject, in the question of constitutional sharing of power in foreign policy, Alexander Hamilton himself, known throughout history as a proponent of the strong executive theory, wrote this in the Federalist Papers on this subject:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise for the nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created in circumstance as would be a President of the United States.

Mr. President, I do not think it is the inclination of the Senate, for better or worse at the present time, to debate the history of who, under our Constitution, does or does not have, or should or should not have, the power to commit this Nation to war. I wish it were, because I think, Mr. President, if I read what is happening in this coun-

try—in its highest circles of power—that is exactly the kind of debate we ought to be having on the floor of the Senate today, and there ought to be a goodly number of Senators here.

It is tragic, it is unfortunate, that crises occur, that decisions are made, and then the hue and cry arises and elected officials summon themselves to the respective Chambers of the Congress and start debating about how we got into this mess.

Better, it seems to me, if we were to spend a tenth of the time today debating about who should or should not have the power to commit this Nation to war. That is what this amendment is all about.

Mr. President, it is the purpose of this amendment to limit to the present levels in Central America existing numbers of combat forces, and those are considerable. There are at least 2,000 forces, as the Senator from Colorado understands it, in Honduras, and other military personnel, depending on how one counts the occasional naval and maritime presence of the United States in the region—possibly several thousand more.

One can ask, what is the concern? Why offer this amendment at all? What are the potentials?

The potentials, Mr. President, are for ever-increasing and escalating American military presence in the region, particularly in Honduras, and that presence getting itself closer and closer to what is a less and less defined combat zone and, therefore, exposing American military personnel to potential harm; certainly putting them in harm's way, and therefore necessarily risking their lives.

It seems to me we are only really the beneficiaries of fortune that more Americans have not already been killed. We have lost tragically, I think, some 30 or 40 American military personnel, largely in exercises and accidents. But, it seems to me, given the deployment of American forces, it is almost miraculous that more Americans have not been killed in or near what has been an expanding combat zone.

We have been through three so-called Big Pine exercises, each one of which has been larger than the last. Big Pine is not a classified code name but a military code name for combat exercises conducted by this Nation with Honduran and regional military forces. That is not in and of itself anything we should necessarily concern ourselves about, were it not for the indications that, as the Senator from Colorado has already mentioned, there are predispositions on the part of some policymakers in and out of uniform to peremptorily try to solve this problem by increased direct military action.

The chances of that policy prevailing are exacerbated and heightened by the increasing possibility of Americans losing their lives in or near that combat zone, and then some tit for tat reaction being taken in which we raid across the border to protect our forces and they kill more Americans and then, before you know it, we are in the soup.

The Big Pine 3 maneuvers have ended, as has a companion exercise called Universal Trek '85. Big Pine 3 involved over 4,500 American forces. Universal '85 Trek involved 6,600 U.S. troops, including amphibious landings. These two exercises, by the way, overlapped by a period of a week or two, and during that period, by the calculation of the Senator from Colorado, there were over 11,000 combat forces in Honduras or nearby.

Mr. President, the disposition of the administration in this regard or in the near- or long-term future is beyond the Senator from Colorado—even in his capacity as a member of the Armed Services Committee. We are not necessarily brought into those plans. The Senator from Colorado is informed that, later this month, a new U.S. maneuver involving potentially a couple thousand or more Americans who might be involved in rather benign activities such as roadbuilding, but also perhaps within 40 miles of the Nicaraguan border, practicing attacks and repelling attacks by and against guerrilla forces.

So, Mr. President, the beat goes on. It is clearly an instrument of this administration's foreign policy in the region to not only beef up Honduran capabilities but to show a big stick to the Nicaraguan Government. That may or may not be a productive policy.

All this amendment does is say: If the President of the United States intends to put more combat forces into the region—Honduras or the surrounding nations—then he should come to Congress and seek your approval. Congress, under this amendment, can authorize that presence of whatever units the President wants to commit in advance, by a joint resolution enacted into law. The amendment does not require the removal of present levels of combat forces, so that argument cannot and should not be used in opposition. It specifically is designed not to interfere with the President's ability either to take whatever actions are necessary to immediately evacuate U.S. citizens in Nicaragua or surrounding nations, or to respond to a clear and present danger of military attack on the United States.

The amendment does encourage the President, under those circumstances, to consult closely with Congress.

So, Mr. President, this amendment is not designed to interfere with our intelligence capabilities or the presence of our advisers in the region. It would not in any way impede our ability to protect and promote our own interests in the region. It merely would bring Congress into the process of deciding whether we should increase American military presence in the region and, hopefully, if it works properly and is enacted, prevent any kind of unilateral action by the President of the United States which might precommit this Nation to war in opposition to the intent of the Founding Fathers and the clear intent of the Constitution of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield to myself such time as I may require.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the amendment presented by our distinguished Senator from Colorado, as he has mentioned, has many characteristics which are similar to the amendment just offered by the distinguished Senators from Massachusetts [Mr. KENNEDY] and Oregon [Mr. HATFIELD], except for the fact that the Hart amendment goes beyond the Kennedy-Hatfield amendment, beyond in the sense that in addition to the introduction of forces into combat, the Hart amendment would preclude forces coming into additional exercises without the advance consent of Congress.

I submit, Mr. President, that Members who have already voted, by 31 to 64, against the first amendment, would be disinclined to vote for the current amendment because it clearly goes well beyond it with regard to the scope of congressional management of military policy and the use of force.

The Senator from Colorado has suggested that the very presence of a critical mass of forces in Honduras may lead Americans into some measure of jeopardy. Indeed, he has suggested that it is miraculous that more injuries or deaths have not occurred, given the number of persons in Honduras. But I think it is important to indicate that, in fact, these deaths have not occurred nor have combat situations occurred.

In truth, our forces are in Honduras because they are training for fitness in military capability. They are assisting our friends in Honduras who are heavily reliant upon the support they give.

I suggest, Mr. President, that the War Powers Act, which at least pertained to the previous amendment we discussed, conceivably pertains to this one, although I understand that the thrust of the Hart amendment is to give an additional dimension to that. It seems to me that this type of amendment would clearly be a signal of weakened U.S. commitment to Honduras and other Central American friends. It would encourage, in my judgment, if not intensified military pressure by Nicaragua, certainly a temptation to attempt those activities

which Nicaragua might feel disinclined to attempt given the exercises proceeding in Honduras.

It seems to me it is indeed another unwise and rather severe restriction upon the President's constitutional authority as Commander in Chief. It appears to me that it would at least preclude the possibility of the use of U.S. forces in providing emergency assistance to friendly countries to defend against sudden attack which currently we are in a position to give, given the sure presence of our forces in Honduras or, as might be the case, exercises in other areas.

For these reasons, Mr. President, I ask the Senate to reject the Hart amendment. It seems to me it would be an unwise deviation in our foreign policy. Clearly, it will not be helpful, in my judgment, in providing for the stability in Central America which we all seek.

We have not attempted today, and will not go far afield, in treating the positive things that the United States has attempted to do in promoting strong democratic institutions, a stronger economy, stronger humanitarian aid. Clearly, our presence in Central America in a military capacity and the close ties that the military exercises give help to our friends in Central America. It seems to me this is an area in which a degree of Presidential discretion and congressional oversight are important. I would think the congressional oversight is exercised in a number of ways presently and to go so far as the Senator from Colorado has suggested would be unwise.

Mr. HART. Mr. President, I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair and I thank Senator HART for the time.

Mr. President, I rise in support of the Hart amendment. I do so because I have the uneasy feeling—more than just an uneasy feeling, a belief—that we are moving in the wrong direction. As I read the Hart amendment, it is a balanced amendment. It recognizes that the Government of Nicaragua has not lived up to some of its commitments, but it also places priority on diplomatic initiatives without taking away the power of the President in a genuine emergency. But it sends a clear signal, "Do not use U.S. troops unnecessarily."

My own feeling is that many of the people who are making decisions for Central America simply are not sensitive to what is going on. The chairman of the Senate Committee on Foreign Relations is on the floor, and I applaud the fact that he is reviewing the whole panoply of relations of the United States with the other nations of the world. My own impresssion, from some years of travel in Latin America, is that Uncle Sam is viewed in much of Latin America as a bully and exploiter. Sometimes we have earned that image, sometimes we have not. But what we ought to be doing is moving low key in whatever we do, and we are doing precisely the opposite. I think that is counterproductive.

I remember some years ago before I was a Member of the House of Representatives and certainly before I came over to the Senate, our family drove down the Pan American Highway to San Jose, Costa Rica, a trip I would not recommend today. In San Jose we visited with Jose Figueres, who was then the President of Costa Rica, whom I had the opportunity to know slightly. We visited in his living room. This is right after Richard Nixon had become President of the United States.

On the coffee table in his living room was an autographed picture of Hubert Humphrey. I said, "I am curious, Mr. President, why you have that autographed picture of Hubert Humphrey." And he responded, "We sensed that Hubert Humphrey really cares about us."

Mr. President, what we in the United States have to convey is that we care about the people of Central America and that we are not just using them as some kind of a tool in the East-West struggle, and we are not conveying that right now.

One of the areas where we ought to be doing more—and I am pleased to see this bill, and I commend my colleague from Indiana, as well as the ranking Democratic member, Mr. PELL, and Senator MATHIAS, who worked on this—is in scholarships. One of the largely ignored points made by the Kissinger Commission was that the United States in all of Central America provides 391 scholarships, while the Soviets provide about 7,500. And you do not need great imagination to understand that we can win a battle and lose a war.

I do not suggest that every student who comes back from the University of Moscow or Patrice Lumumba University comes back a dedicated Communist, but there is an ideological tilt, just as there is for a student who goes to the University of Illinois, or Southern Illinois University, or Indiana University, or the University of Colorado. That is the kind of thing we ought to be doing.

Our troop involvement in Honduras. What we are doing there, in my opinion, is destabilizing what is probably the best government that Honduras has ever had. I would suggest we seem to learn the lessons of history slowly.

Libya had a government that was not, unfortunately, a good government, but we had a U.S. base there and some military leaders and others were able to say, "This government is a puppet of the United States." And a young colonel by the name of Qadhafi and some others overthrew the government. It is probable that Colonel Qadhafi would not be in charge in Libya today had there not been a U.S. military base there. I think our presence in Honduras, rather than stabilizing Central America, is a destabilizing factor.

Finally, Mr. President, I am for this amendment because I hear not a dominant voice around here but an occasional voice—I have heard this from someone in the administration. I have heard it from a Member of Congress—saying, "You know, what we ought to do is invade Nicaragua."

I want to quiet that kind of talk quickly, firmly, and without any question whatsoever. If there is anyone in a responsible position in this administration who wants to seriously consider that, I am going to do everything I possibly can to help prevent it. It is not the direction that we ought to go.

The Hart amendment—and I urge my colleagues, those who hear my voice on their radios in the office as well as those who are on the floor, to read the Hart amendment, not the synopsis of it—is a balanced amendment that I think represents the view of the majority of the Members of the Senate. Now, whether the vote is going to reflect that, I do not know, but if the Members of the Senate read the Hart amendment I think they are going to vote for it. I commend my colleague from Colorado for his amendment. It says what we ought to be doing. It suggests that diplomatic initiatives ought to be the direction. And just in general, to reemphasize, we ought to be low-keying it in Central America.

Mr. President, if I may use just one other illustration. I remember after President Reagan had his first press conference on Central America, I was on a call-in radio program at WGN in Chicago. They also had the Managua correspondent for Newsweek on the radio. I said, "What does troop involvement, our aid to the Contras, our naval flotilla do as far as the Sandinistas are concerned? Does it strengthen them or weaken them?" And she said, "Oh, it strengthens them because Uncle Sam is viewed as a bully who is trying to dominate Nicaraguan policies." And I said, "That is exactly what I thought."

I am not in love with the Sandinistas. They are not Boy Scouts. But let us adopt policies that pull Central America in a positive direction. Let us not be the big bully. Let us not do things that just hand the Soviets and Marxists and others the kinds of issues that I think, day after day, we seem to be handing them.

I am pleased to support the Senator from Colorado. I yield back my time to him.

Mr. HART. Mr. President, I thank the Senator from Illinois for his very perceptive remarks. They got beyond the scope of the amendment to describe what our policy in the region ought to be, something that the Senator from Colorado had not attempted to do, but I fully agree with the thrust of the idea the Senator from Illinois has put forward as to what a progressive policy for the United States ought to be in that region.

If I may respond briefly to comments made by our friend and colleague, the distinguished floor manager and chairman of the committee, if I understand his remarks and criticism, they amount to this. First of all, this amendment would, in his words, signify a weakened U.S. commitment in the region.

Mr. President, I hope the day will come, not too far in the future, where strength has a broader definition than mere military power. I know the Senator from Indiana, being a thoughtful and perceptive person, does believe that strength should be defined in broader terms. But by arguing the way he did, he implies that the strength of America is derived simply from military power and military presence.

We all know from studying human nature and human events that quite often the strongest individual or the strongest nation is the one that is so confident in and of itself in its cause and principles and values that it does not need to demonstrate that strength through constant military presence or force.

I hope we do not let ourselves get into this kind of one-dimensional, ideological, polarizing syllogism which says, "If you are for strength, you are for military presence and intervention; if you are not for military presence and intervention, then you are for weakness."

Now, unfortunately, American politics in the 1970's and 1980's fell into that trap too often. It certainly does not elevate the level of dialog and debate or challenge the intelligence of the American voter. But the fact is we can be much stronger in Central America, a region of vital importance to this Nation. without increased American military presence. Let us give some thought to what strength is. Let us not let ourselves—and certainly not someone as intelligent and multidimensional as the chairman of the committee—get into this business of, "Well, if we want to be strong, let's put our troops in. And if we take our troops out, then we are necessarily weak."

That is, I think the chairman of the committee would admit, a much too oversimplified definition of strength. Strength is defined by whether we are able and willing to protect and promote our vital interests in every possible way, not one way but every possible way.

He said, further, that this amendment would weaken the ability of Honduras or a neighboring nation to repel an attack. This, of course, presumes that an attack is imminent or that it is even possible, evidence of which has yet to be presented to the Senate of the United States or the American people.

However, if the President of the United States—or his Cabinet, the Secretary of State, the Secretary of Defense, or the national security apparatus of this Nation—concludes that an attack is possible, is likely, is imminent, then, of course, it is his duty to inform the Members of Congress of that possibility and to seek our support and our cooperation in preparing a neighboring nation to repel that attack.

I suppose that, in theory, the Sandinistas could prepare an all-out attack on Honduras or somewhere else overnight—massive tanks, troop carriers, artillery, infantry, and everything else they have—and, lo and behold, the President might be awakened in the middle of the night by a call:

"Mr. President, this is Bill Casey calling. The Nicaraguans have just moved en masse across the Honduran border."

The first thing he should do when that happens is fire Bill Casey. We are not spending billions of dollars, I hope, on an intelligence organization that could not find out that those plans were underway.

Nevertheless, this amendment provides more than ample opportunity for the President and the national security apparatus to consult Congress and seek, very quickly, our concurrence in increasing our military presence in this region—it is not halfway around the world; it is within short flight time—to help the Hondurans to repel an attack.

Finally, as I understand the Senator's arguments, he has said that this amendment would not increase stability. Mr. President, I have been to Honduras—not in the last few months but in the last couple of years, as many Members of the Senate have—and an argument can be made, as the Senator from Illinois has made, that increased military presence by the United States in that country is not stabilizing.

Mr. President, the Senator from Colorado has met with the political opposition in Honduras—they are Democrats, they are nationalists and patriots who happen not to agree with the government in power—and they have said to the Senator from California that increased American military presence is making their nation less stable rather than more stable, for many of the reasons the Senator from Illinois has just stated.

So, whether the argument about a weakened commitment goes to the ability of the United States to help the Hondurans repel an attack, or it goes to the question of whether it does or does not help create stability in the region, I hope that our colleagues in the Senate will reject those arguments.

This amendment is designed, more than anything else, to bring Congress, in a timely way, into decisions that may affect the livelihood, the safety, and the survival of young Americans who might otherwise be called upon, without that involvement, to enter into an unnecessary and unwise military adventure.

Mr. LUGAR. Mr. President, I appreciate the comments of the distinguished Senator from Colorado as he has discussed his thoughtful amendment. I also appreciate the statement of the Senator from Illinois.

Let me respond briefly by saying that I suspect that no Senator who has been involved in the debate would equate strength entirely as military strength. In fact, military strength might be a very small part of the strength of our country, in the image we present and the way we conduct ourselves.

Our efforts in Central America have been to try to provide democratic institutions, stronger economies, a thrust toward a concept of civil rights and human rights that would grow. Our strength clearly lies in the image we have and in the activities we have fashioned to show the strength of our own constitutional principles, and where these can be adopted, to try to encourage them to be adopted.

I think the other side of the coin, however, is that strength does not preclude military strength. One can argue how the balance is perceived. Both the Senator from Illinois and the Senator from Colorado have argued that our presence in Central America, in the Western Hemisphere, has been interpreted as a bullying presence in a way that not only destabilized situations, but also brought enemies for our country.

However, the present amendment, as I perceive it, is one in which we are arguing about who should manage military exercises in Central America. The thought of the Senator from Colorado is that prior to military exercises, which are conducted extensively—the three Big Pine operations in Honduras have been mentioned specifically—Congress should push those along by an affirmative gesture.

It has been argued, further, I believe, that the Senators, in proposing this amendment and supporting it, believe that the sheer numbers of persons we have had in Honduras may have led to dangers to our forces or dangers to our friends in Honduras.

That, I think, is arguable. My own general assumption is that the Hondurans wanted our presence. There have been negotiations from time to time as to how extensive they wanted it and what quid pro quo was required in addition. Those complexities are important; and if we were discussing the advisability of any one exercise, it is arguable both ways.

I fail to see that our foreign policy is going to be enhanced by taking away from the President of the United States and his administration the ability to train troops in Central America, provided that we do so in conjunction with friendly countries, and provided, of course, that they want us there, and in my judgment they do. It has not been a situation of bullying or a situation in which we have prevailed through our own strength. As a matter of fact, we have lent our strength to our Honduran friends and perhaps to others.

Finally, I suggest that one of the difficulties, in a practical sense, about precluding our exercises—and this is the reason I made an argument for stability—is that the Nicaraguan Government currently, with a "revolution-without-borders" concept, with the destabilizing efforts made by that government toward neighboring nations, is, unhappily, the sort of government that does have an element of surprise, an element of covert activity, an element of subversion.

I am suggesting that the very presence of American troops in Honduras, for example, by invitation of the Honduran Government and in conjunction with a training mission with Honduran forces, has at least led to a second thought on the part of the Sandinista government with regard to any activities that might be conducted toward Honduras.

I think that is all to the good. I do not know what the course of activity of Nicaragua would have been otherwise. I am simply saying that the physical presence of our forces there has precluded adventures that would have been inadvisable, and I think that is all to the good.

Mr. HART. Mr. President, if the Senator will yield—I know that we have some distinguished visitors—I will respond very briefly.

It is not the intent of the sponsor of this amendment to manage troop exercises. It is not the intent of the sponsor of this amendment to preclude troop exercises. It certainly is not the intent of the sponsor of this amendment to prevent the President from taking actions that are necessary to defend and protect this country's interests or those of our allies.

All this amendment says is that if the President is convinced of the need for an increased American military presence in Central America and if there is no emergency, then he must come and convince Congress of that. It simply involves Congress in any decision to increase our military presence in the region, absent an emergency.

I believe that, given any clear reading of the history of the Constitution, that is what our responsibility and role are designed to be.

If the President cannot convince the majority Members of the Congress that we ought to have more troops in Central America then we probably should not have more troops there.

VISIT TO THE SENATE BY A GROUP OF BRITISH-AMERICAN PARLIAMENTARIANS

Mr. LUGAR. Mr. President, the Senator from Indiana asks the Chair to recognize the distinguished Senator from South Dakota for an introduction of a distinguished delegation.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I am proud to introduce to the Senate a distinguished visiting group of parliamentarians from Great Britain, the British-American parliamentarian group. They are headed by Mr. Joplin. There are three parties represented here. They are visiting the United States and they are here to get the wisdom of the U.S. Senate.

I am honored to present them to the Senate.

[Applause.]

RECESS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes for a greeting by Senators of the delegation.

There being no objection, the Senate, at 3:50 p.m., recessed until 3:53 p.m.; whereupon, the Senate reassembled when call to order by the Presiding Officer [Mr. CHAFEE].

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

The Senate continued with the consideration of the bill (S. 1003).

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I discussed the situation with the distinguished Senator from Colorado and we both agreed that the debate may draw to a close in the next few minutes for our side. I would be pleased to yield back all the time and I believe the Senator from Colorado wishes to be recognized for a closing statement.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I thank the distinguished floor manager. I shall be brief, lest other Senators in support of the amendment wish to be heard. Then after 2 or 3 minutes of concluding remarks, it will be my intention to yield back the time of the proponents. The Senator from Indiana may want to reserve time in case the Senator from Colorado turns unnecessarily provocative in the 2 or 3 minutes.

Mr. President, the intent of this amendment is quite simple. It is to require the President of the United States to seek the support of Members of Congress before increasing the American military presence in Central America. It does not preclude that increase and it does not require a decrease. It merely says if it is a central part of this Nation's foreign policy in this critical region to have increasing permanent or semipermanent military presence, then the President of the United States should seek the endorsement and support of Congress before increasing that American military presence.

It is an amendment born of concern that the United States is increasingly seeking only a military solution to a complex web of problems in that area of the world. It is admittedly born of increasing concern by the Senator from Colorado that the administration or some elements of the administration might, in fact, seek the ultimate military solution to this problem and that is some sort of an invasion, provoked or otherwise, by American combat forces, without the consent or approval of the Congress.

Mr. President, I think that policy would be folly. It would be a policy the Senator from Colorado would be prepared to strongly oppose without more evidence of its necessity to our national security.

But, Mr. President, it is the concern of the offerer of this amendment that Congress and the Senator from Colorado would not even have the chance to reflect our views before that action were taken.

I hope, Mr. President, Members of Congress do not vote against this amendment and awaken some morning unhappily to be notified that this Nation is involved in combat against Nicaragua.

I think that would be a sad day for this country in terms of its constitutional process, in terms of the preogatives of Congress in declaring war and in terms of the unnecessary loss of young American lives.

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

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

The yeas and nays were ordered.

Mr. HART, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired on the amendment, the question is on agreeing to the amendment of the Senator from Colorado.

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

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Alabama [Mr. DENTON] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. DENTON] would vote "nay".

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote "nay."

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

The result was announced—yeas 15, nays 81, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—15

Burdick	Inouye	Pell
Cranston	Kennedy	Proxmire
Harkin	Leahy	Sarbanes
Hart	Matsunaga	Simon
Hatfield	Metzenbaum	Weicker

NAYS—81

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Baucus	Glenn	Melcher
Bentsen	Goldwater	Mitchell
Biden	Gore	Moynihan
Bingaman	Gorton	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Hatch	Packwood
Bumpers	Hawkins	Pressler
Byrd	Hecht	Pryor
Chafee	Heflin	Quayle
Chiles	Heinz	Riegle
Cochran	Helms	Roth
Cohen	Hollings	Rudman
D'Amato	Humphrey	Sasser
Danforth	Johnston	Simpson
DeConcini	Kassebaum	Specter
Dixon	Kasten	Stafford
Dodd	Kerry	Stennis
Dole	Lautenberg	Stevens
Domenici	Laxalt	Symms
Durenberger	Levin	Thurmond
Eagleton	Long	Trible
East	Lugar	Warner
Evans	Mathias	Wilson
Exon	Mattingly	Zorinsky

NOT VOTING—4

Armstrong	Rockefeller
Denton	Wallop

So the amendment (No. 273) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BYRD. Mr. President, I thought I might ask the distinguished majority leader how he sees the program for the rest of the day, how late we may go, what the prospects are for finishing this bill, keeping in mind tomorrow depending on how the day goes, and for Monday.

Mr. STENNIS. Mr. President, may we have order so we might hear?

The PRESIDING OFFICER. The Senator from Mississippi is correct. Will those Senators conducting conversations please retire to the cloakrooms?

The Senate will be in order.

The majority leader.

Mr. DOLE. I thank the Chair.

I would say first of all I have discussed with the chairman of the committee, Senator LUGAR, that we would like to complete action on this bill tonight. If we do not, we will complete action on the bill tomorrow. That is where we will start from. If we do finish this evening, we would be in session tomorrow but I can assure Members that there would not be any matters requiring rollcall votes.

I am also advised by the chairman that once we get beyond the so-called Contra amendments that it will move fairly quickly. A number of amendments will be accepted. There are some that will require some debate, and maybe a rollcall, but overall we will move rather quickly.

I am rather optimistic at 4:25, though I may not be that optimistic at 6:25.

I would suggest to Senators who have Contra amendments, and I know they all have great merit, if we could use less time we might be able to finish the entire bill by 8:30 or 9 o'clock this evening, which would accommodate a number of Senators on each side who have official commitments elsewhere tomorrow.

On Monday, if we did not finish this bill, we would still be on the bill. But it is my hope to take up the clean water legislation.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I have one further question, that being what would be the business on tomorrow which would cause the Senate to come in but not require rollcall votes?

Mr. DOLE. A number of bills have been reported by the Commerce Committee which we understand have been cleared on both sides. Obviously, if they have not been cleared, we will not try to address them. But there will be no rollcall votes. I can assure that. If something did develop, we would postpone action until Monday. I believe they are all from the Commerce Committee. I can double check and give the distinguished minority leader a list of those we have in mind.

Mr. BYRD. I thank the distinguished majority leader.

Mr. President, if the distinguished majority leader would accept one final suggestion, when the Senate moves on beyond the Biden and Nunn amendments, I wonder if it might be possible for Members to indicate their willingness to limit time on the remaining amendments.

Mr. DOLE. I would hope that would be the case. The managers of the bill might consult with Senators. I might say I have one amendment and I am prepared to yield all time back at the appropriate time. I want to try to set a pattern for others to follow. I have the last amendment and I do not really believe I will need to offer it. Maybe the managers between now and the next vote can encourage others not to take the full 60 minutes or 90 minutes, whatever it is.

Mr. BYRD. Mr. President, I thank the majority leader. I thank the Chair for getting order and maintaining order.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the next amendment in order is an amendment to be offered by the distinguished Senator from Delaware [Mr. BIDEN].

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 274

(Purpose: To establish terms for U.S. policy toward Nicaragua)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 274.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

SEC. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however,* that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 602. (a) During fiscal year 1985, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however,* That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however,* That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The $14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than $14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in sections 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democractic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount and of such a nature as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that the opposition has in fact effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however,* That—

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

(1) trade concessions;

(2) Peace Corps programs;

(3) technical assistance;

(4) health services; and

(5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

NICARAGUA: THE PRESIDENT PRESENTS A HOBSON'S CHOICE

Mr. BIDEN. Mr. President, late in the 17th century, a Englishman named Thomas Hobson adopted a rigid, rather inhospitable practice in the operation of his riding stable near Cambridge. To students from the nearby university who came to rent a horse, Mr. Hobson offered a simple choice: take the one nearest the stable door, or none at all.

Today, as we renew discussion of American policy toward Nicaragua, we unfortunately are presented a choice no better than that offered by the metaphorically famous Mr. Hobson. But just as there was only one stable near Cambridge, we have only one American foreign policy. Consequently, we must deal with the choice we face.

The essential issue before us is whether, and on what conditions, to aid the Nicaraguan resistance—the Contras. I deplore the circumstances under which we are forced to deal with this issue because I think that the administration has failed in an important responsibility, which is to exhaust all avenues of diplomacy before shifting to a policy that emphasizes military force. By its denigration of

the Contadora process, by its apparent willingness to supply aid to any and all elements opposed to the Sandinista regime, and by its hastily imposed embargo, the administration has managed to generate for Mr. Ortega an international sympathy which his government could never have earned for itself.

We thus find a situation involving three flawed players: a Sandinista regime which shows little disposition to fullfill the promise of the Nicaraguan revolution, a resistance which includes some truly democratic leaders but also a number of unsavory figures responsible for unjustifiable behavior, and an ideological administration which appears to be spoiling for a fight as the only satisfactory solution.

To return to the metaphor of Mr. Hobson, some would argue that we should walk away—that because we are offered no attractive choice, we should have nothing to do with the situation. But as emotionally satisfying and politically popular as that might be, I cannot judge it to be the responsible course. Nor, however, do I think we should simply accept the horse offered by Mr. Hobson—in this case, Mr. Reagan. Instead, I think we must impress upon him the need for a better horse—a better, more balanced approach—and that is the purpose of the amendment I wish to offer today.

A BALANCED APPROACH

The amendment I offer is a modification of the proposal—concerning so-called humanitarian assistance to the Contras—made by my party during negotiations with the White House on this issue several weeks ago. Those terms were embodied in a resolution [S.J. Res. 120] introduced by the Democratic leader. The principal modifications I have made are to place strict conditions on any future U.S. aid to the Nicaraguan resistance and to add certain elements of inducement, including a possible suspension of the U.S. embargo, should the Sandinistas wish to adopt a more cooperative attitude toward negotiation with the Nicaraguan opposition. I shall summarize briefly the provisions of this amendment:

CURRENT AID TO THE NICARAGUAN OPPOSITION

First, the amendment contains provisions relating to current aid to the Nicaraguan opposition. It does so by maintaining in law the Boland amendment, prohibiting military or paramilitary assistance, while providing $14 million in so-called humanitarian assistance. I note, Mr. President, that some of my colleagues have expressed concern about closing loopholes which might allow some of this money to aid the Contras militarily. I must say that I find any such concern to be misfocused. The fact is that this aid will ipso facto help the Contras militarily because it will help them economically; it is as simple as that, so let us speak candidly. We are providing this aid in the form of so-called humanitarian assistance because we wish, at this time, to confer on the Nicaraguan resistance some measure of legitimacy and practical assistance without affirming the political and moral commitment entailed by overt military support. Accordingly, my amendment requires that the aid be distributed by the State Department from State Department funds, in order to minimize the dangers arising from the presence and involvement of U.S. military or CIA personnel in the field.

BILATERAL AND MULTILATERAL NEGOTIATIONS

Second, in addition, the amendment seeks to promote negotiations by conditioning the availability of this aid on the demonstrated willingness of the administration and of the Contras to enter into talks with the Nicaraguan Government; and urging full U.S. support for the Contadora process, to which the administration has accorded far too little support heretofore, while authorizing the expenditure of State Department funds to support the implementation of any agreement reached through that process.

INDUCEMENTS TO THE SANDINISTA GOVERNMENT

Third, and relatedly, the amendment offers to the Sandinista government certain inducements to negotiation by providing for a suspension of the U.S. economic embargo if the Government of Nicaragua enters into a ceasefire and negotiations with opposition forces; declaring, as does the Nunn resolution, that the President should suspend military maneuvers near Nicaragua if the Sandinista government agrees to a cease-fire, talks with the opposition, and an end to the country's declared state of emergency; and setting forth, as does the Hamilton resolution in the House, certain conditions under which Congress would consider establishing programs of assistance to the Nicaraguan nation.

HUMAN RIGHTS AND FUTURE AID TO THE NICARAGUAN OPPOSITION

Finally, and of central importance, the amendment declares that, beyond the funds authorized in this bill, Congress shall consider further aid to the Nicaraguan opposition only if the opposition has acted effectively to remove from its ranks those persons who have engaged in serious abuses of human rights. An associated and crucial provision is that the President shall be required to submit, in conjunction with any future request for further economic or military aid for the Nicaraguan opposition, a detailed certification that such house cleaning has in fact occurred. I should underscore that any such certification would be subject to Congressional secutiny in the course of hearings on the President's request for further aid.

IMPLICATIONS OF U.S. AID TO THE CONTRAS

Mr. President, Nicaragua has already been subject to prolonged debate in this body. But I do judge that certain observations are in order concerning the implications of U.S. aid to the Contras, which many draw as a moral issue in terms of black and white, but which I must confess to finding a complex foreign policy issue suffused only by shades of gray.

LEGITIMACY OF U.S. AID

As to whether it is legitimate for us to aid a Nicaraguan opposition, I simply do not find it persuasive to argue that such action is intrinsically improper. The Sandinistas themselves received ample international assistance in overthrowing Somoza, and few observers—no matter how high minded—found fault with that. Moreover, the Sandinistas themselves have declared that their own ideology impels them to provide assistance to other revolutions, as they have indeed done. So unless one is an advocate of the Brezhnev doctrine that all Communist revolutions must be regarded as irreversible, the providing of American aid to the Nicaraguan opposition is hardly a violation of sacrosanct international principal. I believe the essential criterion—and it is a practical one—is whether what we do will employ reasonable means to produce a desirable result.

IMPLIED COMMITMENT

As to whether my amendment commits the United States to further support for the Contras, the answer is that it does not; it leaves that question fully open for the time being. What it does do, however, is express that the United States ascribes political legitimacy to the concept of a Nicaraguan democratic opposition. Simultaneously, however, the amendment establishes a framework which will divorce us from the opposition if it does not complete its evolution from being a symbol of the worst of Nicaragua's past to being the repository of the best hope for Nicaragua's future. If the diplomatic efforts encouraged by this amendment fail, Congress will in the future face a tough choice on the issue of further economic and/or military aid. But that question is not prejudiced by our action now in providing an increment of economic aid while putting the military approach, as Senator NUNN has put it, on the back burner. The question of future aid would be prejudiced only if we failed to keep the option open.

U.S. MILITARY INVOLVEMENT

Finally, and of fundamental importance, we face the question as to whether we are paving the way for U.S military involvement, a specter repeatedly invoked and, in veiw of this administration's apparent propensities, worth considering with great care. Some argue that any support at all for

the Contras is, for the United States, a step on the road to war. But it can, I believe, be argued with comparable force that a hands off policy would be equally, if not more, likely to lead to war—by inviting Soviet and Nicaraguan adventurism and by allowing further polarization and instability in Central America. In considering any further aid to the Contras—particularly military aid—we will have to weigh carefully the measure of our implied or explicit commitment to them. But it is a dangerous and perverse oversimplification to argue that the only way to avoid war is to dissociate ourselves from supporting those who represent democratic values. The key test, as my amendment emphasizes, is whether the Nicaraguan opposition truly represents such values. If it does not, it cannot represent a sound option for American policy.

CONGRESSIONAL MEDDLING

The imperative that American foreign policy reflect a real concern for human rights brings me to a final matter: The recurrent charge that Congress, moved by a foolish or timid idealism, is meddling in the policymaking process and thereby tying the President's hands. These are familiar themes. But to refute this charge, one need look no further than our recent policy toward El Salvador.

At the outset of President Reagan's first term, the alarm bells sounded and we were told that the Communist insurgency in El Salvador must be combated at all costs. Those in Congress who criticized a policy that would have blindly supported the brutalities of the Salvadoran right were described as victims of the Vietnam syndrome. But congressional pressure continued nonetheless. The result was a tortuous policymaking process and a hybrid policy—a policy that nobody had intended and few liked. Yet that policy appears to have worked—by blending the administration's emphasis on military aid with congressional emphasis on the practical reality that popular support in a civil war cannot be won by death squads, which serve only to feed guerrilla strength.

The turning point came in 1983. El Salvador's Communist guerrillas had hoped that congressional pressure would result in a cutoff of U.S. aid to the Salvadoran Government. Instead, they found themselves confronting a balanced American policy that continued military and economic aid, while placing heavy pressure on the Salvadoran Government to clamp down on the rightwing death squads, to overhaul the armed forces, and to continue the process of domestic reform. In sum, the administration had finally accepted that public support—here and among the Salvadoran people—depended upon curbing the abuses of the Salvadoran right. The result was a constructive policy—shaped by congressional meddling—that has contributed to the encouraging, though obviously still tenuous, progress in El Salvador that we see today.

CONCLUSION

While any analogy between El Salvador and Nicaragua is imperfect, two principles clearly apply to both. The first is that an American policy which supports the use of force must attend carefully to the purposes and means which govern its use. The second is that, in civil conflict, the outcome must finally be determined by those directly involved; for the United States to seek, or drift into, a central role is to ensure failure.

Mr. President, Mr. Hobson has not been easy with us on the subject of Nicaragua. Here, as on several other issues, he appears to be working hand in hand with Mr. Reagan. But I believe that through this amendment we can obtain something better than the choice between no horse at all and administration's armored and blindered war horse. We can obtain balance—by placing due emphasis on negotiations and by infusing our policy with an essential concern for democratic values and human rights.

I urge adoption of the amendment.

Mr. President, before I yield the floor, I ask unanimous consent that Senators BRADLEY, SASSER, and GORE be added as cosponsors to this amendment.

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

Mr. COHEN and Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senators from Maine.

Mr. COHEN. Mr. President, I want to take this opportunity to commend my colleague.

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. LUGAR. I will be pleased to yield time.

Mr. COHEN. Will the Senator from Delaware yield?

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. BIDEN. How much time does the Senator have?

The PRESIDING OFFICER. Twelve minutes.

Mr. BIDEN. I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. COHEN. I thank the Senator for yielding. I want to commend the Senator from Delaware for trying to strike a balance between the polar extremes, between no aid at all, as some have advocated, or unlimited aid as some would like. I believe it has been apparent that we cannot build a foreign policy on partisan planks or posturing. I think the Senator from Delaware has offered at least one option to avoiding this partisan wrangling we have had for the past several years on what to do about Nicaragua.

I have another question I should like to pose to the Senator from Delaware, however. One of the attractive features I find in the Lugar-Nunn amendment is that it seeks to avoid bringing this subject to the floor time after time but, rather, have some sense of continuity and time to develop and evolve this policy. I notice that the Senator from Delaware, I believe, has offered funding for 1 year only and that the Lugar-Nunn proposal is for 2 years or through 1986. I was wondering whether or not the Senator from Delaware would consider an amendment which would extend that time frame to grant a little more time for continuity and not force it back upon the Congress again in a very short period of time?

Mr. BIDEN. I think the case that the Senator makes is a valid one. I am somewhat ambivalent about it. The Senator probably does not have the amendment in front of him, but the first section, section 602(a), says, "During fiscal year 1985 not more than 15 million," et cetera.

I would, depending on the attitude of my cosponsors, with whom I would like to take time to check, be willing to suggest that during the fiscal year 1985 and again during fiscal year 1986 not more than—in other words, adding 1986 because it does not seem to do violence to what my approach is because the conditions still must be met in each of those years. I would be willing to do that, but I ask the Senator if he would withhold making a formal request and give me an opportunity to consult with my cosponsors.

Mr. COHEN. I will certainly withhold that request and await any judgment the Senator might have.

Mr. BIDEN. I yield time to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Delaware.

Mr. President, 15 months ago, when I visited Honduras, I found the Reagan administration had been conducting what amounted to a secret military buildup in that region of the world.

Since coming to office, the administration has been engaged in a Central American policy that has left open few options except military solutions.

The administration has failed to aggressively seek diplomatic solutions to the Central American crisis. Indeed, in the past months we have witnessed the erosion of diplomatic alternatives.

Early last year when I visited the region, it appeared the Sandinista Government of Nicaragua was en-

gaged in what amounted to only a defensive military buildup to repel the Contra invaders. Furthermore, it appeared the Government of Nicaragua could be persuaded to permit free elections and engage in talks on the legitimate security issues of the region.

In the past months, however, the world has witnessed a continual military buildup of men and equipment in Nicaragua which some believe exceeds the requirements of solely a defensive posture. Likewise, those efforts which have been made to enter into negotiations, for whatever reason, have failed to produce results.

Except for brief moments of public relations theater when the Sandinistas embraced a draft Contadora treaty and the Reagan administration agreed to bilateral talks in Manzanillo, the reality of the situation is that all sides have dug in their heels, hardened their positions, and cut away much of the middle ground.

Today, we see a Sandinista government determined to hold and consolidate power at any cost—even if that cost is the bankruptcy of its nation, the repudiation of its officially proclaimed nonaligned foreign policy, and the potential invasion by foreign armies.

Today, we also see the Reagan administration determined to prevent the consolidation of that Sandinista power, even if such a policy weakens our standing in the world community, divides our country, and leads to a direct U.S. military intervention.

So, that is where we are today, Mr. President. There is little middle ground left. Someone—the Sandinistas, the Contras, or the United States—has to compromise, or there is going to be a war in Central America, and the blood of thousands of Americans and Nicaraguans will be spilled.

Now, we could argue on this floor forever about the history of the conflict in Nicaragua. It is clear the United States has a dismal history in Central America. And our recent history is completely in character with our past.

It is also clear that administration policy toward Nicaragua has failed. Indeed, it has not achieved any of the President's stated goals: The Sandinistas today are stronger, more pro-Soviet, and more determined to hold power than ever.

But, the failure of administration policy to date, unfortunately, cannot be changed. Who is at fault for the crisis in the region is no longer the central question.

The simple fact of life is: There is a crisis. The Sandinistas, for whatever reason—either in response to administration pressure or by their own design—have turned increasingly toward the Soviet bloc for military aid and assistance.

And as the Sandinistas grow deeper in debt to the Soviet Union, United States security interests in the region begin to take on a new context.

Mr. President, I have consistently opposed funding for the covert Contra war, directed by the Central Intelligence Agency. That approach has been demonstrated to be, not only ineffective, but also morally deficient for a great country such as the United States. Furthermore, it is abundantly clear that the Contras cannot, alone, bring about change inside Nicaragua.

The best hope for change and reconciliation remains the Contadora peace process. The United States cannot dictate a lasting settlement to the regional conflict. That can only be achieved by the nations most affected, the Latin American countries themselves.

Yet, the United States must be seen as promoting that process if Contadors still has a chance to succeed.

Some amendments being offered to this bill appear to achieve that goal. But the time has come when we must do more than merely endorse the Contadora peace process. We cannot provide a carrot without a stick. History has taught us that neither the stick nor the carrot, alone, is sufficient to achieve progress toward a negotiated settlement in the region.

Other amendments appear to provide substantially only a stick. And if we repeal the Boland amendment provision, it is likely to result in an even deeper involvement of the Central Intelligence Agency in the prosecution of the Contra war. So, I cannot support amendments which could return this Nation to a policy which was found deficient over a year ago. Such amendments risk an every growing military involvement of the United States.

But, Mr. President, it has become clear that this Nation must adopt a new policy toward Nicaragua. We must adopt a policy which includes both a carrot and a stick.

Mr. President, last year it appeared the Sandinistas were being persuaded to begin to enter negotiations in good faith. That no longer appears to be the case, at least for now. For after the Congress turned down further military assistance to the Contras, President Ortega immediately went to Moscow to negotiate instead with Soviet leaders.

Certainly, a case can be made that it is the policies of the Reagan administration which have pushed the Sandinistas toward the Soviets. That may be true. But, President Ortega had a choice. Instead of immediately going to Moscow, he could have seized the moment to probe opportunities for reinstituting a dialog with the United States and the opposition within his own country.

Mr. President, I will vote for the Biden amendment today. And my vote should be interpreted as more than just a protest vote against the Ortega trip.

I am voting for this amendment because it offers a new approach to American policy in Nicaragua. The Biden amendment provides an opportunity to promote a new nonmilitary solution to ending the crisis. First, it endorses the Contadora peace process. But it takes even more concrete steps which can reduce the tension in the region. Most importantly, it offers the opportunity for the United States to pull back from the military abyss in Central America. Yet, by providing nonmilitary aid to the Contras, it maintains the option to renew military pressure should efforts to achieve a cease-fire and new negotiations fail. Therefore, the Biden amendment, in my judgment, provides substantial incentives to all sides to attempt, at least one more time, to achieve a peaceful solution without resorting to military action.

Mr. President, I also support the Biden amendment because the Sandinistas need to know that there are limits to their activities in the region. They need to understand that the legitimate interest of the United States cannot tolerate enhanced Soviet influence in this vital region of the world.

Mr. President, the Biden amendment represents a new opportunity which must be embraced by those who seek peace in Central America. Without it, we will be able to exert no leverage over either the Sandinistas or the Contras. Without it, the Congress leaves the development of Central American policy solely to the tender mercies of the Reagan administration. Without this new approach, the Nicaraguan crisis will be merely left to deteriorate.

Mr. President, we cannot sit idly by and permit the Nicaraguan crisis to embroil our Nation in another costly and unnecessary foreign war. The Biden amendment gives all sides an opportunity to take stock of their position. It provides an incentive for a cease-fire, a cooling-off period to allow moderation and peaceful purpose to replace belligerence and armed conflict.

Mr. President, the remaining middle ground is growing soft. There is little time left to halt the drift toward a Central American war.

This Congress must enact a legislative framework which attempts to strengthen the middle ground and gives us another chance to achieve a peaceful settlement to the crisis.

The Biden amendment, I believe, offers us that opportunity.

Mr. BIDEN. I thank the Senator.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, I appreciate the thoughtful amendment by the Senator from Delaware and the cosponsors.

The Senator from Delaware and those with whom he is associated in this amendment have taken seriously the fact that the carrot and the stick must be involved, and have worked to try to apply a measure of both. My opposition to their amendment will come on certain particulars that I want to enumerate, but I suppose more generally from the standpoint that I believe that the Nunn-Lugar amendment is a better alternative. Essentially, to adopt both, in a parliamentary situation, would render the conference committee's task very difficult.

Both amendments track along certain points. Perhaps both arise from negotiations that occurred at the White House a few weeks ago and subsequently, in an attempt to find a bipartisan foreign policy that could help our Secretary of State work for better success in Central America. So I acknowledge the origins of a number of the activities described in both the Biden amendment and the Nunn-Lugar amendment.

It appears to me, however, that the Biden amendment attempts to have more restrictions on the Contras, the freedom fighters, than the Nunn-Lugar amendment provides for. It has some problems in bringing about changes in the situation that we would deem desirable.

Let me say quickly, as a matter of overall philosophy, that it seems to me that the purpose of our activity today is to provide a context in which negotiations ultimately between the forces in Nicaragua itself may come to pass. Those are negotiations that are meaningful, ones that open up a government that needs political freedom, political opportunities, freedom of the press, and other desirable safeguards with regard to surrounding nations and safeguards to our Nation from a surprise visit by the Soviets or others who might implant weapons and material in Nicaragua.

We have come to some differences of opinion as to how these negotiations within Nicaragua are best to be fostered. I think there is a growing consensus in Congress that we should do all we can to support the Contadora process and the activities of neighbors. It seems to me that in both instances we have come to the conclusion that there may be desirability for negotiations between the United States and Nicaragua under some situations. This may advance the process, although clearly it will not end the process. It is one facet of it, in the context of negotiations that finally must proceed to the Sandinistas, themselves, taking a look at democratic elements that should be part of the Government and working out a settlement at that stage.

It seems to me that the Biden amendment is less forceful in bringing about those circumstances, because the amendment, first of all, does not repeal the Boland amendment. This, I suppose, is a matter of some judgment; but, clearly, the Nunn-Lugar amendment does repeal Boland. It does try to take away all of the restrictions that the Boland language has brought to bear on the situation.

There are perhaps some Senators and some Members of the House who are deeply mistrustful of the administration and, to put it another way, much more trustful of the ability of Congress to micromanage foreign policy. The Boland amendment is that type of situation. I suppose it is a fielder's choice.

The distinguished Senator from Tennessee said that if we do not go the route of the Biden amendment, we might leave Nicaragua and Central American policy at the tender mercies of the Reagan administration, as if this were a hideous type of alternative. There are many people who like the President of the United States, who feel essentially that it would not be at all bad if the President of the United States had a lot more to say with regard to a Central American policy than Congress collectively. I am not certain, given that alternative, that I would have selected the Biden amendment.

On the other hand, I suggest that there is in the Biden amendment inherently an attempt, in a mechanistic fashion, as the Senator from Delaware has pointed out, to set up an analogy to what Congress attempted in El Salvador.

I suppose, once again, we might have a difference of opinion historically as to why the American policy in El Salvador has had some success. In part, of course, as we mentioned this morning, it has been because there were some very good El Salvadoran leaders. We were fortunate that that was so. To the extent that our micromanagement of El Salvador was helpful, more power to Congress.

My own judgment is that it is arguable to the extent to which that worked out that way.

This leads me to the same sort of a problem, I suppose, with the Biden amendment. Even given the good things that I admit are similar to the Nunn-Lugar effort and the best intentions of the authors. I do not see it as sufficiently strong.

I simply suggest that the Biden amendment is an effort that is constructive, but I would hope that it would not be adopted—simply because I believe that it does not have the thrust of Nunn-Lugar and that that thrust is essentially one in which substantially more funds will be available under less restrictive terms. Thus there is an extra degree of pressure imposed through the new resources transferred to the Contra forces, albeit in the area of humanitarian assistance. This will lead, I believe, to the proper degree of pressure that will make negotiations more probable in terms of their potential success.

Mr. BIDEN. Mr. President, will the Senator yield on one point?

Mr. LUGAR. I am happy to yield.

Mr. BIDEN. The Senator indicated concern about the Boland amendment. We all have different reasons why we did not want the Boland amendment in. If I could take a moment to explain to the Senator my rationale, I want to get something passed. Quite frankly if the Boland amendment is in what the Senate passes, it is not going to get anywhere in the House of Representatives. No. 2, whether or not it gives the President a free hand, leave that aside a moment whether he should or not have that, what the repeal of Boland does by implication by what went before it is to say the CIA is back in the game, it is a red flag that went up. I do not think it does any violence, in my opinion, to Nunn-Lugar to not have Boland.

The rationale for Senator NUNN originally, and I assume the Senator from Indiana for having the amendment the way it was, is that we would not be able to allow it to be shared intelligence data. That was the rationale offered to me.

I argue you can do that even under Boland. Without belaboring the point, that was the Senator's rationale for excluding Boland from the Biden amendment.

Mr. LUGAR. I appreciate that point. The Senator's judgment may be sound in terms of the conference procedures, the strong position taken by the House of Representatives. I think all of us are looking toward a policy that has a good chance of getting a two-House bipartisan proposition. I would still indicate it appears to me that the Boland language at least in this context is not a good idea in terms of procedure.

I know the President feels strongly about this because I have heard it from him and talked to him about it as recently as 2 days ago. So I take that into consideration, too, even with my great respect for our colleague, Mr. BOLAND and the Speaker, who have very strong feelings, also.

Let me conclude this particular part of the argument by saying once again that I appreciate the general thrust of what is occurring here, but it seems to me it is a micromanagement, and that word is being overused, but it is still descriptive in which a group of well-meaning persons such as ourselves and the 435 Members of the House of Representatives are attempting to set up a

number of conditions and the net effect, at least as I read the amendment, is one in which it is unlikely that the Sandinista government of Nicaragua will be willing to negotiate seriously, that the pressures of the Biden amendment are insufficient to make that likely.

Mr. BIDEN. Will the Senator yield for a question?

Mr. LUGAR. Yes.

Mr. BIDEN. What pressures? I am not being facetious. What pressures within the Nunn-Lugar amendment would in fact encourage that, that are not in the Biden amendment?

Mr. LUGAR. First of all, and perhaps the Senator is in the process of amending his amendment, but the Nunn-Lugar amendment provides for, in addition to the $14 million and the repeal of the Boland amendment in the first year, $24 million in a second year which is a sustained effort. The Sandinistas really have to know that there is some staying power involved in that situation.

I would say beyond that that it appears to me that the constrict of the Biden amendment, and I would refer to section 602 in which the $14 million comes only if the United States resumes bilateral negotiations with the Government of Nicaragua.

That fits in a little different way than the Nunn-Lugar language. We encourage the President as part of a number of things that might be helpful.

Mr. BIDEN. Mr. President, will the Senator yield for a question on this point?

Mr. LUGAR. Yes.

Mr. BIDEN. Has he had an opportunity to read section (b) of 602 which indicates that if in fact the Nicaraguans refuse, then there no longer has to be a condition of bilateral negotiation?

Mr. LUGAR. Yes, I have read that, and I appreciate that that does obviate No. 2 and No. 3 to the extent that the Sandinistas do not want to go that route.

I think a part of our debate in the earlier amendments today was the preoccupation of Senators in demanding that we get together with the Sandinistas, that this is the essential set of negotiations. But for this to be the central focus seems to me to be unfortunate.

Mr. BIDEN. Mr. President, will the Senator yield for another question?

Mr. LUGAR. Yes.

Mr. BIDEN. If the Senator believes, and I am inclined to think he is correct, that the Sandinistas have no indication and no desire to bargain in good faith, then I ask the Senator what have we lost by including this in an amendment to satisfy my friends who believe that in fact they would negotiate? Is it not better to make that a condition, be assured the President attempted it under amendment, demonstrate that they would not and then move forward? Does that not aid the Senator's objective of having to sustain policy in the region which recognizes the threat with respect to the Sandinista presence?

Mr. LUGAR. I suggest that, as the Senator has presented the idea, it is helpful in terms of gaining broader support in the Senate because it is obvious, given the offering of this type of negotiation at least twice before, but people feel very deeply about it.

Mr. BIDEN. I was moved by the Senator's speech at the National Press Club where he called about the need of a broad based, bipartisan long-range policy.

Mr. LUGAR. This is reaching for that, probably gathering a few more in the fold.

Mr. BIDEN. I am not being facetious.

Mr. LUGAR. Of course not. It seems to me and the Senator cannot have the thing in focus that the thrust of the negotiating procedure misses. In other words, we have the situation in which granted to include people who believe that really we are mainly the ones that are at fault and it is our lack of willingness to talk and engage in these activities, that is really the fault. There is nothing in this procedure that I can see that leads to the type of internal negotiation within Nicaragua or at least indicates that those are the sort of most important ones and that anything beyond that are in a supporting role.

The nuances of the amendment may have escaped me, but it just seems the thrust of it is once again one in which we are sort of pounding ourselves over the head for our inability to do a certain number of things with the thought that really down deep we are at fault.

Mr. BIDEN. If the Senator will yield for a question again——

Mr. DIXON. Mr. President, I wonder if my colleague will permit me to ask a question of the distinguished manager.

Mr. BIDEN. The Senator from Delaware really has no time and I was asking the Senator a question. It is fine by me if the Senator will allow the Senator from Illinois to ask him a question on his time. I will be willing to yield my time.

Mr. DIXON. Mr. President, will the distinguished manager permit me to ask a question of him?

Mr. LUGAR. I am happy to do that.

Mr. DIXON. May I say to the distinguished manager I think he knows my record on this issue. I am one on this side who has regularly supported Contra assistance, as recently as the last time a rollcall took place, and I want my distinguished friend, the chairman of the Foreign Relations Committee and the distinguished manager of this bill, to know that I am prepared once again to support the proposition that will be offered shortly by the distinguished manager and the distinguished Senator from Georgia, so that he understands the meaning in which the question is asked.

But I am prepared to support this proposition by my distinguished friend from Delaware as well, and I wonder whether the manager has thought in terms and whether others on his side have thought in terms of the acceptability of this whole question in the other Chamber.

(Mr. RUDMAN assumed the chair.)

After all, this proposition has to pass two Houses to have any meaningful result. I would point out to the Senator that my friend, the distinguished Senator from Delaware, maintains the prohibition against support of military or paramilitary operations while my distinguished friend, the manager of this bill, strikes that provision. My distinguished friend from Delaware would funnel the aid through the State Department, while the other proposition would provide for the CIA to distribute the funds and the National Security Council to exercise oversight.

I wonder whether my friend sees that there is some broader appeal, if we really want to do something in this area, as this Senator does, in the other Chamber for what my distinguished friend from Delaware is trying to do. That must be readily apparent to my friend.

Mr. LUGAR. I appreciate the question, as well as the observation by my friend from Illinois.

I think these aspects of Senator BIDEN's amendment would be more appealing in the House of Representatives to the extent that this is the audience that we are looking for and conceivably might find it. I am not certain that is so, but it might be.

I would say the National Security Council oversight of whatever agency is involved—and the Senator from Illinois assumes it would be the CIA in our bill, and we assume that it would be, too—would continue as it is and I would also assume that we would not rule out paramilitary, as the Senator from Illinois has suggested. He may not want to do that and many Members of the House may not want to do that.

I think it is foolish on our part to arbitrarily rule out those options, even if we are trying to appeal to the Members of the House of Representatives. But I think those are two distinctions between the bills.

I have not tried to nitpick and find each and every one of these situations. But the Senator from Illinois has performed a useful service by pointing out two small ways, albeit very small ones, in which the bills differ, which leads me back to my point that what-

ever merit the Biden legislation has, in my judgment it is less at prospect than the Nunn-Lugar amendment that will be heard next. Therefore, it ought to be rejected so that the way is still clear for a statement that will come on the fifth amendment to be considered today.

Mr. DIXON. Will my friends yield just one more time?

Mr. LUGAR. I am happy to do so.

Mr. DIXON. I am prepared to go through this with my friend from Indiana and, as I say, I am prepared to support the proposition that will be offered shortly by the distinguished manager of the bill. But I wonder how many times we have to march up the mountain and back down before we ultimately realize that the perception of this issue is different in the Senate than in the House.

I wonder whether there would be more appeal if we realistically tried to recognize that there are some sharp differences that probably cannot be reconciled and that there is more probability of reasonable acceptance by the House of slightly more moderate Senate proposition—I am prepared to vote for the Senator's proposition—but a more moderate proposition than my distinguished friend from Indiana wants to offer right now might help to bridge the gap.

Mr. LUGAR. Let me respond that in the pleasant event we get to a conference with our colleagues in the House and the Nunn-Lugar amendment, at least, is part of that conference on the State Department authorization, whatever else is in the context. I will keep firmly in mind the footnote that my distinguished friend was prepared to vote for both propositions and gave some good advice as to how we might find comity with our colleagues. But I think there is another factor that even as we are seeking comity with our colleagues in the House, at least this Senator—and perhaps most of us, I would hope—is also trying to retain some ties with the administration. The administration is a major factor in our foreign policy, some would argue the major factor with the proper oversight control of this body. So there are several layers in the drama. Some are congressional and some are outside, but also important to it.

I would plead with the Senator that many of us have been trying to work with the White House, with the Department of State, and, in addition, working with our colleagues on both sides of the Capitol. We may or may not be successful in the exercise, but it will not be for the lack of trying. These are some of the conditions that have brought me to, at least, the conclusions I have in the next amendment.

Mr. DIXON. May I say to my friend that I thank him for his response. I will not take any more time. I know the time is precious for my distinguished friend from Delaware.

I say to my friend from Indiana that I hope when I support his amendment later today that that is not the proposition that once again closes the door and that we are not passing up a chance to adopt a proposition that might open it. That is the only point this Senator wanted to make to his friend and colleague, from Indiana.

Mr. LUGAR. I thank the Senator.

Mr. BIDEN. Mr. President, I ask unanimous consent to amend my amendment as follows: In section 602(a), after "1985" add "and again during fiscal year 1986."

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

Mr. BIDEN. Very briefly, Mr. President, this will have an effect of leaving approximately 1 year during which the Contras will have to evolve to a point where they can meet the higher standards set by the amendment and for the other parties to, in fact, fulfill their portion of the responsibilities in the amendment.

In response to the comment made by the Senator from Indiana, our only difference in dollars is $28 million as opposed to $38 million.

The PRESIDING OFFICER. Will the Senator from Delaware please send the modification to the desk?

Mr. BIDEN. Yes.

The modification reads as follows:

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

SEC. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however,* that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 602. (a) During fiscal year 1985, and again during fiscal year 1986, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however,* That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however,* That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The $14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Columbia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983,

(b) In the event that less than $14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended,

if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congess under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that the opposition has in fact acted effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however,*

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

(1) trade concessions;

(2) Peace Corps programs;

(3) technical assistance;

(4) health services; and

(5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will be brief and I may not take the 5 minutes. I regret that I was not here to listen to all of what I am sure was a most able argument on behalf of the amendment by our colleague from Delaware.

My sense, however, is that the proposal by the Senator from Delaware appears on the surface to come much closer to the reality of a peaceful negotiation through dialog, dialog on the part of the United States with the national directorate in Nicaragua and a dialog among or between Nicaraguans.

The problem that I see with it—and I wish to say to my friend from Delaware that I do not pretend to have any greater expertise or any greater insight into the solution of this issue than he has, but I come perhaps just a little bit fresher from having discussed all of these amendments with a lot of our friends in Central America. The point that I made this morning in the debate, and I think the Senator from Delaware recognizes this in his amendment, is that we sometimes make the mistake of seeing this problem vis-a-vis the national directorate, the Sandinista dictatorship in Nicaragua, as a U.S. national security issue. We have been deluged with the fact that this is the Soviets marching up from Nicaragua. We have been deluged with the fact that it is the start of refugees and the launch of Soviet missiles into San Antonio and St. Paul and places like that. So we tend to look at it that way.

The reality, however, is much closer to the fact that this is a Central American problem. It is a Central American security problem. And the observations of our friends, if you will, the other democracies or fledgling democracies in Central America is that they, in effect, have facilitated the replacement of one dictatorship in Nicaragua with another. It just happened to be nine more people in this one than in the other. But this dictatorship, being a dictatorship, having been launched from the ship of democracy but having been captured by the pirates of the dictatorship, lives in fear of the democracies around it.

But they cannot do anything about it. They have a 100,000-person army. They have their refugees spilling all over Central America. As I said this morning, they have been killing Salvadorans for 5 years. Now they are starting to kill the Hondurans and Costa Ricans. There is not anything the Central Americans can do about it. They are participating in the Contadora process. They have some faith in that process but not a lot because at the last meeting of the Contadora the Sandinistas came to the meeting and they changed their minds about some of the rulings of the game. They came in with a couple of brand new amendments that had not been on the table before. They did that same thing in the nine meetings with Shlaudeman and Tinoco. Every time they got close to some kind of a negotiation, Tinoco would show up on behalf of the national directorate, and he had a new proposition to lay on the table. The bottom line, seen from the eyes of the Costa Ricans, the Salvadorans, Guatemalans, Hondurans, Panamanians, and others is that the United States must supply them with some additional pressure to be defined in some magic way I guess in this amendment that comes up next. There are a series of urgings in there that speak to that. But without that kind of pressure they know the Sandinistas will not negotiate in good faith. As I read your amendment, as I listened to the argument on behalf of the amendment of the Senator from Delaware——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DURENBERGER. I ask unanimous consent for another 1 minute.

The problem with it is there is no incentive for the Sandinistas to dialog. There is a presumption underlying the amendment that somehow they want to negotiate an end to this process. But I do not see in it any particular incentive for them to concede. They may go dialog. They are very good at that. They will talk, talk, talk but there is

no reason for them after a cease fire to forever concede anything in a dialog. It is that our friends find objectionable.

Mr. BIDEN. Will the Senator yield for a question?

Mr. DURENBERGER. Yes.

Mr. BIDEN. Is the Senator aware that in fact it does not require dialog, that it requires there to be negotiations, and if the Sandinistas do not negotiate, then section 2 and section 3 are not operative? Then the same pressure that exists in the amendment of the Senator from Indiana becomes operative. I know from working with the Senator in the Intelligence Committee that he is aware that we need public support for a plan which is perceived by the public now to be overwhelmed, and in fact not accurately protrayed by the President.

The PRESIDING OFFICER. The time allotted to the Senator from Minnesota has expired.

Mr. BIDEN. I guess I used up your time with a question. I appreciate your courtesy. [Laughter.]

Mr. DURENBERGER. I thank my colleague. I find him incorrect. But I thank him.

Mr. LUGAR. I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, the Senator from Minnesota was touching on the question I had. It was the fact that this aid, the $14 million, would not be forthcoming unless the President resumed bilateral negotiations with the Government of Nicaragua. I think it is a mistake to insist that the President resume these negotiations. I think this does not really portray an accurate picture of the situation. It reflects on a concern, I think, that the Senator from Delware has about focusing on bilateral negotiations, and second, my own concern about directing from here the President to enter into bilateral negotiations. Otherwise, I find much attractive in this, but I think this is a flaw that is troubling to me as it is presently drafted.

Mr. BIDEN. If I may answer——

The PRESIDING OFFICER. The time allotted to the Senator from Kansas has expired.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. Each side has 2 minutes remaining.

Mr. LUGAR. Mr. President, I will speak for 1 minute and yield 1 minute to the distinguished Senator from Tennessee.

Mr. President, I ask that the Biden amendment be carefully considered but rejected by the Senate on the basis that the amendment that is to follow is a superior course for the reasons that I have suggested, and that others have suggested on our side. I say this with full appreciation for the intent of the amendment, with full appreciation that there are many parallel thoughts, and with full appreciation of the thoughts of my friend from Illinois who has suggested there are many factors in the amendment that may be appealing to the House, and that which we will have to deal with in a practical way. But I am hopeful that the track will still be clear by the time we get to the Nunn-Lugar offering. I ask Senators to take that into consideration, and to vote against the current amendment.

Mr. GORE. Mr. President, despite the small sum of money involved, we all know that we are voting on a matter of great consequence. What we are really dealing with here is the question of the future course of American policy in Central America.

The President's policy objectives in respect to Nicaragua have continuously shifted, but his preference as to means has inclined steadily toward the use of violence. In rejecting military aid to the Contras, Congress has wisely chosen to block at least one such approach: continued and escalating violence by proxy.

There remain, however, many other gradations beginning with other forms of aid to the Contras, and extending up to the possibility of a U.S. military expedition into Nicaragua: an option the administration has never been willing to rule out, and which it has now begun to speak about in more concrete terms.

The amendments that we are dealing with today offer us ways to more clearly define what parts of that remaining spectrum of possibilities are open to the President, and which parts are—for the time being—to be closed off.

Of these amendments, the only one that deals comprehensively with the elements of a U.S. policy for Nicaragua, and the one which, in my opinion, comes closest to striking a balance appropriate to the needs of the moment, is the amendment offered by Senator BIDEN.

The Biden amendment, in common with those offered by others, proposes to dispense humanitarian aid to the Contras. It does not, however, seek to use this aid as the means to induce the disarming and disbanding of the Contras, nor does it seek to use this aid in a manner which does as much as possible to keep the Contras in fighting trim.

Under the amendment, any aid would have to be independently monitored, to assure that the intentions of Congress—namely, that it be humanitarian in character and no more—be respected.

What the amendment fundamentally seeks to do with aid is to use it as a means for estabishing the kind of diplomatic process we should have had from the President, but have not.

The conditions for aid to flow include the resumption of bilateral talks between the administration and the Government of Nicaragua, and the establishment of a cease-fire to which the Contras must agree. Should the Sandinistas, on the other hand, refuse a cease-fire, aid would flow to the Contras.

The embargo against Nicaragua, which many of us feel the President too hastily imposed after suffering defeat on military aid to the Contras, will clearly not shake the dominance of the Sandinistas in Nicaragua. But under the approach in this amendment, our offer to suspend the embargo could bring about Nicaraguan agreement to accept the prerequisites for serious diplomacy: a cease-fire; talks with the Contras; and an end to the state of national emergency.

Mr. President, this is a delicate moment. The country, by and large, does not believe that the Sandinistas are prepared, if totally relieved of all pressures from the United States, to turn their energies inward and leave their neighbors alone. Neither is the country prepared to see a sharp escalation of military pressure against Nicaragua through the Contras, let alone by way of direct U.S. intervention.

What the country instinctively wants is what in fact we should be having, what the administration is refusing to provide, and what the Biden amendment is all about: a serious resort to statecraft and negotiations—with other options in existence but under firm restraint, until we have exhausted other remedies.

Mr. LAUTENBERG. Mr. President, I rise to support the Biden amendment. This amendment would provide $14 million in humanitarian aid to the Contras this year and give incentives to both sides of the Nicaraguan conflict to reach a negotiated settlement. To my mind, the Biden amendment represents the best approach at this point to the situation in Nicaragua, one which encourages negotiations and diplomacy over military conflict, while protecting our interests in the region.

The situation in Central America is difficult and potentially dangerous. The United States has a real stake in what happens in that country. Daniel Ortega's visit to the Soviet Union to seek $200 million in economic aid only underscored the ties the Nicaraguan Government has to the Soviet Union. The Soviets would like to exploit regional unrest to increase their influence in the area. But, Mr. President, the issue before us is not support for or opposition to communism in Nicaragua. The issue is how best to protect our security interests in the region. I

believe at this point in the conflict that that is best done by encouraging nonmilitary, negotiated solutions.

Certainly we want to prevent Soviet or Cuban bases on Nicaraguan soil. We want to see all Cuban and Soviet military advisers leave Nicaragua. We want to secure a regional agreement in Central America that pledges that all of the countries in the region—especially Nicaragua—refrain from interfering in the internal affairs of their neighbors and supporting an armed insurrection in the region. And we have an interest in pressuring the Nicaraguans to make good on the democratic promises of their revolution.

This amendment seeks to safeguard those interests by giving the parties to the conflict every incentive to seek peace.

The Biden amendment would provide $14 million in humanitarian assistance in fiscal year 1985 for the Contras to be funneled through the State Department. By installing the State Department as the agency administering the aid to the Contras, we remove the taint of CIA involvement in the region. At the same time, by continuing the Boland amendment prohibition on military or paramilitary aid to the Contras, we avoid, at least for now, resort to the military option.

The conditions imposed on that aid under the Biden amendment in my view provide the impetus for a peaceful solution to the conflict. To the Contras, we say, "Lay down your arms and negotiate." To the Nicaraguans, we say: "Make good on your promises. Stop exporting your revolution and establish human and civil rights within your country."

In order to receive humanitarian aid, the Contras must agree to a cease fire, and to negotiations with the Nicaraguan Government. And because U.S. assistance to the Contras can be justified and effective only if such opposition truly represents democratic and humanitarian values, we will provide further aid to the Contras only if they first purge from their ranks those responsible for the abuse of human rights.

This approach also provides incentives to the Nicaraguan Government to negotiate with the Contras. If that Government agrees to a cease fire and to negotiations with the Contras, we will lift the trade embargo. The amendment also expresses the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off the Nicaragua coast if Nicaragua agrees to the cease fire and negotiations above, and suspends the state of emergency.

Finally, the amendment requires that the humanitarian aid can only be provided if this country sits down with the Nicaraguan Government and negotiates.

The approach represented by this amendment is one that will keep economic and diplomatic pressure on the Sandinista government and on the Contras to reach a negotiated solution. And by continuing aid to the Contra resistance, it keeps the pressure on the Nicaraguan Government, and thereby decreases Nicaragua's ability to interfere in the affairs of others.

This amendment only applies until the end of this fiscal year, giving us needed flexibility in a fluid situation. It leaves the door open for a new look at the situation in 4 months. If, at that time, no progress has been made in reaching a settlement, or Nicaragua continues going down an undesirable path, then we can reconsider our approach. In the meantime, we can use our aid to pressure the parties to the conflict and make clear our dissatisfaction with the policies of the Sandinista government.

By continuing the Boland amendment prohibition on military or paramilitary aid to the Contras, we avoid at least for now, resort to the military option. And by installing the State Department as the agency administering the aid to the Contras, we remove the taint of CIA involvement in the region.

I believe that the Biden amendment represents a balanced and thoughtful framework for seeking peace in the region. We provide all of the carrots and sticks at our disposal to the chief adversaries in the conflict. We give the diplomatic process every chance to work in Central America before we are faced with a situation in which no other option but the military one is possible. I urge my colleagues to support this amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask unanimous consent that Senator Cohen be added as a cosponsor.

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

Mr. BIDEN. Mr. President, as the Senator from Indiana has very forthrightly stated, there are a lot of similarities between our two amendments. There are two big differences. No. 1, in his amendment he urges the administration to negotiate. I ask them to demonstrate they have attempted to negotiate, a distinction with a slight difference but more political than a factual difference.

Second, Mr. President, I argue that the only real difference here is that we attempt in this amendment to, if you will, purge the Contras of those who are the unsavory elements in it. It makes sense to support the Contras if they are truly the democratic force. If they turn out not to be, it makes no sense. There is the real difference between the two amendments along with the difference in the Boland amendment. To my friend from Kansas, I say that in fact I do not think they should worry so much about the section 2. We are not demanding the President in fact negotiate. We are demanding that he attempt to resume bilateral negotiations, and if they do not come forward, that would be the end of it.

Mr. President, I really think this is a critically—obviously, we all do—important issue. I think it is important to acknowledge the legitimacy of supporting legitimate opposition forces to dictatorships around the world, whether they be Communist or totalitarian of another stripe. I think this does it. I think it does it the best we can from this body which is imperfect. I urge the adoption of my amendment.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired. The Senator from Indiana has 1 minute remaining.

Mr. LUGAR. Mr. President, I would like to offer a correction. On page 3, item 3 of the Nunn-Lugar amendment, we call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who engage in human rights abuses. I would suggest there is a purging element in fact in our amendment. I want to make that clear so that the parallel significance is clear. I yield back the remainder of our time.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

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

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

The result was announced—yeas 22, nays 75, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—22

Baucus	Hart	Pell
Biden	Hatfield	Pryor
Bingaman	Inouye	Riegle
Bradley	Lautenberg	Sarbanes
Byrd	Levin	Sasser
Cohen	Matsunaga	Simon
Dixon	Melcher	
Gore	Mitchell	

NAYS—75

Abdnor	Garn	Mattingly
Andrews	Glenn	McClure
Armstrong	Goldwater	McConnell
Bentsen	Gorton	Metzenbaum
Boren	Gramm	Moynihan
Boschwitz	Grassley	Murkowski
Bumpers	Harkin	Nickles
Burdick	Hatch	Nunn
Chafee	Hawkins	Packwood
Chiles	Hecht	Proxmire
Cochran	Heflin	Quayle
Cranston	Heinz	Roth
D'Amato	Helms	Rudman
Danforth	Hollings	Simpson
DeConcini	Humphrey	Specter
Denton	Johnston	Stafford
Dodd	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Kennedy	Symms
Durenberger	Kerry	Thurmond
Eagleton	Laxalt	Trible
East	Leahy	Warner
Evans	Long	Weicker
Exon	Lugar	Wilson
Ford	Mathias	Zorinsky

NOT VOTING—3

Pressler	Rockefeller	Wallop

So the amendment (No. 274), as modified, was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, a number of Senators have made inquiries about the program for the remainder of the evening. I do not really see how we are going to finish this bill this evening, so it would appear at this moment we are going to be on it tomorrow. But that will depend on what might develop in the next 2 to 3 hours. We are now about to take up what I consider the principal amendment, a bipartisan effort to do something in this area, that I hope will pass. Following that, there are four other amendments that I would just as soon not be brought up at all, including one of mine.

There is still 3½ or 4 hours on amendments on the Contras. We have had votes of 70-something to 15, 80-something to 15, or whatever. So I think there is a fairly clear expression on almost every conceivable pattern of amendments, and I would hope that, after disposition of this amendment, the others would just sort of go away, if that is possible. If not, we are going to sort of go away because I do not think we ought to keep people in until 1 or 2 o'clock in the morning if we cannot finish the bill. I know the chairman would very much like to finish the bill, but in addition to the Contra amendments there are 40 other amendments. A number of those would be accepted, but there would still be probably three or four rollcalls, plus debate on those amendments. So I think it is fairly clear that we are looking at midnight or after.

That is an optimistic assumption. So I would guess, after the vote on the principal amendment, we might be in a position to make an announcement so that Members who have obligations this evening would know what to do.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will argue in favor of an amendment that has been proposed and will be introduced——

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear back here.

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate is not in order. The Senator will please suspend until the Senate is in order.

The Chair will remind the Senator from Indiana that under the previous order, the Senator from Georgia [Mr. NUNN] was supposed to be recognized. The Senator did not seek recognition.

Mr. NUNN. I will yield to my colleague from Indiana. We are coauthors of the amendment. We are working for the same purposes.

How is the time allocated, Mr. President?

The PRESIDING OFFICER. The time is equally divided between the Senator from Georgia and the Senator from Indiana.

Mr. NUNN. Mr. President, is the time divided between the Senator from Georgia and the Senator from Indiana 45 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, we are on the same side on the amendment, and in all fairness I know there are going to be opponents of this amendment. So I think we are going to have to find some way to equitably divide the time. Of course, this is in our favor. But I know there will be Senators who will want to speak on the other side of this amendment.

Mr. LUGAR. If the Senator from Georgia will yield for just a moment——

Mr. NUNN. I yield.

Mr. LUGAR. My purpose in seeking recognition is to say that in all fairness, it would be wise if the Chair would allocate 45 minutes in opposition to my distinguished colleague from Rhode Island [Mr. PELL] so that he might manage the 45 minutes in opposition, and there will remain 45 minutes for the proponents. At this time I yield the floor to my distinguished colleague from Georgia [Mr. NUNN].

The PRESIDING OFFICER. Does the Chair understand the Senator from Indiana that the 45 minutes is to be under the joint control of the Senator from Indiana and the Senator from Georgia and 45 minutes under the control of the Senator from Rhode Island?

Mr. LUGAR. That is my proposal.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. There will be no objection.

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

Will the Senator from Georgia please send the amendment to the desk.

AMENDMENT NO. 275

Mr. NUNN. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] (for himself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, Mr. ROCKEFELLER, and Mr. NICKLES) proposes an amendment numbered 275.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

SEC. . (a) Notwithstanding section 405 of the International Security & Development Cooperation Act of 1985 as contained in S. 960 (99th Congress, 1st session) or any other provision of law, there is authorized to be appropriated $24,000,000 for Fiscal Year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistence.

(b) Subsections 8066(a) and (b) of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), and section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 98 Stat. 3304) are hereby repealed, provided however that the funds made available by this section may only be used by the President for humanitarian assistance to the Nicaraguan democratic resistence.

(c) The President shall direct the National Security Council to monitor the use of funds for the purpose authorized in subsections (a) and (b).

(d) Nothing in this section shall be construed to impair or limit in any way the oversight powers of the Congress.

(e) The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations to:

(A) implement the Contadora Document of Objectives of September 8, 1983, and

(B) develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985 and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict.

(2) to suspend the economic sanctions imposed by the President on May 1, 1985 and the United States military maneuvers in

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Honduras and off the coast of Nicaragua if the Government of Nicaragua agrees (A) to a cease fire, (B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistence, and (C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistence to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistence, in support of internal reconcilation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(f) The President shall submit a report to the Congress 90 days after the enactment of this act, and every 90 days thereafter, on any actions taken to carry out subsections (a) and (b). Each such report shall include (1) a detailed statement of the progress made, if any, in reaching a negotiated settlement referred to in subsection (e)(1), (2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds referred to in subsections (a) and (b), and (3) a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (e)(3).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, other humanitarian assistance, and transportation associated with the delivery of such assistance. Such term does not include weapons, weapons systems, ammunition, or any other equipment or materiel which is designed, or has as its purpose, to inflict serious bodily harm or death.

(h) Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

(i)(1) No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly, by any agency or instrumentality of the Government of the United States from any funds under its control or otherwise available to it unless an additional request is presented to Congress by the President and then only to the extent it is approved as provided in this section.

(2) If the President determines at any time after the date of the enactment of this act that negotiations based on the Contadora Document of Objectives of September 8, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict in Central America, the President may request the Congress to authorize additional assistance for the Nicaraguan democratic resistance in such amount and of such a nature as the President considers appropriate. The President shall include in any such request a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(j)(1) A joint resolution which is introduced within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (i) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (i) shall be considered in accordance with procedures contained in paragraphs (3) through (7) of subsection (c) of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public law 98-473; 98 Stat. 1935), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate the House of Representatives shall be deemed to be references to the appropriate committee or committees of the Senate and the House of Representatives, respectively; and

(B) amendments to the joint resolution are in order.

(2) This Section is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

Mr. NUNN. Mr. President, I do not know how we are going to allocate the time. We are going to have a number of speakers. But I ask that the Chair to notify me in 5 minutes. I may have to take a few more minutes beyond that, but I would like to take 5 minutes, if that is satisfactory to my colleague from Indiana.

Mr. President, this amendment is cosponsored by myself as well as Senator BENTSEN, Senator BOREN, Senator JOHNSTON, Senator CHILES, Senator LUGAR, Senator DECONCINI, Senator DURENBERGER, Senator NICKLES, and Senator DOLE. The amendment would provide humanitarian assistance to the democratic resistance in Nicaragua.

Everyone in this Chamber is well aware of the recent debate as to whether humanitarian assistance should be provided to the democratic resistance in Nicaragua. The administration proposal, which was very similar to this—it was not similar in legislative form but similar to the President's later commitment was a strange legislative vote, but I think most people understood the intent—passed the Senate by a narrow vote, 53 to 46, but failed in the House.

Shortly after the Senate vote, Senators BENTSEN, JOHNSTON, BOREN, and I introduced a resolution; Senate Joint Resolution 129, which would have released the $14 million fenced last year but limited use of those funds only for humanitarian assistance.

Since then, we have revised this amendment in some substantive areas, but the thrust of it has not changed in appreciable ways.

The amendment we are introducing today would unfence the $14 million and authorize an additional $24 million of humanitarian assistance for fiscal year 1986. It provides that the money is to be expended by the President only for humanitarian assistance to the Nicaraguan democratic resistance and that the National Security Council is to supervise the expenditure of the money.

In listening to the debate on the floor, I was struck by the fact that most Senators seem to agree on what our policy objectives in Central America should be. Nobody believes that the Sandinistas are acting in accordance with the commitments they made to the OAS or commitments they made to their own revolution.

The purpose of this amendment is to help develop a sustainable policy that can enjoy the support of the Congress and the American people. A number of other Members of Congress have made similar suggestions. Regretfully no such compromise was reached during the last debate, and, as a result, our policy toward Central America remains in disarray.

All Senators seemed to agree that we should support democracy in Nicaragua and the rest of Central America, that Nicaragua cannot become a base for the Soviet Union or Cuba or their surrogates, that the Sandinistas must not threaten or subvert their neighbors, and that they should live up to the promises they made to the OAS in 1979 to adopt a pluralistic, representative government. Those are the goals that I believe most people in this body would agree with.

The problem is how we should accomplish these objectives. That is where the failure has been. The administration has yet to produce a policy which enjoys sufficient support of the American people and the Congress to make it sustainable.

We might adopt something stronger than this amendment in this Chamber today, but I believe it would be counterproductive, because it would set in motion a counterreaction in the House and it would solidify opposition. Even if it were to go through the House and the Senate, it would not send the indispensable signal that must be sent if our policy has any chance of succeeding in Central America, and that is a signal that we are going to have enough support on both sides of the aisle to continue a policy, for whatever time is necessary, to accomplish our goals and objectives.

That is the heart of what we are trying to do here. We can argue about the definition of humanitarian aid, but we are trying to get enough of a consensus on both sides of the aisle so that we send that indispensable mes-

sage, that we are not going to be down there for 6 months, 1 year, or 2 years. We do not have Lebanon-type provisions in this amendment. There are no time limits. We are going to continue this kind of policy as long as necessary to accomplish our goals. If that message goes out of this Chamber with the vote today, then, in my opinion, the amendment will have been a success. The policy itself may take a long time.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Senator has used 5 minutes.

Mr. NUNN. Mr. President, I ask that I be notified in 5 minutes, and I will try to accelerate my comments.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. NUNN. Furthermore, in the public's eyes U.S. policy has become unjustly, and most inaccurately reduced to the issue of aid to the Contras. There is plenty of blame to go around for this—to the administration for inappropriate activities undertaken by the CIA, and the lack of a coherent Nicaraguan policy framework in which to place the Contra program, and to Congress for its inadequate oversight of the problem as well as its repeated, protracted, divisive debates which have served little to clarify the larger Central American issues involved.

This amendment is intended to be the first step in rectifying this situation. By providing aid we are affirming our support of those who stand for freedom and democracy in Central America. But by providing humanitarian aid we are also signalling our willingness to support nonmilitary means of achieving peace and democracy in the region. In El Salvador, we have supported President Duarte's efforts at dialogue with the rebels; we should do no less in Nicaragua, nor should we expect less of the Sandinistas than that they talk to the armed opposition.

By providing now funding for humanitarian assistance in 1985 and 1986 we resolve, for a crucial period of time, the issue of what, if any, aid to give the Contras. With this basic aspect of our policy decided, the administration will have time free from legislative battles in which to reshape and restructure our complete Nicaraguan policy as it fits into our policy framework for the region. This is vital work. It must be done.

It must be clear to one and all at home and abroad that aid to the Contras is only part of a region wide strategy to deal with the challenges we face.

No one should have any doubt about those challenges. We face a struggle between brave men and women fighting for democracy and a better life on one side and, on the other side, the enemies of freedom both of the left and right. And no one should have any doubt about where America stands in that conflict. We must stand with the forces of democracy.

We have stood with the democratic center in El Salvador, we have supported the delicate transition to democratic government in Guatemala, Honduras and Panama, and we must stand with the democratic resistance in Nicaragua. There has been much rhetoric about the Contras. The President has suggested that they are just like our Founding Fathers. Others regard them as right wing terrorists. I believe the President overstates the case, but the facts are that genuine democrats, men like Arturo Cruz, who were imprisoned by Somoza and were early supporters of the Sandinistas, now believe that the Contras offer the true path of democracy. Because men like Cruz are the leaders of the Contras, it is our obligation to help them.

Many believe that we should never have begun providing assistance to the Contras, that the Sandinistas are a legitimate revolution, and that the United States should not intervene in the internal affairs of another country. Regardless of how one feels about the initial decision to support the Contras, the fact is that we did. Regardless of how one feels about the legitimacy of the Sandinista revolution—and, like a lot of other Americans, I applauded the overthrow of Somoza—the facts are that the Sandinistas have betrayed their revolution. Regardless of how one feels about U.S. intervention, the facts are that the Sandinistas are actively supporting subversion of their neighbors. And, the facts are that the Contras began as a small group of Nicaraguans and grew as other Nicaraguans became increasingly disenchanted with the Sandinistas. I am convinced that they would have grown with or without our aid.

Moreover, it is clear that the Contras have been able to generate pressure on the Sandinistas and the Sandinistas would very much like to terminate any aid to them. In my judgment, we must design a policy that continues pressure on the Sandinistas but moves American promotion of military action to the back burner.

Our policy must also avoid the "Lebanon syndrome" in which the President and Congress establish arbitrary and unrealistic time limits to complex foreign policy goals.

The American people must believe that all avenues of diplomatic, economic, and political pressure have been exhausted if there is to be any lasting support for military related options. That is not the case today. Right or wrong, the American people perceive that the military option through the Contras has been on the front burner and is the President's course of first resort.

The challenge, I believe, is to move forward with political, diplomatic, and economic pressure, and continue the possibility of military pressure itself.

The proposal we are offering today would achieve these objectives.

Let me explain the principal elements of this amendment.

First, it authorizes $24 million for fiscal year 1986 and unfences the $14 million from last year, but provides that those funds may be only used by the President for humanitarian assistance which is defined as food, clothing, medicine, other humanitarian assistance, and transportation. It does not include any weapons, weapons systems, or ammunition. Because we believe that it is important that the democratic resistance be able to defend itself, the amendment specifically does not preclude the provision of intelligence information to the democratic resistance or the collection of necesary intelligence by the United States. In making these funds available, the amendment repeals the Boland amendment, but, as I will explain more fully below, does so in a way that no further assistance may be provided to the Contras unless Congress specifically authorizes.

The amendment provides that the President is to administer the assistance and that the NSC is to monitor the program. I recognize that many Senators believe that aid should be administered by the Agency for International Development or the State Department. They do not want the CIA involved. I understand their concerns, particularly as the CIA has not handled this project well in the past. However, I believe that the United States should use our assistance for the Contras as a lever to assist in fostering a regional solution to the conflict. Accordingly, I believe that the maximum flexibility should be given to the President to administer this assistance. The President must make a detailed report to the Congress every 90 days and, if he chooses to have the CIA involved, I can assure him that Congress will be watching very closely. I know I certainly will be.

Second, it urges the President to vigorously pursue diplomatic and economic measures, including negotiations, to implement the Contadora objectives, and to develop, in close cooperation with our allies, trade and economic measures to pressure the Government of Nicaragua. The President is also urged to suspend the economic sanctions he imposed on May 1 and to suspend military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a ceasefire, opens a dialog with the democratic resistance, and suspends the state of emergency.

Mr. President, our amendment urges the President to suspend the economic

sanctions if the Sandinistas take the steps I mentioned, because we think he made a serious error in imposing them unilaterally and without any attempt to use them as a lever in the negotiations. When a number of Members of Congress, including Senator BENTSEN and I, called for economic and trade sanctions, we urged that they be done in concert with our allies—not unilaterally. We also expected that the President would use the prospect of sanctions as a lever to persuade the Sandinistas to negotiate seriously in the Contadora process. But the President did not do that. On the eve of departing for Europe, the President hastily imposed the sanctions. There was, so far as I know, little or no consultation with our allies. It should be no surprise, then, that only El Salvador has come out in support of the sanctions. What is worse, some of our best friends in the region and in Europe have condemned the sanctions and said that they would offset the sanctions by increased trade with Nicaragua. The Sandinistas have been having a propaganda field day, exploiting the lack of support for the sanctions and blaming them as the cause of the serious shortages of food and other necessities that, in fact, have been caused by their own ineptness and adherence to the Marxist/Leninist economic theories. Some sanctions.

Third, the President is also urged to call upon the democratic resistance to remove from its ranks any individuals who have engaged in human rights abuses, and the President is urged to resume the bilateral discussions between the United States and the Government of Nicaragua.

Fourth, the President is required to report to Congress every 90 days and, fifth, the amendment prohibits any further aid from any U.S. Government source unless the President requests such assistance from Congress and Congress votes to approve. In order to request this additional aid, the President must determine that negotiations based on the Contadora principles or the other economic and diplomatic steps have failed to resolve the conflict. Expedited procedures are set out for the consideration of that request.

As I mentioned, our amendment repeals the Boland amendment; but I believe the approach we are suggesting is preferable to that taken by the Boland amendment, which prohibited any assistance, directly or indirectly, to groups engaged in military or paramilitary operations in Nicaragua. Those who wish to preserve the Boland amendment have suggested that we could enact a provision giving humanitarian aid to the Contras "notwithstanding any other law." The problem with that formulation is that it left it up to the administration to decide what assistance was humanitarian and thus could be provided, and what aid assisted directly or indirectly military or paramilitary operations in Nicaragua and thus could not be provided. That approach would have created a vast gray area in which no one could be certain what could be provided and what could not be. Our approach is much more direct. It permits humanitarian aid to be provided, strictly defines humanitarian assistance, and prohibits any further aid from any U.S. Government agency unless the President specifically requests it from Congress and we vote our approval. Thus, there could be no further military assistance, overt or covert, by the CIA or State or AID or anyone, unless Congress specifically approves. This addresses the concerns which led many Senators to support the Boland amendment, but permits humanitarian aid to be provided without ambiguity and makes it clear that no further assistance can be provided without specific approval by Congress.

Mr. President, this amendment sets forth the humanitarian assistance that may be provided to the Nicaraguan democratic resistance. By that term we mean those Nicaraguans who have taken up arms against the Sandinistas and are engaged in armed resistance.

This amendment incorporates elements from the major proposals that were considered recently, including the resolution favored by the administration, the one advanced by Senator BYRD on behalf of several Democrats, and the recommended economic sanctions suggested by Senator BENTSEN and myself. Finally, it does not include the language of Senate Joint Resolution 106—to which many Senators objected—that would have authorized supporting, directly or indirectly, military or paramilitary operations in Nicaragua. Indeed, it makes it very clear that only humanitarian assistance may be provided unless Congress gives further authorization.

I hope, therefore, that this amendment will enjoy broad bipartisan support.

This approach is a regional approach. All parties are required to do certain things. The Sandinistas are required to do only what they have already promised to do. The democratic resistance is obligated to insure that it is a truly democratic movement by purging from its ranks individuals who are responsible for human rights abuses. The United States must pursue bilateral negotiations with the Sandinistas and be prepared to suspend maneuvers if the Sandinistas take the steps that I have mentioned.

This approach calls the Sandinistas' hand. They say they are democratic. I say OK, let them prove it. This humanitarian aid will sustain the democratic resistance; it will keep the flame of liberty and hope alive.

Moreover, humanitarian aid instead of military aid should facilitate negotiations both within the Contadora framework and between the United States and the Sandinistas. Changing the nature of renewed U.S. Government assistance to the Contras will also serve to emphasize our new approach, characterized by our determined interest in a negotiated settlement. Finally, it permits the aid to be used as a lever to pursue our objectives.

This amendment puts military aid in the background but leaves the military option open. If the President concludes that the economic and diplomatic paths have failed, he may come back to Congress and request additional assistance. If he has made a good faith effort to exhaust these courses and if the Sandinistas do not modify their behavior, then the President's request for additional assistance will meet a very different reception in the Congress.

Mr. President, this amendment is designed to develop a long-term course, one that can enjoy broad bipartisan support and provide the President the basis to conduct a coherent, sustainable foreign policy. I urge my colleagues to support it.

Mr. President, for the purpose of clarity I shall read the cosponsors again. Myself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, and Mr. DIXON.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, shortly I will ask that the Chair allocate 7 minutes to the distinguished Senator from Texas.

● Mr. GORTON. Mr. President, I am disappointed, frankly, with all of the proposals offered so far which concern U.S. policy toward Nicaragua. Some suffer from a tendency to treat the Sandinistas and the interests of the United States naively while others would make ineffective or inappropriate policy.

Let there be no doubt, the United States has reason to be concerned about Nicaragua because American interests are involved, but this doesn't mean that we must actively seek the overthrow of the Sandinista regime or support the Contras just enough to keep up the killing without a hope of success. In my estimation, it is not clear at this time that we can't reach an acceptable accord with the Sandinistas that sets the groundwork for peace and stability in the region. The administration, which has tried funding the anti-Sandinista revolutionaries and unsuccessfully sought the overthrow of the Sandinista regime, has not taken the opportunity presented by this pressure to strike a bargain for peace.

I urge the administration and my colleagues to consider the options that are available to us in a sober and objective fashion. These options, which I will discuss briefly, include continued use of various means to gain intelligence and show American resolve, economic pressure, aid to the Contras, and diplomacy.

Our understanding of the challenges posed for us in Nicaragua derives from intelligence gathering—and we must have the very best. We need to know if and when the Sandinistas ship arms to rebels in neighboring states. We need to know what the Soviets and Cubans are up to. We need to know all we can about Nicaraguan military policies, arms acquisitions, base construction, and activities that might lead to offering the Soviets or Cubans base privileges. Our efforts in this regard, with the exception of some needlessly provocative actions on several occasions, have been appropriate, indeed, imperative.

In addition, the United States has been right to show its resolve—so long as there is a serious problem—through a military presence in the region. This presence serves notice to the Sandinistas, Soviets, and Cubans that undermining peace in Central America or the Caribbean will not be tolerated. We need not, as some have suggested here today, stipulate in legislation what might constitute sufficient reason to intervene with those forces. I believe existing law which checks Presidential war powers is sufficient. Carefully defining what would constitute reason to intervene would simply suggest to those who might exploit the situation what they could get away with.

At the urging of some of my colleagues in the Senate a month and a half ago, the President embargoed trade with Nicaragua. Instead of being a response to particular Nicaraguan behavior, it was timed to serve as a substitute for aid to the Contras following the defeat of aid in the House. It appeared to be a weak, second-choice means to show American resolve. Not only was the timing poor, but my guess is that it will be counterproductive. The embargo will largely, if not entirely, be offset by the trade from other countries and will assist the Sandinistas in blaming the problems in Nicaragua on us. It might very well strengthen Ortega's popular support. But now that we have taken this step, in spite of these shortcomings, we should see it as a flexible instrument to be reconsidered in light of Sandinista behavior.

The effects of the embargo are similar to those of funding the Contras. That aid backfired in two ways. First, it bolstered the Sandinista's fallacious assertion that the rebels were nothing more than ex-members of the Samozan national guard funded by the United States, and thus it lent support to the Sandinista's claim to embody Nicaraguan nationalism. Second, it gave them an excuse to continue their military buildup.

The difficult conditions in Nicaragua, sharpened by the pressure exerted by the administration, have not been fully exploited in the peace process. The depressed economy, anarchy in parts of the countryside, and a general sense of national insecurity in Nicaragua afford us an opportunity—it seems to me—to make a serious attempt to drive an acceptable bargain. Unfortunately, I just don't see evidence of that kind of effort by the administration. We need to take greater initiatives within the Contadora framework and, at the first instance of good faith exhibited by the Sandinistas, restart bilateral talks. That course of action, however, should not be mandated by the Congress because such a mandate will reduce to zero the chance of gaining any change in Sandinista policies in return.

Mr. President, let me summarize and conclude briefly. We should maintain our presence and surveillance in the region. We should use the embargo flexibly in response to Sandinista policy. And, above all, we should spare no effort in exhausting diplomatic avenues toward a regional peace agreement. Before we seek to overthrow a foreign government, we should fully explore the alternatives. The policy I have outlined above needs a chance to prove its viability. If it proves unsuccessful, then a reassessment will certainly be necessary.●

Mr. NUNN. Mr. President, will the Senator from Indiana yield for a unanimous consent request?

Mr. LUGAR. I yield.

Mr. NUNN. Mr. President, I ask unanimous consent that Senator EXON of Nebraska be added as a cosponsor.

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

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator GOLDWATER be a cosponsor of the amendment.

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

Mr. LUGAR. Mr. President, the distinguished Senator from Rhode Island has indicated that he will have an opening statement. Notwithstanding that, if I may ask the indulgence of the Senator, so Senator BENTSEN may speak at this point for our side, we will appreciate it.

I yield 7 minutes to the distinguished Senator from Texas.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from Indiana.

Mr. President, in a bipartisan 53 to 46 majority, we voted to release $14 million in funds for the Contras that were included in the continuing resolution for fiscal year 1985. Unfortunately, that proposal did not become law, and that is one reason we are discussing the issue once again.

I realize that many Members of this body oppose our current policy toward Nicaragua, and others who do not oppose it are skeptical of the way it has been conducted. I, too, wish we could go back to the beginning and start over. But we do not have that luxury; we have to proceed from where we are now, consider what our national foreign policy goals ought to be, and decide how we can go about achieving them.

Now there is a great deal about the actions of the Government of Nicaragua that I do not like. I do not like its Marxist-Leninist orientation; I do not like the way it censors the press or the Cardinal Obando y Bravo's homilies; I do not like the way it uproots people from their land and places them on cooperative farms. But having said all this, let me say something else: If this were all that the Sandinistas were doing, then it would be difficult to justify governmental support for the Contras. If everything the Sandinistas did had only an internal effect, then as much as I might oppose them, and as much as I would want them to change their ways, and as much as I might want to apply pressure on them because of their violations of human rights, then Government support for the Contras would not be my choice.

But the Sandinistas are not just a leftist group that is engaging in internal repression and experimenting with socialism as a possible way of solving the problems of a developing country in Latin America. Neither the political ideology of the Government of Nicaragua nor its particular philosophy of property ownership is the issue here. The issue is what they are doing that threatens the peace and stability of Central America and the long-term interests of the United States in that region, and how we can diminish this threat.

The Sandinistas are actively engaged in training guerrillas who are trying to overthrow by violence the governments of El Salvador, Honduras, and Costa Rica. We have discussed the control and communications facilities that the Sandinistas admit they are providing for the five guerrilla factions in El Salvador. We have discussed the arms and ammunition the Sandinistas have been providing to many of these same guerrillas. And we know that much of this has been going on almost since the time the Sandinistas took over in Nicaragua. This is a group that came to power promising democracy and respect for its neighbors.

We have discussed on more than one occasion recently the size and composition of the Sandinista armed forces, which have grown so large that they

are in a position to intimidate their neighbors. I do not see any need to talk about the specific numbers again; we should all understand by now the implications of the Sandinista military buildup and what it portends for the peace of the region.

Let's discuss last April's congressional vote on Contra aid and our policy toward Nicaragua. Many Members wanted to give the Sandinistas an opportunity to show their good faith, and to do so they voted against aid to the Contras. Well, we saw immediately just what good faith on the part of the Sandinistas means. Hardly had the last votes been cast than Daniel Ortega was off for Moscow to greet Mikhail Gorbachev and to ask him for additional aid. This action should not have been too surprising, and I believe it underscores one of the ultimate dangers posed by the direction the Sandinistas are presently heading.

The same people are saying the same things. That somehow the United States drove the Sandinistas into the arms of the Russians. That the United States has been hostile to the Sandinistas from the beginning. Well, that is just not true. While we were sending aid, they were establishing the second Soviet satellite in this hemisphere and the first on the North American Continent. Today, an armed Nicaraguan minority, advised and backed by 3,000 or so Russian, Cuban, East German, Bulgarian, and PLO military advisers is busy suppressing the Nicaraguan majority.

From the beginning, the United States tried to help Nicaragua's revolution fulfill its original promises. Immediately after the ouster of President Somoza in 1979, we airlifted food to feed the thousands of people displaced by the conflict. Over the next 2 years we gave the new government five times as much aid as we had given its predecessor during its last 2 years. This Senator voted for such aid. In fact, our $117 million was more than Nicaragua received from any other nation in the world during those first few years. In addition, we helped arrange rescheduling agreements with commercial banks and new loans in multilateral development banks, and we made special efforts to strengthen the private sector of Nicaragua's economy.

But while the United States was trying to lend a helping hand, the Marxist hardliners among the revolutionaries were consolidating their power, radicalizing their programs, driving out those who did not share their ideology, and beginning to provide military assistance to guerrilla movements in neighboring countries. The Sandinistas leave few illusions to comfort their supporters in this country. Tomas Borge brags of their revolution without boundaries, and they flaunt their increasing ties to the Soviets. They spurned our friendship and refused to accept even our Peace Corps volunteers. They abandoned their professed commitments to democracy, and they embarked on a course of action that has gotten them—and us—to the point we have reached today.

Mr. President, I think it is now time for us to acknowledge that the hopes which many of us had for the Sandinista regime have been disappointed; that their revolution has turned sour and become a threatening presence in Central America.

I believe there is a substantial sentiment in this body in support of actions to persuade the Sandinistas to change the direction in which they are so clearly headed. What is being offered here today is a comprehensive proposal for doing precisely this. This amendment endeavors to codify the consensus on U.S. policy which I believe already exists in the Senate and which may well be emerging in the other body as well. It provides a mixture of pressures and incentives for Nicaragua to change course at home and in its dealings with its neighbors.

I believe this measure is a strong signal of U.S. support for the democratic opposition. It provides encouragement and support for the diplomatic process. It is not draconian; it is not one sided. It calls upon our own Government to reenter bilaterial negotiations with the Sandinistas; and it says we should refrain from military maneuvers near Nicaragua and suspend the trade embargo if the Sandinistas will agree to a cease-fire, to a dialog with the democratic resistance forces in Nicaragua, and to a suspension of the state of emergency.

It calls upon the Contras to eliminate from their ranks any individuals who have engaged in human rights abuses.

Furthermore, this amendment recognizes the legitimate concerns of the Congress about the way the Nicaragua program has been conducted in the past by limiting assistance to the Contras to the funds released and authorized in this statute. It does not provide a backdoor for any other aid to the Contras, whether covert or overt.

No one can be sure what the Sandinista response to these proposals will be. I hope that they will see our determination and will turn aside from the course they have been pursuing.

But I am convinced they will do so only if there is sufficient pressure on them from within. A crucial component of this package, consequently, is release of the $14 million in humanitarian assistance for the democratic resistance forces in Nicaragua for this year, plus the authorization of $24 million in such assistance for fiscal year 1986.

Today, even without U.S. assistance, the Contra forces have grown to twice what they were last year, and they are continuing to grow at a rate of 500 a month. It is not at all unusual for a patrol to go out with 20 commandos, as they call themselves, and return to their base camp with twice that many. They are raising private funds, but it is vital that we give their efforts our stamp of approval, both for the morale boost it offers the Contras and for the message it sends both to the Sandinistas and to the other governments in the regions.

I want to emphasize, too, that the Contras are not mercenaries, despite the Sandinista propaganda claims. Almost all of them are simple peasants—Campesinos—who say they are fighting because they have had their land taken from them, because they have been placed on cooperative farms, because they want to be left alone to raise their crops and their families. They are not receiving any pay for their service, only beans and rice and bullets. They are willing to give their lives for their own interests in Nicaragua, but in doing so they are also fighting on behalf of the interests of the United States.

In closing, I want to emphasize that if the Sandinistas succeed in eliminating the Contras and consolidating their power with Nicaragua, they will pose an even greater threat to the peace and stability of the region. The primary obstacle to this is the pressure exerted on them by the Contras; and if we take the pressure off, if we abandon the one force that is currently engaging their attention, then I am confident the Sandinistas will increase their active support of insurgencies, and their violence, censorship and suppression will spread to the other countries of Latin America. The stream of refugees headed toward Mexico and the United States will turn into a torrent, and San Antonio, the 10th largest city in the United States, will be well on its way to becoming the first.

It is legitimate, necessary, and right that the United States be concerned about the safety of its neighbors and that it exert its influence against those who would subjugate a free people. We are a leader among the nations of the free world and we should measure up to that responsibility. We cannot abdicate that responsibility with a return to the short-term copout of isolationism. We should do what we can to discourage the Sandinistas' regional adventurism and to encourage the elimination of their military ties with the Soviet bloc, and I urge your support of this amendment as a reasonable and comprehensive way to achieve this objective.

Mr. PELL. Mr. President, I yield myself such time as is necessary.

Mr. President, I want to commend the sponsors of this amendment for their real efforts to find a middle-

ground position that might attract bipartisan support to achieve peace in Central America. In particular, their effort to define more clearly what constitutes humanitarian aid is an improvement over the earlier versions of the approach embodied in this amendment.

Regrettably, however, I believe it still falls short of constituting what I would consider an approach that leads to peace rather than a continued conflict, because, as I read this amendment, it would not clearly prohibit the provision of trucks, jeeps, communications equipment, and other items that, whole nonlethal in and of themselves, would support the continuation of a conflict in violation of our commitment under the OAS charter and in violation of our own national interests.

But even if the definition of humanitarian aid were further clarified to prohibit providing the equipment I have just described, giving humanitarian aid would still permit the Contras to divert funds now being used for such things as food, medicine, and clothing to be used to acquire military equipment.

More importantly, however, paragraph (i)(2) of the amendment is dangerously flawed and, if enacted, would come close to constituting the sort of Gulf of Tonkin kind of open invitation to the President to take whatever action he considers necessary to resolve the conflict. As one of the few Senators left who made the bad mistake of voting for the Gulf of Tonkin resolution some years back, I am always perhaps extra sensitive to any analogy in this regard.

The two bases for the Presidential determination contained in this paragraph appear, in fact, to be designed to encourage the President to escalate American support for or direct involvement in the Contra effort to overthrow the Government of Nicaragua.

Why do I believe this? First of all, the determination relating to the Contadora document of objectives does not require that Nicaragua be responsible for any failure to reach an agreement based upon that document. Only a few months ago, Nicaragua and other Central American countries were prepared to sign a Contradora-sponsored treaty, but pressure from our own administration caused the other Central American Governments not to sign. Furthermore, we should remember it was the United States that unilaterally broke off the bilateral talks with Nicaragua in Manzanillo that might have resolved United States-Nicaraguan differences regarding the Contadora treaty.

Nothing which has happened since then holds out any promises that the administration is really serious about resolving differences with Nicaragua so as to achieve a treaty.

The second determination relating to the failure of trade and economic measures to resolve the conflict in Central America is also destined to be a forgone outcome. Most, if not all, of our allies in the region and in Europe have absolutely refused to cooperate in the American sanctions effort, and Nicaragua has already taken steps to negate the effects of the sanctions. These sanctions, which will affect mainly the middle income and the private sector groups in Nicaragua, will not, in my view, prove effective. The vacuum will be quickly filled up by other willing suppliers. Frankly, I think the application of economic sanctions usually is the same as if one shoots oneself in the foot.

So the President will have no problem in making either of the determinations provided for in paragraphs (i)(2). I predict that if this provision becomes law, the administration will be back with requests that will boggle the mind. The language in this paragraph that states "The President may request the Congress to authorize additional assistance for the democratic resistance in such amount and of such a nature as the President considers appropriate" could, as I read it, be escalated to include the sending of U.S. military forces to fight in Nicaragua.

I think, in general, while this amendment is a true effort at achieving a bipartisan approach, it does not do the job that I would like to see it do.

Finally, from my own viewpoint, I think we should be honest with ourselves. To my mind, the Contras really are terrorists. The definition of terrorism is the changing of the policy of government through violence and murder and the like. This is exactly what the Contras are seeking to do now in Nicaragua.

In addition to that, the difference between a freedom fighter and a terrorist is, to my mind, pretty clear. A freedom fighter is somebody who goes after military objectives, military targets, and installations of the government that they are trying to overturn. A terrorist is far more indiscriminate in the damage that he or she does and a good many civilians get killed in the process.

About a year ago, the rough estimate was that some 4,000 civilian casualties had taken place as a result of the action of the Contras. Now, terrorism, I think, should be opposed, and we do inveigh against it. But when it is practiced, we should be honest with ourselves and recognize that we, too, are using terrorism as a weapon.

So, for all of these reasons, I find myself in opposition to this amendment but in praise of the motives that caused it to be written.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield me 5 minutes?

Mr. PELL. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will vote against providing so-called "humanitarian assistance" to the Contras because of one undeniable, irrefutable, nondebatable fact: This assistance is nothing more than logistical support for the Contras war against the Government of Nicaragua, and I do not believe that the United States of America should be in the business of overthrowing governments.

U.S. support for this war has been a mistake from the beginning. It is a mistake to continue it today. The policy is wrong—legally, morally, and practically. It has been a failure to date, and it has no hope of success in the future. It has also been an embarrassment to the United States throughout the world.

Within 6 weeks after President Reagan took the oath of office in 1981, he endorsed the CIA's plan to organize and to fund paramilitary activities against the Sandinista government in Nicaragua. This decision brought the United States into an alliance with an army that was, at that time, dominated by the leaders of Somoza's notorious and hated national guard. We should not have signed on with the Somocistas then; we should not be supporting them today. In 1981, Mr. Reagan turned to the secret use of military force as his course of first resort. He signed us up to support a covert war run by the forces of reaction and repression, and our policy toward Nicaragua has been hostage to that decision ever since. It is high time that we changed course.

The issue today is really no different from what it was a year ago, or just last month, when the Congress rejected providing military assistance to the Contras. That issue is: Should the United States of America help the Contras in their efforts to overthrow the Government of Nicaragua?

Changing the label from military assistance to humanitarian assistance does not change the fundamental issue. Clothing given to people fighting a war is called uniforms; food given to armed forces in combat is called rations; footwear for soldiers is boots; and medical assistance to men in battle is used to treat the wounded.

In fact, the use of the term "humanitarian assistance" is totally misleading. We are not talking about providing "humanitarian assistance" here; we are talking about providing logistical support for the Contra combatants fighting to overthrow the Sandinistas. The definition of "humanitarian assistance" as set forth in the Geneva Conventions and Protocols requires that humanitarian assistance be ad-

ministered by an organization independent from the parties of the conflict, that it be distributed to noncombatants only and then only on the basis of need, and that it be available impartially to all affected civilians on both sides of the conflict. This proposed assistance flunks the test on all counts. Simply put, this is more money for more war.

If this assistance were really "humanitarian," the cosponsors would not be asking for so much. This amendment authorizes the appropriation of $24 million. This is an arbitrary, in fact, an irrational sum that bears no relationship whatsoever to the legitimate humanitarian needs of those Nicaraguans who have left Nicaragua and now live in Honduras. To see how irrational this figure is, one only needs to compare it with actual expenditures being made today by the United Nations High Commissioner for Refugees [UNHCR] which has a full-blown refugee assistance program for Nicaraguans living in Honduras.

According to most recent counts, the UNHCR provides assistance for 19,093 Nicaraguan refugees inside Honduras. In 1983, the UNHCR budget for the Nicaraguans was $4 million; the budget in 1984 was $4.08 million. That amounts to an expenditure of $213 per Nicaraguan per year.

Now it is proposed that Congress make available $24 million to the Contras in fiscal year 1986. Assuming that the Contras now number somewhere between 15,000 and 20,000 combatants, this amendment would produce an expenditure of between $1,200 and $1,600 per Contra per year. This figure should be put in the context of an average annual per capita income for Nicaraguans living inside their country of around $500.

Make no mistake about this vote: A vote for this $24 million in so-called humanitarian assistance will put $24 million dollars' worth of guns and bullets in the hands of the Contras just as surely as if we were to deliver these weapons directly. A vote for this amendment is a vote for more war in Nicaragua and more killing by the Contras.

Although the issue has not changed from our earlier debates on this subject, in many ways the debate has been clarified. No longer are we operating under the illusion that, by assisting the Contras, the United States is simply trying to halt the flow of arms from Nicaragua to the guerrilla forces inside El Salvador. No longer are we told that we must support the Contras to pressure the Sandinistas into restoring basic freedoms inside Nicaragua. No longer is the purpose of the President's policy in any doubt: President Reagan wants Congress to support the Contras because he supports the aim of the Contras—to overthrow the Government of Nicaragua by force. The issue before the Senate today is whether we will authorize the expenditure of $24 million to be used to overthrow a government that we do not approve of. That is a goal unworthy of the United States of America, and we should reject it.

And who are the people who will be receiving this assistance? Are they worthy of our support? Do they deserve our assistance? Do they represent the best ideals of America?

On this question, there has also been some clarification over the past few months. No longer is it possible to believe that the Contra commanders are the moral equivalent to our Founding Fathers. In fact, it is a travesty to compare Enrique Bermudez to Thomas Jefferson or John Adams or James Madison. On the contrary, there have been repeated and reliable reports of gross atrocities by the Contra combatants, of prisoners being executed, of innocent women and children being raped and mutilated, of civilians being murdered. How can the Congress, in all conscience, provide an additional $24 million to support people engaged in this kind of outrageous and criminal conduct?

But one more clarification is needed: We are not engaged today in a debate about the political shortcomings or character defects of the Sandinistas. No one here is proposing a resolution of support for the Sandinistas, and I doubt that there is much disagreement here about the nature of the Sandinista leaders or about their ideological proclivities. I am no fan of the Sandinistas, and I think we all understand that the Sandinistas are not champions of freedom and democracy. The real question is what the United States should do about it—consistent with our own best values and in conjunction with our own best friends and allies.

Daniel Ortega's trip to Moscow was shocking, but not for the reasons most people give. After all, Ortega has been to Moscow on other occasions, and his fellow commandantes have also visited such bastions of freedom as Libya and Bulgaria. The fact that the Sandinistas are friends of the enemies of freedom is not new.

Ortega's trip was shocking because of its deliberate timing. His decision to go to Moscow right after Congress voted to withhold further assistance from the Contras demonstrated both arrogance and insensitivity. But arrogance and insensitivity is nothing new from the Sandinistas. Ortega's trip to Moscow was troubling to me for another reason: It showed that the Sandinistas care more about the views and opinions of the leaders of the Soviet Union than they do about the respect and goodwill of the people of the United States of America; it showed that the Sandinistas are just as unwilling to live with the reality of American influence and power in Central America as some Americans are to live with the reality of the Sandinista revolution in Nicaragua. If the Sandinistas want continued confrontation with the United States, they should know that there are plenty of Americans who are happy to oblige them. But that kind of collision course, in my view, would be a disaster for Nicaraguans and Americans alike.

But Ortega's trip is also evidence of the increased influence of the Soviet Union inside Nicaragua. I believe that this, at least in part, is attributable to President Reagan's alliance with the Contras and his unequivocal statements that he seeks to make the Sandinistas cry uncle.

The President's policy toward Nicaragua has not only failed; it has been postively counterproductive. We share the President's concern about the policies of the Sandinista government. We share his concern about the influence of the Soviets and the Cubans in the region, and, more particularly about their presence and influence inside Nicaragua. We share his concern about Sandinista efforts to export their revolution and to subvert neighboring countries, although the evidence is far from clear on this point. We share his concern about the increased size and strength of the Nicaraguan military. And we share his concern about human rights abuses inside Nicaragua—particularly the Sandinistas' inhuman treatment of the Miskito Indians and other indigenous populations inside that country.

But when you examine what has happened with respect to each one of these concerns, the Reagan approach—continued support of the Contras war—has made matters worse, not better. Rather than reducing Soviet/Cuban influence inside Nicaragua, the Reagan policies have, over the past 5 years, resulted in an increase in that influence. Rather than reducing the size of the Nicaraguan military establishment, the Reagan policies over the past 5 years have prompted a growth in the size of the Nicaraguan Army that is unprecedented in that nation's history. Rather than undermining the influence of the Sandinistas in the region, the Reagan policies have transformed Daniel Ortega into a heroic David doing battle with a bullying American Goliath. Rather than producing greater freedom inside Nicaragua, the Reagan policies have only given the Sandinista hardliners a pretext to crack down on dissidents inside Nicaragua.

U.S. support of the Contras has failed, it cannot succeed, and we should terminate it altogether.

But what about the trade embargo?

This amendment calls upon President Reagan to "develop, in close consultation and cooperation with other

nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985." The President's decision to declare a national emergency and to impose a unilateral, comprehensive trade embargo on Nicaragua was a gesture, not a policy, and it will only compound our problems in the region.

As a matter of principle, I have nothing against economic sanctions, when they make sense. In fact, I have introduced legislation with Senator WEICKER that would impose certain economic pressures on the Government of South Africa in an effort to encourage nonviolent change and the dismantling of apartheid in that country.

But I do not believe that a wholesale trade embargo against Nicaragua, imposed unilaterally by the United States, in the absence of any consultation or support from our friends and allies in the region makes any sense.

First, this trade embargo only heightens the perception that the United States is no different from the Soviet Union in its treatment of its smaller and weaker neighbors, that the United States is a bully, and that Nicaragua is a victim. Daniel Ortega will only become an even greater hero among the people of his country and among the people of the hemisphere, particularly among the youth. Outside observers perceive Nicaragua to be our Poland, our Czechoslovakia and perhaps ultimately, our Afghanistan. The embargo will only fuel anti-American, anti-Yankee feeling in Nicaragua and in the region generally.

Second, because of the embargo, all the failures of the Sandinista revolution can now be laid at the feet of the Americans. The Nicaraguan economy is failing now because of serious mistakes by the Sandinistas themselves; the embargo will only permit the Sandinistas to escape responsibility for their own errors and to blame the United States for all economic problems inside their country. Whenever a Nicaraguan cannot get a spare part, whenever he or she must stand in line for 3 hours to buy soap or toothpaste or toilet paper, whenever a car breaks down and cannot be fixed whenever the buses run late, whenever crops fail, whatever bad that happens will now be blamed on the U.S.-sponsored trade embargo. As a result, the standing of the Sandinistas inside Nicaragua will only be enhanced.

Third, a unilateral trade embargo will inevitably be counterproductive. The trade embargo will not reduce the influence of the Soviets inside Nicaragua; it will only increase it. The embargo will not reduce the strength or resolve of the Nicaraguan military; it will only increase the garrison state mentality inside that country.

Fourth, this trade embargo will do most serious damage to the opposition forces inside Nicaragua who depend upon trade with the United States for their independence and existence. The private sector is the backbone of La Coordinadora, the most important opposition force functioning inside Nicaragua today. The embargo strikes at the lifeblood of the private sector and damages its ability to operate separate and apart from the government. It is for this reason, I presume, that both Arturo Cruz and Cardinal Obando y Bravo—two of the most eloquent and outspoken critics of the Sandinistas inside Nicaragua—have been so critical of the embargo.

Finally, this trade embargo damages our standing with our friends and allies in the region and undermines the Contadora process. In this hemisphere, the lack of support for President Reagan's initiative has been dramatic. Only El Salvador has supported the President's action. This kind of unilateral initiative by the United States can only serve to undermine the multilateral efforts of the Contadora nations to achieve a comprehensive resolution of the conflict in Central America.

Opposition to this embargo has not been limited to this hemisphere. Right after President Reagan declared the national emergency and imposed the embargo, he traveled to Europe where he met with some of our most important allies. Not one of those allies has endorsed President Reagan's initiative. Many were openly critical, some are openly assisting the Sandinistas efforts to overcome the embargo.

In addition to providing additional funds for the Contras' war, this amendment repeals the Boland amendment and unleashes the Central Intelligence Agency to work with the Contra forces by sharing intelligence information.

These provisions, if enacted, will for the first time, permit Americans to participate in the conduct of the Contras' war against the Sandinistas. Congressman BOLAND'S language stated that no funds available to the CIA or the Defense Department could be expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual. Now that the President has owned up to his real intentions and made clear what his true objectives are, Congress should not reverse itself and give carte blanche to the CIA to assist the Contras in their efforts to overthrow the Government of Nicaragua. By the same token, Congress should not liberate the CIA to participate in the Contras' military operations, as is also proposed in this amendment. These two provisions—the repeal of Boland and the licensing of the CIA to share intelligence information with the Contras—can only result in the direct involvement of U.S. personnel in the conduct of the Contras' war against the Sandinistas.

Make no mistake about the implications of these provisions; by enacting this amendment, the Senate will be giving the CIA and the DOD explicit authority to participate in the Contras' war against the Sandinistas. In this respect, this amendment is tantamount to another Gulf of Tonkin resolution. In future years, historians will look back and say this was our first step onto a slippery slope that will lead to massive involvement of Americans in the war in Nicaragua. The CIA's participation today will only lead to our GI's involvement tomorrow.

Mr. President, I oppose this amendment because, in so many ways, it magnifies and perpetuates the most serious flaw in President Reagan's approach toward Nicaragua over the past 5 years, our pursuit of unilateral measures at the expense of ongoing multilateral efforts to achieve a comprehensive regional settlement. In our efforts to influence the direction of events inside Nicaragua, we should understand, first and foremost, that the history of that country has revolved around frequent and repeated unilateral interventions by the United States. We should understand that, by persisting in our efforts unilaterally to influence events inside Nicaragua, we are engaged in a self-defeating enterprise. For every action by the Americans, there is an equal if not greater anti-American reaction of the Nicaraguans. The revolution inside Nicaragua today is being fueled by high-octane anti-Americanism, and this amendment will rev up the anti-American engine to a fever pitch.

We should instead be working through multi-lateral channels, working with friends in the region, and we should support the Contadora process.

For all these reasons—and for all of the reasons I outlined earlier in support of other amendments—I urge my fellow Senators to oppose this amendment. In casting our votes against more war in Central America, however, let us also send a message to the Sandinistas: "You too must change course. You too must move toward national reconciliation. You too must give peace a chance. Time is running out."

Mr. LUGAR. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Senator BOREN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I thank the Senator from Indiana.

Mr. President, I have sponsored and cosponsored many amendments in the past 6½ years of serving in this body.

The vast majority of them I supported from a firm conviction that their passage was in the best interests of the people of my State and this Nation. Some others I have supported, not just as measures representing the best interest of the people, but as legislation that was vital to the interests of this Nation. I place this amendment in the latter category. I truly believe the passage of this amendment, at this time, in this forum, is vital to the interests of the United States.

A year and a half ago, I was privileged to serve as an observer of the Presidential elections in El Salvador. Recently, with Congressman GLENN ENGLISH, I returned to the region for talks with a wide cross-section of political, religious, and civic leaders in El Salvador, Honduras, and Nicaragua, including the Presidents of the first two nations and the Vice President of the third.

Certainly, on the basis of two visits to the region, I do not claim to be an expert on Central America. I have, however, endeavored to learn as much as I possibly could and the two opportunities for a firsthand view certainly enhanced my understanding and opened my eyes to developments that had previously escaped my attention.

I went to the region inclined to favor aiding the Contras, but skeptical about the chances for changing the internal course in Nicaragua away from Marxist control. I came back believing that there is a deep and widespread desire of the people there for true democracy and that given the right combination of circumstances there is a realistic chance to prevent the establishment of a Communist government in Nicaragua without any direct use of American military force.

To achieve success, however, the United States must continue to give the tools to the local people themselves to bring political, military, and diplomatic pressure to bear against the Sandinista government.

I am also convinced that if we fail to give support to the local forces in the region which are fighting for freedom, we will ultimately endanger the security of all of the nations of Central America and our own security as well. The best way to assure that young Americans will not ever have to fight and die in Latin America to protect our national interests is to give the tools to Central Americans to defend freedom themselves, in their own homelands.

As a preeminent power in this region, there is no way that we can avoid taking action. As President Napoleon Duarte of El Salvador said to me, "Even a failure to act by the United States constitutes an action." He meant that if we fail to exert any pressure on the Sandinistas, it will send a message of nonsupport to our friends and it will embolden our enemies.

The situation in El Salvador which I found in May was markedly improved from a year earlier. The Duarte government won a clear majority for the moderate center in the parliament. Political violence is a fraction of what it was 1 year ago. The strength of Communist guerrilla forces has declined and the number of polling places where they disrupted elections was down by 500 percent from 1 year ago. Important judicial and land reforms are progressing. There are many reasons for the progress and President Duarte himself deserves much credit for his moderate and courageous approach.

The pressure placed on the Sandinista government by the Contra activity and by brave opposition political leaders inside Nicaragua has also clearly reduced the level of help which has been coming from Nicaragua to Communist guerrillas in El Salvador.

The surest way to destabilize El Salvador and forfeit the gains made is to take the pressure off the Sandinista government.

My recent visit to Nicaragua also firmly convinced me that if we withdraw all support from opposition forces in Nicaragua the inevitable result will be the consolidation of a Communist regime there. We will have another Cuba in our own backyard. This time it will not be surrounded by water, but will be connected by a continuous land mass which joins our own borders. Its own boundaries with its immediate neighbors are hard to determine geographically and easy to penetrate.

If anyone is naive enough to believe that the present Sandinista government will moderate and allow for a pluralistic democracy voluntarily, they are closing their eyes to all clear evidence. They should ask themselves, why is the church being oppressed? They should ask, why must the sermons or homilies of former Archbishop and now Cardinal Obando y Bravo be submitted to government censors 24 hours before they are delivered? They should ask, why are the church schools forced to allow special teachers to begin Marxist indoctrination at age 10? They should demand to know why is the free press, including La Prensa, which so valiantly opposed the Samoza regime, so heavily censored? One day after Congress defeated aid to the Contras and on the day before President Ortega departed to Moscow, the paper was so heavily censored that it could not even go to press.

That was one of the photos censored from La Prensa, a photo showing the special store where only special Sandinista officials can buy.

Those who believe that this government will change should ask, why are political block captains being used to control food ration cards necessary to obtain food and sparsely stocked markets? They should ask, why are special well-stocked stores reserved only for shopping by privileged Sandinista officials if this is truly a government dedicated to equality? They should ask, why are small farmers in the northern areas being forcibly relocated to camps after the government burns their small houses, and takes their livestock?

The pattern is all too clear. As one Nicaraguan said to me, "I fought against Samoza. I was a true Sandinista and still consider that I am a true revolutionary for democracy, but the Communists have stolen our revolution from us. In the earlier broad-based junta and government which was broadly representative, those with democratic philosophies were placed in nonsensitive jobs and the Marxists took control of the army, and police and instruments of control." The pattern, Mr. President, is all too tragically reminiscent of many other places on the globe like Eastern Europe.

As I said earlier, I wish that every Senator could have shared in my experiences. I wish that they could have joined Congressman ENGLISH as he visited with the people on the streets of Managua, away from the ears of government officials and found them virtually unanimous in their opposition to the current government. I wish that the entire Senate could meet Violetta Chamarro who, with her brother-in-law, publishes "La Prensa." Her husband was murdered by Samoza and the paper was burned. She joined the revolution and served in the first Sandinista junta. She resigned after the Marxists took over. Now she struggles on against censorship and threats to continue her fight for freedom against the Marxist dictatorship as bravely as she and her husband fought against the dictatorship of the right under Samoza.

I wish that every member of Congress could talk to Cardinal Obando y Bravo who himself has narrowly escaped machinegun attacks twice. How can there possibly be any justification in any free country for the continuation of censorship of his words to his flock? Clearly the Pope, in elevating this Archbishop to the position of Cardinal, has sent a clear message to the world. Even so, the Marxist regime is now financing its own created so-called peoples church to try to undermine the continuation of the free church.

I wish that they could have met Virgillio Godoy, who had the courage to resign as Minister of Labor when he found that the government was creating its own state labor union to destroy the free labor movement.

I wish that all of my colleagues had been with me when the Chamarros and Virgellio Godoy asked me, "Are

you going to abandon us? Are you going to walk away and leave us here to fight alone?" I, for one, could not look them in the eye and answer yes to those questions.

These people know what it is like to live under the Sandinistas. They know what a block committee is and how those committees report on neighborhood activities. They know about indoctrination techniques and the special tours arranged for visiting Americans and others who are given an effectively slanted and carefully controlled view when they come as guests of the Sandinistas.

Mr. President, finally, I wish that the American people could have joined me in paying a visit to a group of Contras inside the battle zone. I talked first hand with a small group of about 50 Contras returning from a patrol.

With all due respect to the Senator from Rhode Island, if he could have been there with me and talked to the young people, I think he would have joined in calling them freedom fighters.

Some had been fighting for as long as 3 years. Others were recent recruits. One was a 16-year-old girl carrying a machinegun. After talking with them I had a better understanding of why the Contra forces are growing so rapidly, perhaps at a rate of increase of 500 or 600 per month. I had a better understanding of why the morale is so high and why, if given the tools, I believe they have some chance of ultimate success and can certainly prevent total consolidation of the Sandinista regime.

They are all Nicaraguans from the grassroots of the country. They are mainly very young—not old enough to have been in uniform under Samoza. They are not mercenaries. They get no salary, only about 45 cents per day worth of rations and second-hand clothes. They fight with captured East Block weapons.

One after another told me that he joined the Contras after the Sandinistas took his farm and burned their houses or took his parents to what they all called concentration camps where they also collected the few cows, pigs, and chickens which the farmers had previously owned. One was a young teacher who told me he was a Christian and refused to teach communism to children so he was fired. They are a grassroots force to be reckoned with and they are growing. While I was in Managua they succeeded in raiding a major town in the central area 45 miles east of the capital and severed road traffic.

For those who see parallels to Vietnam, they should consider that here it is the Communists who must fight against a grassroots group using effective raiding tactics in very rough terrain. Here it is the Communists who are burning out small farmers and hamlets and are turning the people in the countryside against the government just as they are alienating the religious community and city dwellers through food rationing, the military draft, and favoritism for high government officials.

All of these experiences leave me with the conviction that we must devise a method of assistance that can be supported openly by this Congress and the American people. I believe we have found it in this amendment.

One of the best things about this amendment is its bipartisan nature. I have spoken before on this floor about the need for bipartisanship in the Nation's foreign policy.

If I may return a moment to my recent meeting with President Duarte, he emphasized the need for a united bipartisan approach. He went on to say that in his opinion the battle for the Third World is a battle between ideologies, not a battle between nations. If the democracies of the world do not have a strategy, the other side does.

A united front, he said, is what the resistance to Communist aggression in Central America needs most. The Communists exploit the unique American propensity to speak in many voices. They want to negotiate because they expect to win through the inaction of Congress what they cannot win in battle or from the voluntary support of their own people.

This Congress and this country should be exporting democracy, not withdrawing from the field.

This amendment in that sense is an export amendment—it seeks to export democracy. It provides $24 million in carefully defined humanitarian aid to the Contras—overtly provides and it sets up a mechanism for monitoring and reporting to Congress every 90 days.

While it unfences the $14 million already approved by repealing the so-called Boland amendment, it contains language that reinstitutes the intent of Boland by prohibiting any further assistance without the specific request of the President and the approval of the full Congress. This is a reasonable approach and in my view virtually the least this Senate should do to aid the Contras, the region and our own national interests.

Mr. President, I close by returning one last time to my conversation with President Duarte. One of the strengths of the Communist countries, he said, was that they help each other. In Nicaragua today are Cubans, Soviets, East Germans, Bulgarians, and some reports say even the PLO. One of the problems we have with the Sandinistas now is that they aid other revolutions in neighboring states and even in South America, despite their own internal difficulties. They help each other.

One of the difficulties with democracies is that, by and large, they are inwardly focused and pay not enough attention to what is occurring outside their own borders, unless it has a direct and immediate effect on them. Democracies seem ill equipped to patiently pursue a consistent policy over a long period of time which helps their friends.

Mr. President, it is time to take a small step toward altering that equation. This amendment is the instrument of that step and I urge my colleagues to support it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the distinguished Senator for yielding me time.

With regard to the amendment offered by the distinguished Senator from Georgia, I have some questions which I would like to propound to the Senator from Georgia during the time I have been allotted. I have a couple of questions which I discussed earlier with him which I would like to have clarified, if I could, prior to voting on the amendment.

As I understand the Senator's amendment, further material assistance to the Contras above that specifically contained in this amendment would be prohibited unless the Congress were to vote to approve such funds.

While I am pleased that the amendment protects this body's prerogative to authorize and appropriate funds for the Contras and assures another opportunity to assess the situation further down the road, I am extremely concerned that while well intentioned, the prohibition for further assistance in this measure may in fact not be loophole free.

My colleagues are familiar with the Boland amendment which has been in effect for 2 years. Before this body takes a new approach to the problem, it is my hope that the distinguished Senator from Georgia would be willing to answer some questions about the intent and effect of his amendment.

As I understand it, the Boland amendment prohibits all funds available to the CIA, the Defense Department, and all other U.S. agencies involved in intelligence activities from being obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any national group, organization, movement, or individual. That is the language in the Boland amendment.

It is clear to the point, that, as best this Senator can determine, it does the

job it must do. It prohibits all funding of all activities that would support military operations in Nicaragua. That law includes, but specifically is not limited to, and that is my point, funding of the army commonly known as the Contras or, as some people call them, the freedom fighters.

My first concern about the pending amendment is that while it prohibits funds above the amount that it authorizes from being provided to the democratic resistance in Nicaragua, it does not prohibit U.S. funds from being used in other ways to support or to conduct military operations in Nicaragua.

I see only one way to read this amendment. Unlike the Boland amendment, it would allow the CIA to conduct independent paramilitary operations in Nicaragua. In other words, it seems clear that what is not prohibited is, in effect, authorized. That is the lesson we have learned over the past 2 years as we struggled to legislate and limit some of these covert operations. Nothing in the Senator's amendment before us limits U.S. funds from being used to conduct covert military operations in Nicaragua.

What I would like to know is, is that the intent of the amendment of the Senator from Georgia? If not, how does this amendment deal with the funds available to the CIA in its contingency reserve to conduct such operations absent a distinct prohibition against such operations?

Mr. NUNN. The question my friend raises is one I have struggled with a great deal in preparing this amendment and redrafting it and discussing it with others who are my cosponsors of this amendment. I know the Senator from Indiana has looked very carefully at this. His staff and my staff have worked together. It is a complicated area.

Let me see if I can answer it in a way that is understood.

This amendment deals only with the question of providing assistance to the Contras.

The Senator has raised the matter of unilateral action by the CIA in Central America that is not related to the assistance to the Contras. In my opinion, that must be dealt with under existing law. Under existing law, Nicaragua would be like any other country. It would be regulated by the laws and procedures governing the intelligence community. There would be congressional oversight by the Intelligence Committee. It would require a finding by the President that would be sent to the Intelligence Committee.

Let me go a little further, and I will come back to that.

With respect to the assistance to the Contras, I would say this amendment is absolutely clear that whether they used the contingency reserve funds or not, the CIA could not provide humanitarian assistance beyond the scope of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. I yield an additional 5 minutes.

Mr. NUNN. It is also my feeling, my strong feeling, that if the CIA wished to provide any further assistance to the Contras, the President would have to come back to the Senate under the provisions of this amendment and request the assistance, and we would have to approve it in the pertinent committees and also on the floor.

Now, regarding the unilateral action by the CIA which is not in support of the Contras directly or indirectly—which is the Senator's question. I think it is a very legitimate question.

Let me read the Boland amendment to the Senator, because his question presumes that the Boland amendment precludes that kind of assistance. I think that is the understanding of a lot of people.

I think the question of whether the Boland amendment precludes that kind of activity by the CIA is a much more difficult question.

Reading the Boland amendment, it says, "No funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended"—I want the Senator to listen carefully to these words—"for the purpose or which would have the effect"—and now the key word in my opinion legally—"of supporting—directly or indirectly, any military or paramilitary" operations in Nicaragua and so on.

Mr. President, it is my view that if the word "supporting" is interpreted broadly, then we could perhaps strain the Boland amendment and say that CIA activity totally unrelated to the Contras but which was adverse to the Nicaraguan Government would be precluded. I do not read the Boland amendment that way, though. I read the Boland amendment as being more narrow than that. I do not believe the present Boland amendment precludes independent CIA activity that is not supporting the Contras.

So, if you read the Boland amendment narrowly, as I do, then there is no diminution of that amendment in our amendment. If, on the other hand, you read the Boland amendment broadly and believe that the present Boland amendment precludes independent CIA activity that has nothing whatsoever to do with supporting the Contras, then our amendment would change the Boland amendment. It would be my intent to change the Boland amendment if it is broad.

Let me give an example. For instance, let us suppose tomorrow morning, before we pass anything, our intelligence community comes in and informs the President of the United States that there is a terrorist training base in Nicaragua and those terrorists are funneling all over Central America. They are coming to the United States, they are carrying out bombings, they are carrying out assassinations, and it has nothing whatsoever to do with the Contra movement, and the CIA or the Defense Department recommends that we take some type of action against that base. If you read the Boland amendment broadly, then it would preclude that action unless the President came to Congress and we had a debate and unless the House and the Senate repealed the Boland amendment.

I do not believe that is what the Boland amendment intended. But if it is what it intended, I think it ought to be repealed. If it is not what it intended, then we do not change the intent of the Boland amendment.

Mr. HARKIN. Mr. President, I think what the Boland amendment is seeking to do is stop activities like the mining of harbors. Again, this is an independent activity, undertaken basically without the consent of Congress, by the Central Intelligence Agency. Under the Senator's amendment, would the CIA be able to do that kind of activity.

Mr. NUNN. The answer is no, because I would interpret the mining of harbors as in direct support of the Contras.

Mr. HARKIN. But is was not done in support of the Contras; that is the point. My position is that it lifts the restrictions of the Boland amendment. However, I might be opposed to the Senator's amendment here, I am greatly opposed to it if, in fact, we do not have two things—one, the Boland amendment which again, aside from the Contras itself, would restrict the kind of activities that the Boland amendment sought to restrict. I think most people here and on the other side of the Capitol have interpreted it very broadly—I ask for 2 or 3 more minutes. I am sorry to take so much time.

Mr. PELL. Mr. President, I yield 2 more minutes to the Senator.

Mr. HARKIN. I thank the Senator.

Mr. President, I have one more question.

Mr. NUNN. Would the Senator interpret the Boland amendment as precluding a CIA or a Pentagon move against the terrorist training camp in Nicaragua?

Mr. HARKIN. That was exporting the terrorism outside the borders of Nicaragua?

Mr. NUNN. Yes.

Mr. HARKIN. No, Mr. President.

Mr. NUNN. Then the Senator does not have to be concerned about this.

Mr. HARKIN. Mr. President, I am concerned because obviously, that is a

very narrow interpretation, but I keep saying again in terms of the CIA, what we have learned over the past few years is that what is not prohibited is authorized and if we do not prohibit them from doing certain things, they will go off on their own and do mining, for instance. If there is a terrorist camp there, they have recourse. They can come to the Intelligence Committees and ask for authorization.

Mr. NUNN. They cannot if the Boland amendment is interpreted broadly. The Intelligence Committee cannot do or approve anything contravening the law of the country.

Mr. HARKIN. The Boland amendment speaks only to the purpose of overthrowing the Government. If you were to go in and take out a terrorist camp that was exporting terrorism outside of Nicaragua, that would not have the purpose of overthrowing the Government of Nicaragua. Mining the harbors would.

Mr. NUNN. Nothing in the Boland amendment ever mentioned overthrowing the Government.

I know I have taken the Senator's time, Mr. President.

Mr. HARKIN. Mr. President, I have one other question. Leaving aside this question of what the term "humanitarian" assistance encompasses, the amendment would authorize funds and then prohibit further materiel assistance but not preclude the sharing of intelligence information. My question again concerns what is not included in a prohibition against further materiel assistance and what role would be created for the CIA in addition to the sharing of intelligence information. It is my understanding that if humanitarian assistance were to be approved and the Boland amendment were in effect, the Contras could receive the funds but the CIA would not be back in the business of running the Contra war. Without the Boland amendment, the Senator's amendment would allow the CIA to resume its role in advising and training the Contras for combat operations and would put us back in the business of managing this war.

Again, I ask, Is this the Senator's intention?

Mr. PELL. I yield time so the Senator from Georgia may reply.

Mr. NUNN. Mr. President, I say to the Senator that is not this Senator's intention. I think the amendment is clear. As I interpret the amendment, and I think it is clear on that, humanitarian assistance would not include training the Contras for military activity.

The Senator has used the word "advising." He say "advising and training."

Mr. HARKIN. Advising, training.

Mr. NUNN. I would think the amendment presumes somebody in our Government is going to advise the Contras of certain things. Hopefully, they will advise them to negotiate bilaterally with the Sandinistas. Hopefully, they will advise them to purge their ranks of human rights abusers, but not give military advice.

Mr. HARKIN. Mr. President, not giving military advice or training.

Mr. NUNN. That would not be in keeping with the humanitarian definition of the amendment.

Mr. HARKIN. I thank my friend from Georgia for clearing that up with me.

Mr. JOHNSTON. Mr. President, will the Senator from Indiana yield me 6 minutes?

Mr. LUGAR. Mr. President, I agreed to yield 5 minutes to the Senator from South Carolina first and I shall be happy to yield to the Senator from Louisiana when he has concluded.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I thank the Senator from Indiana.

Mr. President, I rise in support of the Nunn, Lugar, Boren amendment.

What we are debating here today is not a question of right versus left. It concerns freedom: freedom from tyranny and oppression, freedom of religion, freedom of the press, and the freedom of people to determine what form their government shall take rather than have that decision dictated by a handful of despots. The United States has fought numerous times to protect these freedoms, and today we are debating whether or not to support people who want to fight for the same freedoms.

We have boiled the argument down to whether or not to give these freedom fighters humanitarian aid, or no aid at all, when we should be providing them with the military assistance that they so badly need. I for one am glad that Lafayette did not come to America with only humanitarian aid to provide for our Continental Army, or we might still be British subjects.

It is unfortunate that some Members of Congress serve as apologists for a Communist dictatorship that offers to let the Soviets station missiles in their country and which also attempts to subvert neighboring states by force of arms.

Mr. President, the United States stood by as the Sandinistas came to power with their promises of free elections, freedom of religion, and freedom of the press. They have instead formed a dictatorship that makes a mockery of these freedoms. Because of their repressive practices, people have again taken up arms against the government, and now more men are fighting the Sandinista government than ever bore arms against the previous regime.

There are those who would have us believe that the Contras are the creation of the Central Intelligence Agency, and that everything would be fine in Nicaragua if we would halt our support for the Contras. This assertion is totally false; 15,000 people do not risk their lives and the lives of their families fighting a dictatorship just to help out the CIA. The last time I checked, the CIA was not that popular in developing areas of the world. Also, there are no retirement benefits for the Contras, and there is little or no pay; so other than the hope of a better way of life, there is not any reason for these men and women to take the risks that they do.

Mr. President, when we strip away all the arguments, we come to one simple decision. We can support forces who oppose Communist dictatorships, or we can vouchsafe the spread of communism by our inaction. Twenty-four years ago, in his inaugural address, President John F. Kennedy stated:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.

Mr. President, unfortunately for some, the price has grown too high, the burden too heavy, and the hardship too great for our Nation to support the survival of liberty. For some, the continued enslavement of people is somehow preferable to our becoming involved. Not only this, the failure to provide assistance to the freedom fighters would constitute a threat to our own freedom.

Mr. President, I urge all of my colleagues to support continued assistance to the Nicaraguan freedom fighters.

Mr. JOHNSTON. Mr. President, will the Senator yield to me 6 minutes?

Mr. LUGAR. Yes; I yield 6 minutes to the Senator from Louisiana.

The PRESIDING OFFICER (Mr. GRAMM). The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, when Fidel Castro was in the mountains of Cuba, he called himself an agrarian reformer pursuing democracy and a friend of the United States. It took us a few months after he took over to find out that was not to be.

Mr. President, there are those who, in spite of the evidence, indelible evidence since 1979 of the nature of the Sandinista revolution, would want to tell us that they also are agrarian reformers pursuing the rights of the people, trying to improve the lot of the people.

Mr. President, if there is not enough evidence now, I do not know when there will ever be as to the essential nature of the Sandinista revolution. They are bent upon revolution without borders. They are bent upon exporting that revolution to El Salvador, as they are doing at the very moment.

The command and control of the FMLN in El Salvador is at this moment in Nicaragua, and so is the direction of other revolutionary activity which has been stopped, if at all, only by the pressure of the Contras.

Now, Mr. President, lest we think that a poor country of about 4 million people in Central America can do no harm, I would like for the Senate to stop for a moment and consider the harm that Cuba does throughout the world with only a population of 10 million. Even though Cuba is a very poor nation, with a gross domestic product of $16 billion, at the very bottom of the list in terms of wealth of nations—and in 1950 before the revolution it had the 3d highest per capita income in Latin America, now it is 15th—Mr. President, what that small country is able to do in terms of harm throughout the world is amazing. They have an armed force of 153,000, 250 aircraft, 850 heavy tanks, with defense expenditures of $1.3 billion.

Even though Canada has two and one-half times the population, they have five times the armed force of Canada. With their militia, they have 12 percent of their population armed and trained and under arms. There are 74,000 Cuban troops in 24 foreign countries. Consider what they do in Angola alone—16 motorized infantry regiments, an artillery regiment, an antiaircraft defense brigade, 500 air force personnel, 500 support troops, and 1,000 advisers. In Angola alone, a total of 31,000 men. They have suffered 6,200 casualties in Angola.

Mr. President, the list of countries where they have troops includes:

Afghanistan, Algeria, Angola, Benin, Cape Verdes, Congo-Brazzaville, Ethiopia, Guinea, Guinea-Bissau, Iraq, Lesotho, Libya, Malagasi, Mozambique, Nicaragua, Nigeria, São Tomé/Principe, Sierra Leone, Suriname, Syria, Tanzania, Uganda, Yemen, and Zambia.

Mr. President, this is the reality of Cuba today. They continue to grow in terms of arms expenditure and in terms of exporting revolution around the world.

There was a time when we had an opportunity, Mr. President, to do something about the Cuban infection. Many will say that we should have done something about it in the time of Batista, and I agree. We made serious and terrible mistakes at that time. Those mistakes we cannot recall. There were other times when we had an opportunity to do something about Cuba, and we failed to do it—too little, too late, too ineffectively.

Mr. President, that time in Nicaragua is upon us today. We have an opportunity to do something about Nicaragua, something other than to put our head in the sand, something other than involving American troops. It is to put a sure and steady pressure on the Sandinistas in Nicaragua, using their own people who have formed their own opposition force.

Make no mistake about it, the CIA did not create and did not form the Contra organizations. They are endemic. They are native. They are run by their own people. Indeed, we are not at this time giving aid.

Mr. President, we have an opportunity to strike a middle ground in this amendment, a middle ground between giving arms and sending American troops, on the one hand, and inviting the Nicaraguan-Sandinista revolution to become another Cuba—another Cuba, perhaps smaller in terms of numbers of people but a Cuba connected by a land bridge to Mexico and the United States.

Mr. President, the middle ground as indicated in this amendment is the proper course for this Senate at this time. There may be a time when we will need to take a second step and send the arms themselves, but for now this compromise is the right action.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 3 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, several Senators this afternoon have referred to a national consensus in favor of this or that policy. They have referred to this or that poll. They have referred to the state of public opinion on American policy toward the critical problems of Nicaragua and Central America.

It is clear to me, however, that there is no national consensus on what might be the most effective policy. In fact, if anything, the polls underline a deep and enduring confusion about our policies and purposes. So clear is this that I feel confident in saying that we lack the depth of public support to sustain the kind of dramatic shift in our foreign policy that seems to be taking place.

It is also clear to me that a seachange in our policy toward Nicaragua is taking place. Though the administration's appeal for more funds is couched in terms of "humanitarian" aid, I see no guarantee that these money would not continue to be used directly to support, or replace other funds to support, military and paramilitary activities by the Contras. There is virtually no way that you could impose such a guarantee.

Originally, the Senate approved funds for the Contras on the grounds that they would be used to block the flow of arms to rebels trying to overthrow the Government of El Salvador—an objective that has in large measure been attained. Now we are coming close to open support for the overthrow of the Government of Nicaragua—a policy that I do not believe shares the support of the American people, nor one that is warranted by the limited diplomatic efforts undertaken to reach a peaceful solution to these problems, nor one that has won the backing of many of our most important allies in the region and the rest of the world. By region, I do not mean just the immediate region of Central America.

Several of the governments in the immediate area generally support the administration's overall efforts, but they also are disturbed by lack of diplomatic progress. But there are many other countries in the broader region of Latin America with whom we should consult more closely as we try to devise a prudent and positive policy.

I have consulted with a wide range of representatives of the leading countries of Latin America. And these inquiries reveal considerable doubt about the shift in American policy in recent weeks and months.

For example, our friends in the Contadora countries, Colombia, Venezuela, Mexico, and Panama, do not appear to favor this kind of aid to the Contras, which they regard as direct intervention in the affairs of Nicaragua. Argentina, Brazil and other vital neighbors of ours, countries destined to become ever more important to us, also remain deeply concerned about the thrust of these policies.

With their domestic political and economic problems, all these countries are likely to be more deeply affected by what may happen in Central America than we are. And yet I see no sign that we have consulted closely with them in devising an effective strategy. I see no sign, furthermore, that we have consulted closely with our European allies on the best course of action.

There are, Mr. President, several attractive provisions of this amendment: the call for a church-mediated dialog between the Government of Nicaragua and the resistance forces; continued support for the Contadora process. I am still confident that a genuine compromise can be worked out. But I do not believe we have reached the point where we should take an irrevocable step that would discourage such initiatives and lead to a widening of hostilities.

For these reasons, I shall vote against the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield 2 minutes to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I compliment the original cosponsors of this amendment, on the amendment itself and the work they have put into it. I believe I am a cosponsor as well.

I compliment the cosponsors on the special effort they have made in informing themselves in particular with regard to the special problems of Central America and the way in which

those problems have changed over the 4 years or so in which we have been deeply involved in those problems and in discussing them on the floor.

I particularly compliment the Members of the minority party on the floor for their efforts.

I urge all Members to support this amendment. It is not great policy. It is mainly implementation of a policy which remains vague.

Mr. President, I have just returned from a 6-day trip to Central America. I went because I am convinced that this is a critical moment in relations with Central America. I wanted to understand the perspective of the leaders of the region on the major issues.

In the course of the trip, I met with a wide variety of people. I talked with our own Embassy staffs. I met with political leaders and shared their hopes for a democratic future. I talked to military leaders. I exchanged ideas with business leaders. I talked to publishers, churchmen, and people working for international organizations in these countries.

In all of these conversations, I found a common theme—an absolute commitment to the development of democracy throughout the region, and a common demonstration of courage to take risks necessary to achieve that goal.

In Guatemala, Chief of State General Mejia has put the reputation of the military on the line in avowing publicly, without reservation, that he will step down from office and remove the Army from the political process—whatever the results of the election in October.

In El Salvador, President Duarte has assumed not only personal risks, but risk to the democratic ideals of his party by taking firm steps in curbing human rights violations, returning the Army to a nonpolitical role in support of, rather than in opposition to, the democratic process and, most significantly, in opening a dialogue with the political and military elements of the insurgency.

In Costa Rica, President Monge has taken dramatic steps to build within the existing security structure of his country the capability to eliminate the threats of subversion of his democracy, and to defend his border against Nicaraguan incursions. Though his country is extremely vulnerable, he has supported the democratic opposition to the Sandinistas and welcomes the refugees from that regime.

In Honduras, President Suazo walks a narrow line in maintaining the momentum of his democratic revolution against those who are critical of his role in supporting the FDN and cooperating with the United States and those who do not feel he has gone far enough.

Throughout Central America, the church has had the courage to speak out and act in preservation of social justice and the dignity of man—whether the danger comes from right or left. The church is acting as mediator in El Salvador, and it sustains those in Nicaragua and Costa Rica who publicly condemn the abuses of Sandinistas. As a demonstration of this consistency of principle, church hierarchy from all of Central America will gather in Managua on June 10 to celebrate mass with the new prelate of the Central America church—Cardinal Obando y Bravo.

Mr. President, there is a common concern expressed by these political, religious, military and business leaders. It is a concern that there are root causes of instability in the region which are threats to achievement of democracy. One root cause is the economic difficulty each country faces from an ever widening gap between revenues and expenditures—a balance-of-payments crisis that stands in the way of social programs and reestablishment of a healthy business sector which can create jobs and relieve the burden of an over-extended government.

There is instability caused by the insecurity of the governments faced with active attempts at subversion—subversion supported directly from or through Nicaragua.

There is instability caused by the added burden of refugees created by the current political upheaval—refugees who exacerbate the economic problem and increase the threat of subversion. There are now over 100,000 Nicaraguans in Costa Rica—about 10 percent of the population as estimated by the U.N. Refugee Commission. In the last 3 months, 10,000 Nicaraguans have turned up in Guatemala. This is the first time Guatemala has had a refugee influx from Nicaragua.

These are regional problems—problems that cannot be resolved individually by each nation. The leadership of Central America is expectant—hopeful that the United States will join with them in working toward solutions. The United States has already done a great deal. The Jackson plan is a clear signal that the United States recognizes that the region is of vital interest and that we alone have the means which if applied in concert with the Central American countries can tip the balance in favor of democracy.

But the solutions are not regional alone. They depend as well on keeping alive the hope for democracy in Nicaragua. Mr. President, the money being discussed here today, $38 million for humanitarian aid to the democratic resistance, is not in and of itself sufficient to tip the balance. It is not directed at balancing the books economically—nor is it sufficient to stop subversion in the region or to restore to Nicaragua the democracy stolen by the military dictatorship which the Sandinistas have imposed in exact duplication of the old Somoza dictatorship.

But our vote is of great significance as a sign of Central America that the U.S. Government, both executive and legislative, recognizes the role our country should play, and are willing to assume that role. The democrats who recognize that the Sandinista government has as its fundamental objective imposition of a dictatorship which is a threat to the hopes for democracy are pursuing those principles throughout Central America at great personal risk. We share that risk in a positive vote on this assistance because we are not sure who the real democrats are and how this funding is really contributing to achieving a democracy with Nicaragua. Though this vote is necessary to show our resolve and commitment, it is not enough. We cannot close the subject with a symbol—a symbol the ultimate effect of which is unknown.

Mr. President, we must move on to the bigger issue of peace and stability in the region and work at the highest levels in conjunction with the democratic nations to forge a common formula—a policy of commitment of American means, American knowledge and resources in support of mutually shared objectives. Only then will we resolve the root cause of trouble within the region.

The narrow issue we face today is short-term humanitarian assistance to people from one country. The stakes are high, but they are high as much for reasons of symbolism as for material progress. We must move beyond debating whether to symbolically fulfill our commitments to democracy, and instead undertake a debate on actally fulfilling those commitments themselves. In other words, the debate today will not end our attention to Central America. It will only set the stage for a larger debate on a larger policy question—whether this country will play a positive role in the region.

We cannot go it alone. We must work with the nations of Central America, and must listen to them and learn from them. As a first step toward bringing about the reconciliation which must precede significant progress on economic and political questions, I think it is time for the President to convene a meeting of the heads of state of all the countries in the region, including Nicaragua. A major conference could bolster the Contadora process. President Duarte has shown us the way, and we should seek to do on a regional scale what he has undertaken in his own country.

But talk is not enough. The history of Central America is a history of talk and broken promises from the United States. We must demonstrate that our

long-term commitment to the region is backed by the public and its Congress. A tangible sign would be immediate consideration and passage of the Jackson plan in a multiyear package. It is time to go beyond debating economically marginal programs, whether they involve humanitarian assistance or other items, and do what we all know must be done.

Beyond these immediate programs, however, we must learn to live with diversity in the region. A commitment to democracy does not mean that every nation must look like ours. So long as a nation's core values involve a commitment to the democratic process, we should welcome it as a friend, not shun it because of some kind of ideological litmus test. Policy disagreements among democracies are ultimately far less important than their adherence to common values.

Finally, we must recognize that it is in Central America itself that the greatest wisdom resides about the future of that region. We can help, but we cannot lead, except by example. We must look to Central American unity and leadership to set the course. This means on one hand that we must ask leaders in the region to say publicly what they say privately. But it means on the other hand that we must give them the confidence to say it, in part by assuring them that we will assist them over the long haul.

Mr. President, as I have said so many times before, the real issue which we too often avoid is Central America and its future—a future which will be shaped by far more than the narrow item we debate today. I strongly believe that we must vote to provide the humanitarian assistance requested. But I also believe that we must break the habit of reducing a vital and complex issue to a simple yes or no vote on a few million dollars aimed at an immediate issue. We must begin to craft a larger policy, and then to debate it. If we fail in this, we will condemn ourselves to years of debates over issues of this kind.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator from Rhode Island.

Mr. President, I wonder if the Senator from Georgia might help me in my effort to understand this language.

I have been one who has been willing to support the Contras with nonlethal assistance under certain conditions. In the past, I have worked on various forms of resolutions which would provide nonlethal assistance to the Contras and set forth the conditions. I do commend all the people who have been involved in drafting this amendment for their efforts.

I am troubled, however, by section (i)(1), and I ask the Senator from Georgia about that section. The amendment repeals the Boland language. The Boland language prohibits assistance to the Contras, directly or indirectly, by the CIA, the DOD, or any other agency. So that this amendment wipes out the Boland language.

In its place is section (i)(1), which says that "No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly," other than what has already been set forth in this amendment, and that is the humanitarian assistance as defined.

The word "materiel" is a very troubling word to me, because it could mean that nonmateriel military assistance could be provided: for example, support activities; for example, training—which is not materiel but which is directly in support of a military operation.

I did hear the answers of the Senator from Georgia to the questions of Senator HARKIN, and I thought they were helpful; but I am afraid that the language in the amendment is different from the assurances which were given. I wish that the assurances which my friend gave were put forth so clearly in the amendment.

I suppose my question is this: It says "No other materiel assistance." Training of a military operation is nonmateriel assistance. Is it intended that training would be prohibited? If so, is there a way of making that clear in the amendment—that training in military support activities is intended to be prohibited?

Mr. NUNN. I say to the Senator from Michigan that the reason why the word "materiel" was added—and it was added; it was not part of the original amendment—was that if we do not have that word, there is a strong possibility that other legitimate actions by the United States would be precluded that might be considered indirect assistance to the democratic resistance, and thus barred. Let me give the Senator an example.

If we insist in the context of the Contadora negotiation that Sandinistas should talk to the Contras, as I think all of us believe they should, it could be argued if the word "materiel" was not in there, that we were assisting the Contras because one of their objects is to force talks directly with the Sandinistas.

So the word "materiel" was added to prevent that interpretation.

The Senator has raised the other question, the other side of the coin. Every word you add is a coin that has two sides. I think the Senator has a legitimate question. The Senator's question is, Does that word "materiel" mean only substance, something tangible, or would it include things like military assistance?

My view of it is that as the author of the amendment, and I think the Senator from Indiana ought to listen to this, too, I would like for him to respond. My view is that materiel assistance would include any kind of military training, even though that would not necessarily be tangible. I consider that military training is tangible in the sense that this amendment has been offered. I think that if this passes we need to find a better word in conference to make it clearer that we are allowing certain types of activities on behalf of the Contras, political speeches, that kind of thing, petitions to OAS, petitions to the Contadora process, to include them in the talks with Sandinistas, but we are not by that word in any way implying that we intend to have military training or other intangible things. I would like the Senator from Indiana to respond.

Mr. LUGAR. That is my understanding.

Mr. LEVIN. Could I ask about military support activities, for instance, driving the boat for which Contras leave to set mines?

Mr. NUNN. I believe that would be violative of the amendment. It is not humanitarian. It is support of military activities. I think it would be precluded under the amendment. Would the Senator from Indiana answer?

Mr. LUGAR. I concur.

Mr. LEVIN. I am glad to get these interpretations and I think they are important.

Mr. NUNN. But I would not want to have the words "military support" written in because then you have to ask what the definition is and the Senator asks with an example. If you include "military support" as food and clothing which is in the nature of military support under some interpretations then clearly we permit that.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. LEVIN. If there is an additional time I wish 1 minute.

Mr. PELL. I yield 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan may proceed.

Mr. LEVIN. I thank the Chair.

I think it would be extremely useful if this amendment passes, which I expect it would, that this interpretation which is critical if we are going to eliminate the Boland language be taken to conference. I frankly do not know how I am going to vote on this amendment in light of the interpretation of the sponsor.

The words "materiel assistance" to me means what it says, which is provision of materiels. Support services are not materiels. Training is not materiels.

Mr. NUNN. But you know the word "materiel" can be taken in two contexts. The Senator I think is using the narrow definition of materiel, meaning substance or meaning something tan-

gible. Materiel can also mean something of significance, important, and I would interpret the word "materiel" here in a broader context, not in the narrow context.

Mr. LEVIN. I thank my friend.

Mr. NUNN. I assure the Senator that word will be looked at carefully if this amendment passes. I am not going to be in conference but I know the Senator from Indiana will give his pledge on that.

Mr. LEVIN. I thank you both Senators very much.

Mr. LUGAR. Mr. President, I yield 1 minute to the Senator from California.

Mr. WILSON. Mr. President, I rise only to say that I will support this measure and would ask that I be added as a cosponsor.

Mr. President, I will be offering another amendment later on. I do not find what I will be offering in any way incompatible with the present amendment. In fact, whether it is in it or not they will achieve some of the same purposes.

Mr. President, I urge support and passage of the amendment.

The PRESIDING OFFICER. Without objection, the Senator is added as a cosponsor.

Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute to the Senator from Kansas.

Mrs. KASSEBAUM Mr. President, the key problem facing us in our policy toward Nicaragua is how we can help produce a political solution for the present confrontation between Nicaraguans and between the Government of Nicaragua and the United States.

I do not believe that this confrontation can be resolved by military means—whether by the actions of the Contras or by direct intervention of the United States.

Neither do I believe that we can simply turn our back and hope it all works out for the best. Clearly, the Government of Nicaragua has goals and policies that have produced both internal turmoil and external tensions with their neighbors. Left free to act as they wish, the Sandinistas very probably would sharply increase this turmoil and tension—with very serious consequences for Nicaragua and for us.

Given all of that, it is essential that we remain involved in seeking a settlement for this problem. The present amendment offers one course for us to follow, and I support it.

However, I would like our policy and our intentions to be clear to everyone—most of all to the Sandinistas and the Contras.

For our policy to have any hope of success, I believe it is essential for the Sandinistas to be confronted not merely with a military resistance but with an effective political alternative for the people of Nicaragua. My concern is how the present amendment would bring us closer to that possibility.

To be effective, any opposition force must have a claim to legitimacy in the eyes of Nicaraguans. It must not be seen as a throwback to the days of Somoza or as a puppet of American policy.

This point was made very effectively by the Senator from Delaware during debate on the previous amendment. The point is less clear in the present amendment.

This amendment calls for but does not require the Contras to remove from their ranks those who have engaged in human rights abuses. I hope that the intent of the sponsors is that such action must be carried out by the Contras and that a failure to move effectively would jeopardize any existing or future funding.

Second, Mr. President, I hope that the political leaders of the Nicaraguan opposition will have a role or voice in the distribution of the assistance we provide rather than leaving the distribution solely to military leaders.

AID TO THE RESISTANCE FORCES IN NICARAGUA

Mr. SIMPSON. Mr. President, I rise in full support of the amendment by my distinguished colleagues, Senators NUNN, LUGAR, BOREN, BENTSEN, CHILES, JOHNSTON, and KASSEBAUM. I am wholly supportive of the fine bipartisan manner in which this proposal has been drafted. This issue is much too important to be reduced to partisan infighting and pettiness.

This amendment will accomplish a number of important objectives. First, by resuming aid to the Nicaraguan democratic resistance, we continue our support for those individuals who are pressing the Sandinistas to live up to the revolutionary promises they made when they overthrew Somoza and his excesses. We cannot allow the Sandinistas to conveniently forget their basic pledges to promote political pluralism, civil liberties, human rights, and a nonaligned foreign policy.

Second, by designating the aid to be used only for food, medicine, clothing, and other assistance for the survival and well-being of the opposition forces, we encourage steps that are taken for a peaceful settlement of the conflict.

Third, this amendment encourages a change in the behavior of the Sandinistas. We offer to suspend the economic sanctions imposed upon Nicaragua and to suspend U.S. military maneuvers in Honduras and off the coast of Nicaragua if the Sandinistas agree to a cease fire, to open negotiations with the opposition forces, and to suspend the state of emergency in Nicaragua. By that offer we can attempt to press the Sandinistas into a resolution of the destructive conflict.

Fourth, by resuming bilateral negotiations with the Sandinistas we can encourage church-mediated dialog between the Sandinistas and the democratic resistance and we can work toward a comprehensive and verifiable agreement among the nations of Central America based upon the Contadora objectives.

The United States must continue to pursue those four main objectives—objectives which have not changed a whit during the massive disinformation campaigns of the past several years. They are:

First, to end Nicaraguan support for guerrilla groups in neighboring countries and retract their stated goal of a "revolution without borders";

Second, to sever Nicaraguan military and security ties to Cuba and the Soviet Union;

Third, to reduce Nicaragua's military forces to levels that would restore military equilibrium to the region; and

Fourth, to fulfill the original Sandinista promises to support democratic pluralism and respect for human and civil rights.

I believe that this amendment will assist in setting us on the path toward achieving these objectives. The United States is in a unique position in the free Western World—by virtue of our continuing efforts to bring peace throughout the international community, and our geographic proximity to the region—to play a key role in attempting to restore stability throughout Central America.

Our own tradition of democracy imposes upon us a duty to do all that we are able in order to break the endless cycle of poverty, political instability, and revolution, and to attempt to restore some measure of economic health and real political freedom.

We cannot simply ignore the situation and hope that it will improve without our help—even if we could assume that Cuba and the Soviet Union would take a similar "hands-off" posture. We must decide not whether—but how best—to exercise most responsibly and fairly the duty that our position and stature in the world has thrust upon us.

I would urge my colleagues to support this amendment. I believe it is a balanced compromise which allows us to pursue peaceful negotiations with the Sandinistan government while, at the same moment, it allows us to lend our tangible support to those who fight for freedom, democracy, civil liberties, and a lasting peace.

Mr. CHILES. Mr. President, I rise to support the amendment of the Senator from Georgia. At this point, there are few more critical tasks for American foreign policy than creating a more secure Central America and defuzing the explosive militarization of the region. I believe that this amend-

ment offers a bridge between the uncertain policies of the present and, what I hope will be a more cohesive set of policies in the future.

The Nicaraguan military buildup is seen by its neighbors as the single greatest threat to their stability. The Sandinistas claim they need this military force to combat the Contras. But we know better. The Nicaraguan military buildup started before the political opposition to increasing Sandinista dominance became a fighting force.

Unfortunately, this buildup, and the resulting responses by neighboring states, continues a dangerous pattern of escalation and counterescalation. This pattern must be broken. But, I do not believe it can be broken by the United States simply walking away from the Nicaraguan resistance movement.

The complete and continuing withdrawal of U.S. support for the Nicaraguan resistance would not only dramatically weaken our negotiating leverage with Nicaragua, but it would also break faith with our allies and create potentially disastrous problems for neighboring states. I also believe that a U.S. withdrawal can only lead other countries in Central America to question our reliability as an ally.

But even with passage of this amendment, I continue to be concerned that up here on Capitol Hill, and down in the executive branch, attention remains focused on the appropriation of money—whether for the Contras or for our economic and military assistance programs. I have this feeling that the administration believes that when the money is appropriated, the job is done.

Well, the job is not done when the money is appropriated—the job only begins.

There have been, and continue to be, critical problems in implementing our programs in Central America. Over the past year, reports of waste and mismanagement in the Central American aid effort have been called to our attention. But we have taken no action.

We authorize billions of dollars—2 weeks ago we authorized $5 billion in economic aid to Central America between 1986 and 1989. But we still do not seem to have a handle on the economic situation and needs of the countries in the region. For example, even though all countries in the region face severe debt crises, only one, Costa Rica, has a stabilization program with the international monetary fund. Are we maintaining a balance between the actions we are taking in order to secure military commitments and the tougher steps needed to ensure that the countries in the region undertake the economic reforms which are essential to their future economic stability and growth? I think not.

It is critical that this Nation shift the debate away from: "How much and under what conditions," to: "Are our efforts well coordinated and doing the things we want them to do in the region." If our efforts aren't doing the things we want them to do, then how do we improve them.

What Central America needs is an economic rebirth. Such a rebirth will require economic assistance from the United States, and much, much more. Such a rebirth requires more than money, more than Contras—it requires imagination, energy, and, most of all, a commitment to excellence. This kind of excellence was seen when this Nation committed itself to helping rebuild Europe from the ashes of World War II.

I do not believe that our efforts in the region are well coordinated. We cannot continue to let our Central American efforts be managed the way they have been over the past 4 years. I believe it is critical that we pull together our Central American programs. We need an organization that can integrate all of our economic and military assistance activities within the region—and bring more Central Americans into the process as well.

We need an organization that can focus all of its attention on Central America—like the Economic Cooperation Administration did for our European Aid Program under the Marshall plan.

I believe this was the true intention of the National Bipartisan Commission on Central America.

I had hoped that the administration would review the management of its Central American Program over the past year. Unfortunately, it chose not to do so.

Delay, however, may serve us well. Last year, my good friend, the chairman of the Budget Committee [Mr. DOMENICI], and I, with help from members and staff from the Kissinger Commission, drafted legislation in this area. But such an effort should not be undertaken unilaterally by the Congress. It should be worked out jointly with the executive, as was the case in the Marshall plan, when the White House, working closely with the Senate, accepted congressional suggestions for a single cohesive management structure to implement the European development effort.

Our proposal called for the development of a new mechanism to implement the Central American effort following the same management principles used for the Marshall plan. And I cannot think of another regional aid program as successful as the Marshall plan. Specifically, this proposal would include:

First, a multiyear authorization, as approved by the Senate in the 1986 Foreign Assistance Act. As I said earlier, the magnitude of the effort required and the importance for the United States to demonstrate its resolve and commitment to aiding the nations of Central America, clearly calls for a multiyear response.

Second, appropriation of $6 billion in financial and economic aid and guarantees for the period between 1986 and 1989. This would be in keeping with the National Bipartisan Commission's recommendations, but at somewhat reduced levels. I understand that some members of the Commission believe that properly managed, a $6 billion program—some $2 billion less than the President's request—would be adequate to support the region's needs. This is below authorized levels, but I believe this would greatly reduce the likelihood of providing resources in excess of what can be effectively managed or usefully absorbed by the local economies. It would also reflect the need for restraint in Federal spending.

Third, creation of a new organization, in the Executive Office or possibly as an independent office, which would be charged with overseeing and carrying out or Central American Aid Program. This Office would not duplicate existing aid mechanisms. Instead, it would integrate their efforts by providing a central focal point for all government activities in the region. The director of this Office would be a Presidential appointee, subject to confirmation by this body. This individual would be responsible for overseeing the development, justification, and execution of the Central American Aid Program. The Director of this New Central American Development Office would have the clout to effectively manage all our activities in the region and also serve as a much needed spokesperson before Congress on our activities in the region. The confirmation process would allow continued congressional oversight and accountability for the success or failure of the program.

This new organization would be supported by an advisory board made up and chaired by Central Americans and other donor countries. The role of this board would be similar to the role envisioned by the Kissinger Commission: it would advise the Director to our Aid Program and issue public reports. It would not, however, have direct control of U.S. aid dollars.

This Office would not become a permanent fixture. Our proposal calls for the Office to dissolve in 1990. This would help energize the organization and give a clear sense of timeliness to our aid efforts in the region. This again was the formula used so successfully under the Marshall plan.

Now, I've mentioned the Marshall plan several times—and I would like to say that this approach hopefully

would repeat the success of the Marshall plan.

Indeed, there are similarities in the two approaches.

The nature of the response, the intensity of commitment and the management mechanism we would propose, all parallel that of the Marshall plan.

Nonetheless, the challenges in Central America are quite different. The Marshall plan was a temporary effort to fill gaps caused by the wartime disruption of an already industrial economy. In Central America, our aid effort will require U.S. support for political and social change as well.

Let me conclude by saying that much work remains to be done. We have authorized and are likely to appropriate over $1 billion in aid to Central America for fiscal year 1986. But unless swift action is taken to improve the management of this program, I fear this money will do little to change the nature of the conflict in the region.

Mr. DOMENICI. Mr. President, I have listened with interest to the remarks of my friend, the distinguished ranking minority member of the Budget Committee. Last year, on October 4, he and I had a similar discussion about the problems of implementing an effective program of economic aid to Central America, and some of the problems discussed at that time remain with us.

Those of us interested in the welfare of our Central American neighbors have had several notable achievements since then. Congress provided increases in economic assistance close to what the National Bipartisan Commission on Central America and President Reagan had requested. The trade credit insurance program has been established, and links established with the Central American Bank for Regional Integration. I am particularly proud that a program to support indigenous energy development in Central America is now mobilized under the direction of Los Alamos National Laboratory.

A few weeks ago the Senate authorized funding for economic assistance to Central America on a multiyear basis. This was a very important recommendation of the bipartisan commission, and I agree with Senator CHILES that this action demonstrates the resolve of the United States as well as its commitment to help the people of Central America.

Despite the progress I have cited, implementation of the Central American program continues to suffer from lack of unified, firm, and clear direction. It is clear that the President and much of Congress support a bold and innovative longer term program of economic and humanitarian assistance to Central America. It is far less clear that most of the civil servants who are charged with carrying out the program share the innovation and boldness of vision that are essential. Too much of the program continues to be poured into the same old molds, and almost every project suffers from an imbalance between caution and the urgency that is needed.

With the help of American tax dollars, the economic decline in most of Central America has been stemmed. That is a genuine achievement. It is less clear that the Central American nations and our aid officials have set in place the economic policies that will result in self-sustaining growth and development. Here too, imagination and leadership is needed to get these economies back on track.

I would encourage senior officials in the executive branch to look behind the rhetoric to find out what is really going on with our economic aid programs. If they are not satisfied, and there are reasons to believe they won't be, then I would encourage them to consider establishing an office or an individual responsible to the President for overall implementation of our Central American economic assistance program. In consultation with Congress and subject to Senate confirmation, such a structure could help Americans account for our aid, and help Central Americans renew their economic development in an equitable manner.

Mr. HOLLINGS. Mr. President, the Senate has spent a great deal of time debating what to do and how much to spend on Central America. We have talked about all of these great new programs and all the benefits we are going to bring to the people of the region. But, my good friend from Florida is right. All we have done is authorize a great deal of money for more of the same.

It's time to get on with the job of rebuilding Central America. We've talked about the Kissinger Commission; we've made many statements about bringing peace and prosperity to the region; but, I do not believe the current organizations of the executive branch can effectively manage all of our efforts in the region. We need to do more.

It's time to move away from all of the empty sense of the Senate resolutions we are so proud of passing and get on with some real legislation. Senators CHILES and DOMENICI have offered some new ideas in this area and I hope we will have a chance to debate the merits of their proposal before the end of the year.

The current approach of our aid agencies toward developing the economies of our friends in Central America is too slow, too cumbersome, and, I believe, will end in failure. Instead, we need to implement a new kind of aid program, one which will provide capital to the entrepreneurs of the region. It is these entrepreneurs, developing new industries and new markets, that will help revitalize the region's economy. There is a vast market in the United States for goods that could be produced in that region that has remained untapped. If the United States was so willing to aid in developing and in providing the market for the various industries in Southeast Asia over the past three decades, so should we be willing to assist in developing similar capabilities in Central America. I have long felt that success toward righting the various wrongs existing in Central America will only come from an economic revitalization. The current approach won't work but emphasis on the economic order could.

Mr. GLENN. Mr. President, again today we find ourselves debating the proper direction of U.S. policy toward the Sandinista regime in Nicaragua. Again, we will have to decide—despite both moral objections and international obligations, and despite the fact that our commitment of substantial resources to date has not worked—whether we will continue to support a band of rebels whose intention is to overthrow a government with whom we maintain diplomatic relations.

Polls show that the American people are understandably confused and uncertain about the proper direction of U.S. policy in Central America. But there is one point on which they are not confused: they know that despite what the President may say, the Nicaraguan Contras are not the moral equivalent of our Founding Fathers. The American people know—and we know—that George Washington and Thomas Jefferson did not rape, torture, and terrorize—and I think President Reagan should be mortified by mentioning the Contras and our Founding Fathers in the same breath.

Mr. President, I am no apologist for the Sandinistas. Our differences with them are well known. We oppose their denial of basic rights and democratic freedoms at home and their support for revolution abroad. As we should with totalitarian regimes of both the right and the left, we must maintain pressure for change—for respect for human liberty and for the right of the people to freely choose their government. But the pressure we bring to bear in this instance should stop short of pushing for the military overthrow of a government by rebels whose commitment to human rights and democratic principles is questionable at best. That does not mean, however, that we need not be concerned about the potential threat Nicaragua poses of its neighbors or about the repression of democratic liberties that the Sandinista regime is pursuing at home.

To deal with the external threat, I believe we should be willing to provide Nicaragua's neighbors with appropriate economic and military assistance

to enable them to resist revolution and to address the economic deprivation which enhances Marxist revolutionary appeal. In particular we should give our full support to the efforts of the Contadora nations to negotiate a regionwide agreement to protect the peace and stability of the region. In fact, this should be the centerpiece of our policy, not just a sideshow. I submit that the Contadora process offers the best available forum for a negotiated resolution because it is at least partially insulated from the acrimony of the United States-Nicaraguan bilateral relationship.

As for the repression of democratic liberties inside Nicaragua itself, I agree that we should be willing to use both economic and diplomatic leverage to help bring about reforms. But the Reagan administration's total embargo went too far too fast and destroyed whatever leverage we might otherwise have had. Once you impose a total embargo, you have expended all of your ammunition and you have no other economic pressure left to bring to bear. I prefer the use of calibrated sanctions which can be tightened or eased depending on actions of the Nicaraguan Government.

Last, we should apply in conjunction with our regional friends, strong and constant diplomatic pressure on Nicaragua to end internal repression, to pursue democratic reforms, and to end support for revolution abroad.

By doing these things, I believe we would send a strong and clear message—both to the Sandinistas and to our allies in this hemisphere—that we will do all we must to protect both ourselves and our friends and to promote democratic liberties—and that we will firmly adhere to our own principles in the process. It is my fervent hope that the Sandinistas will respond to the actions I have outlined so that more stringent and far-reaching steps do not become necessary.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment, which will provide $38 million in humanitarian aid during fiscal year 1985 and fiscal year 1986 to the democratic resistance in Nicaragua.

This amendment is a carefully crafted compromise. As others have already noted, it provides a reasonable level of assistance, consistent with the real need for nonlethal aid. It meets the essential needs of the President and is supported by the administration, but it also takes into account the legitimate concerns expressed on both sides of the aisle about aspects of our involvement in Central America.

The amendment puts our support for the democratic resistance in a clear and compelling policy context. It underscores that we want a negotiated, not a military, solution to the Nicaraguan situation, while recognizing that there is no prospect of serious negotiations unless the Sandinistas have some incentives to negotiate. It maintains the Contras as one important point of leverage on Managua, but it also urges the use of other political and economic measures as part of our overall strategy.

This amendment insures that our support for the democratic resistance forces will be closely and properly monitored, both by the executive branch and by the Congress. It reiterates basic congressional oversight authority and directs that the NSC monitor the use of funds. It mandates frequent Presidential reports to the Congress on the status of any negotiations, the use of provided funds and the efforts undertaken to remove any undesirable personalities from the ranks of the Contras. In sum, it will insure that our activities will continue to be consistent with our goals and policy, as affirmed by the Congress.

At the same time, the amendment restores to the President the policy flexibility he needs to conduct an effective policy. It rescinds some earlier and unwise restrictions on the President's freedom of movement and provides expedited procedures to consider future Presidential requests for action, should hope for negotiations break down or political and economic sanctions prove ineffective in pursuing our legitimate and limited goals vis-a-vis Nicaragua.

Mr. President, this issue has been with us for many months. The fits and starts of our consideration of this matter have served the interests of no one, except perhaps the Sandinistas and their Communist allies.

The case for continued support to the Contras, meanwhile, has become even more compelling. As we all know, following the earlier, misguided House effort to extend a kind of olive branch to Managua, Commandante Ortega ran off to Moscow, to solidify his alliance with the Soviets and to get new bankrolling for the dangerous activities of his regime. More recently, the Sandinista Army has undertaken new aggression against both Costa Rica and Honduras, despite the conscientious efforts of both those governments to diffuse their border situation with Nicaragua. It is hard to see how there could be much doubt in anyone's mind about the true nature of the Sandinista regime and its real aims in Central America.

It is time to act, clearly and decisively, on this issue. We can do that by voting for this amendment and sustaining strong support for it through the conference process ahead.

(By unanimous consent the names of Mr. STENNIS, Mr. DOMENICI, and Mr. MATTINGLY were added as cosponsors.)

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Vote.

Mr. EVANS. Mr. President, I rise to vote against the amendment before us, as I have voted against all the proposals concerning military operations in Central America offered here today. I do so with reluctance, as many of these amendments contained thoughtful, constructive proposals of considerable merit. Unfortunately, the unanimous-consent order we are under does not allow for further amendment of the proposals. In fact, the amendment before us now, the so-called Lugar-Nunn proposal, requires some very appealing actions on the part of the President. Actions such as: reiterating our support for the Contadora process by implementing the 1983 Contadora Document of Objectives; resuming bilateral discussions with Nicaragua to encourage both a dialogue between the Government of Nicaragua and all elements of the opposition and a comprehensive, verifiable agreement among the nations of Central America based on the Contadora Document of Objectives; pursuing multilateral trade and economic measures to complement the U.S. economic sanctions; and, suspending the sanctions and U.S. military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua takes certain actions.

These proposals recognize the diplomatic means that exist to help bring stability to this troubled region. Were we to pursue such positive actions, we would likely find support both within and outside the region for our efforts. Our efforts thus far have brought us little outside support and yet a sustainable policy for this region around which a consensus can be built is precisely what we need.

As wholeheartedly as I support the positive proposals, in this amendment, I cannot support it. The amendment calls for humanitarian aid to be given to the Contras operating in Nicaragua. But what is this humanitarian aid? Its practical effect will be anything but humanitarian—by providing the Contras food, clothing, and other nonlethal items, they will be able to spend more of their other moneys on guns and bullets. To think otherwise is to be less than honest with ourselves.

Therefore, we are faced with the same nagging questions that have followed us for some time: what are our long-term objectives and policies for Central America? This question must be answered before we proceed with the dangerous investment now proposed.

Mr. LUGAR. Mr. President, I would like to note that Senator ORRIN HATCH is giving a commencement address for his daughter's graduating class and that obligation prevents him from being here to vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Thank you, Mr. President.

I thank the distinguished Senator from Rhode Island.

Mr. President, as I understand this amendment, subsection (a) of the amendment would appropriate $24 million for humanitarian assistance to the Nicaraguan democratic resistance.

My question I had is under the amendment, would any funds other than the $24 million be available for obligations in fiscal year 1986? Or is the $24 million in effect a cap on expenditure for the activities authorized by the amendment during fiscal year 1986?

Mr. LUGAR. It is a cap on the total amount for that year.

Mr. LEAHY. For 1986.

Mr. LUGAR. For 1986.

Mr. LEAHY. I thank the distinguished chairman.

Subsection (b) of the amendment repeals subsections (a) and (b) of section 8066 of the continuing resolution, the so-called Boland restriction. Subsection (d) of section 8066, which would remain in force, provides during fiscal year 1985 funds approved by the resolution for the purpose of supporting directly or indirectly military or paramilitary operation in Nicaragua should not exceed $14 million.

If any of the $14 million is not expended in fiscal year 1985, would that be available for expenditures in 1986 as well? I ask the distinguished chairman.

Mr. LUGAR. Mr. President, I ask my distinguished colleague from Georgia to affirm my interpretation. It appears to me that there are two distinctly separate funds. One is the $14 million that is being unfenced in 1985. The second is the $24 million authorization for 1986. But the funds from 1985 would not spill over into 1986. That is at least my interpretation.

Mr. NUNN. The Senator is correct. That is also my interpretation. It is not by reason of a provision in this amendment but by reason of the standard appropriation language which is incorporated every year relating to intelligence activities, which basically says the funds that are not expended do not carry over.

Mr. LEAHY. If any of the $14 million is not expended in 1985 it does not become available in 1986.

Mr. NUNN. That is my interpretation. I concur with the Senator from Michigan.

Mr. LEAHY. That is the distinguished chairman's interpretation.

I thank the Senator.

The term "humanitarian assistance" is defined in subsection (g) to include the provision of food, clothing, medicine, other humanitarian assistance, and transportation costs associated with the delivery of such assistance. It is defined to exclude weapons, weapons systems, ammunition, or any other equipment or materiel which is designed or has as its purpose to inflict serious bodily injury or death. Obviously there is a gray area here of items that are nonhumanitarian but also nonlethal. That would include military related supplies or equipment which could but are not themselves lethal.

I wonder would the following items be included within the scope of humanitarian assistance. Military-type uniforms?

Mr. NUNN. I say to the Senator from Vermont I prefer not to go down a list here. I think he can go on and on. I understand the Senator's point. I have done some of that with the Senator's concurrence in the Intelligence Committee. We had considerable discussion on this. I think what I like to say is it is our intent to have humanitarian taken literally by the CIA. I think we have defined it as food, medicine, clothing. For instance, military-type uniforms, without binding myself to continue this point by point, I would say if you gave a multiple choice question and said, would the CIA be permitted to provide military-type uniforms or would they be required to give them three-piece suits or tuxedos?

Mr. LEAHY. How about radars?

Mr. NUNN. Or bathing suits or Bermuda shorts, I would say military-type uniforms are permitted by this amendment.

Mr. LEAHY. It was a question the distinguished Senator from Georgia asked in another form that gave me the idea for this. I am wondering about things like radar, for example. Would radar be included?

Mr. NUNN. I would say if radar is included to be used in battle management it would not be in keeping with the definition of humanitarian.

On the other hand, if it was set up in a camp outside of Nicaragua for their protection against air raids, I would say that would be a different answer.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. LUGAR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 33 seconds.

Mr. LUGAR. Mr. President, today's edition of the Christian Science Monitor carried a very persuasive article, addressing the threat which international communism presents in Nicaragua. The article was written by Mr. John Lenczowski of the National Security Council staff who is an expert on Soviet affairs. I commend this article to the attention of my colleagues and I ask unanimous consent that the article entitled "International Communism and Nicaragua—An Administration View," be printed in the RECORD.

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

[From the Christian Science Monitor, June 6, 1985]

INTERNATIONAL COMMUNISM AND NICARAGUA—AN ADMINISTRATION VIEW

(BY JOHN LENCZOWSKI)

It is often unpleasant to resurrect what many think are the unpleasant ghosts of the past. Unfortunately, that is what we do when we talk frankly about the forces of "international communism" at work in our hemisphere. It has long been politically the safe thing to do to ridicule any mention of this alleged phenomenon. Professors and pundits have assured us for years that "international communism" as such no longer really exists—which is why it is rediculed as a "phantom," the object of irrational phobias of extremists, know-nothings, or people living in the past. It has been explained to us that we can no longer clinically and accurately use this loaded expression because of the Sino-Soviet split, the Yugoslav-Soviet split, the Albanian-Soviet split, and other manifestations of polycentrism.

Perhaps communism is no longer a monolithic force subsuming all Marxist-Leninist states under the Soviet banner. Nevertheless, how can one label the presence today in Nicaragua of Cubans, Bulgarians, Libyans, Czechs, North Koreans, East Germans, Vietnamese, Soviets, and communist elements of the Palestine Liberation Organization? If this is not some facsimile of international communism, then we are at a loss at how to explain the common thread that binds these forces together. If we must pay our dues to the gods of polycentrism, then perhaps we might refine our terminology by calling this phenomenon "Soviet international communism," since neither Maoist, Titoist, or Albanian brands of communism are at work.

Since we so rarely discuss the facts about international communism, here are a few that should be remembered in the context of the debate on Nicaragua:

The people do not want communism. Never in history has a majority of a free electorate democratically chosen a communist form of government. (There is only one exception: the minuscule state of San Marino.)

Communists have always come to power through violent takeovers. These takeovers have always involved the seizure of power by a well-organized and externally assisted minority over an unorganized and unwitting majority. Such takeovers consistently entail the use of a "popular front" of communist and noncommunist elements; the establishment of a communist party that uses an ideological party line to enforce internal conformity and identify and eliminate deviationists; the use of camouflage to disguise the party's true intentions and full political program; the use of propaganda and disinformation to manipulate the international news media; the use of violent and ruthless methods to eliminate all organized opposition; and finally, the use of gradualism in the process of eliminating opposition and applying internal security—so that the people do not realize what is happening to them until it is too late.

No communist regime that has consolidated its power has ever been overthrown and replaced by a noncommunist order. (The only exception is Grenada.) Every other form of government offers people the chance to retain a system of trial and error. It is easy to overthrow a Shah or a Somoza after trial has been granted and error perceived. But once communism is firmly in place, the possibility of trial and error is no more. A vote against aid to the "freedom fighters" is a vote to consign Nicaragua to an indefinite period of no freedom of choice.

The human cost of communism exceeds most Americans' expectations. The number of people murdered by communist regimes is estimated at between 60 million and 150 million, with the higher figure probably more accurate in light of recent scholarship. The greatest tide of refugees in world history flows from communist states to noncommunist ones: Today it comes from Ethiopia, Afghanistan, Indochina, East Europe, and Nicaragua. (During the entire Vietnam war there was nary a refugee fleeing from Indochina. It was not until communism triumphed that life became so unbearable that people who could withstand decades of war fled to the seas.) Communism invented the concentration camp. Millions have been imprisoned and executed, have worked and starved to death, in these camps. Communist regimes will not permit enterprising Western reporters near these camps, so you don't hear about them on the news. Communist regimes recognize no restraint on their absolute power. From this they establish ideological falsehoods as the standards of right and wrong and the standards by which deviationism is measured; from this stems the systematic denial of all individual human rights. The quality of life always deteriorates under communism: the militarization of society; the destruction of the consumer economy; the rationing of food; the deterioration of housing and insufficient new construction to meet population growth; the destruction of medical care through lack of medicine and medical supplies; the destruction of religion; the destruction and political control of education and culture; the rewriting of history and destruction of monuments to the national heritage; and the assault on family life and parental jurisdiction over children.

Soviet-style communism invariably means the export of terrorism, violence, and revolution. Soviet proxy states participate in an efficient division of labor: Cubans as troops, Bulgarians and Vietnamese as arms suppliers, East Germans as secret-police trainers and military advisers. Since Soviet proxies are present on our continent today, it is no accident that the communist Sandinista regime is an active collaborator in this division of labor.

The Sandinistas are communists. Nicaraguan President Daniel Ortega has said: "Marxism-Leninism is the scientific doctrine that guides our revolution . . . . [W]ithout Sandinismo we cannot be Marxist-Leninist, and Sandinismo without Marxism-Leninism cannot be revolutionary." The identical pattern of communist takeover, internal policies, and external behavior is repeating itself in Nicaragua. There can be no doubt, given the vast evidence we have accumulated, that Nicaragua is becoming another Cuba.

Communist regimes, including the Nicaraguan regime, spend vast resources on disinformation—to deceive the international news media and foreign political decision-makers. A principal goal is to disseminate false information about the nature of their own system: The principal disinformation theme of all communist regimes is to convince others that they are not really communist. This is done in many ways by the Sandinistas, but most prominently by the "guided tour." Countless American visitors are taken on this guided tour and see nice things and talk to "average citizens" who tell them what the regime wants them to. Nobody wants to believe that he has been fooled. But if Congress is to believe the testimony of constituents and reporters who base their information on the "guide tour," Congress may as well believe everything it is told on identical guided tours in Moscow, Havana, East Germany and North Korea.

Congress must decide whether it will resist international communism on our continent or let it prosper. Isolationists in Congress may base their opposition to the administration on the principle that other countries should be allowed self-determination. Unfortunately, in Nicaragua today there can be no self-determination, because of the reality of "foreign-force determination." The foreign force is the USSR and its proxies, otherwise known as the forces of international communism. Will the Nicaraguans be given enough assistance so that they will be able to determine their future on the basis of a balance of foreign forces, or will Congress permit an imbalance, an imbalance against democracy, against any system of trial and error? If Congress chooses to deny the Nicaraguan friends of democracy a chance for self-determination, it will be voting in favor of the first victory of the Soviet strategic offensive on our own continent.

Mr. LUGAR. Mr. President, I ask for the support of all Senators on this amendment. It is an amendment that has come from the work of Senators on both sides of the aisle in a genuine bipartisan attempt to give a very strong supporting gloss about our foreign policy in Central America.

When President Napoleon Duarte visited our country recently, he made the point again and again that our voice is seen as divided in Central America—divided by party, divided by House and Senate, divided by Congress and the administration.

I appreciate very much the work of the distinguished Senators from Georgia, Oklahoma, Florida, and so many other Senators on the Democratic side of the aisle. Likewise, I appreciate the work from my majority leader, Senator DOLE, from Senator WILSON, and from the chairman of the Intelligence Committee, Senator DURENBERGER, in particular, who has been so thoughtful in drafting this amendment.

We have forged, a statement for America that is very important. I hope we will have a very strong vote this evening in support of it.

Mr. NUNN. Mr. President, may I say I thank the Senators from Indiana and Minnesota and the majority leader, who cosponsored this amendment. I hope we have a general consensus here.

Mr. LUGAR. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment. All those in favor, say, "aye."

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote yea.

Mr. CRANSTON. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia [Mr. ROCKEFELLER] would vote yea.

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

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—55

Abdnor	Ford	McClure
Andrews	Garn	McConnell
Armstrong	Gramm	Murkowski
Bentsen	Grassley	Nickles
Boren	Hatch	Nunn
Boschwitz	Hawkins	Pressler
Byrd	Hecht	Quayle
Chiles	Heflin	Roth
Cochran	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Hollings	Stennis
DeConcini	Humphrey	Stevens
Denton	Johnston	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Trible
Domenici	Laxalt	Warner
Durenberger	Long	Wilson
East	Lugar	
Exon	Mattingly	

NAYS—42

Baucus	Gorton	Mitchell
Biden	Harkin	Moynihan
Bingaman	Hart	Packwood
Bradley	Hatfield	Pell
Bumpers	Inouye	Proxmire
Burdick	Kennedy	Pryor
Chafee	Kerry	Riegle
Cohen	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Specter
Evans	Matsunaga	Stafford
Glenn	Melcher	Weicker
Gore	Metzenbaum	Zorinsky

NOT VOTING—3

Goldwater	Rockefeller	Wallop

So the amendment (No. 275) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me indicate to my colleagues who are here, and to those who may be listening on their squawkboxes, that we will convene at 8:30 in the morning and be back on the bill at 9 o'clock. There are still five Contra amendments. I will still make the offer that I will withdraw my amendment if the other four will withdraw theirs. That may not sell.

I encourage my colleagues to help us by perhaps shortening the time. Each of the remaining amendments has 60 minutes each. If there is some real need to offer the amendment, maybe we could help on the time side.

The distinguished Senator from Massachusetts [Mr. KERRY] has indicated he is prepared to yield back a sizable portion of his time. I hope that a couple of the amendments would not be offered.

I know a number of my colleagues have official engagements elsewhere tomorrow afternoon and evening. We want to try to accommodate everyone we can. But it seemed to me that we were going to be at least until midnight on the Contra amendments tonight and there are still about 40 other amendments, is that right? About 40 is right. That looked like too much to do in one evening.

Many of those amendments can be accepted, with maybe three or four rollcall votes. We shall try to accommodate those Senators who must depart by 3 o'clock tomorrow. Some may have to leave a bit earlier. So if we come in and show a willingness to help work it out, because we would like to complete action on his bill so we can take up the clean water bill on Monday. And we have a full calendar again next week.

There are only 2 weeks after next week before we are back in recess.

I might add, Mr. President, since I understand there will be a division asked for on the first amendment, the amendment by the distinguished Senator from Iowa [Mr. HARKIN], that votes could occur as early as 9 or 10 a.m. tomorrow. I think Senators should be on notice that it may not be as late as noon.

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

Mr. DOLE. Mr. President, I yield to the Senator from Illinois.

Mr. DIXON. I wonder if the majority leader would indicate what time he anticipates rollcalls on Monday afternoon?

Mr. DOLE. Very candidly, Mr. President, I think that may depend on how we get along tomorrow afternoon.

Mr. DIXON. Will he indicate tomorrow afternoon?

Mr. DOLE. Mr. President, there will not be votes on Monday until Monday afternoon. If we are back on this on Monday, then votes could occur early Monday afternoon but not in the morning.

REDUCTION OF TIME FOR KERRY AMENDMENT

Mr. DOLE. Mr. President, I understand that the distinguished Senator from Massachusetts [Mr. KERRY] will be willing to reduce his time, the total time, from 1 hour to 40 minutes equally divided. I therefore ask unanimous consent that, when the Kerry amendment is offered, the total time be 40 minutes equally divided. That is 20 for certain for the Senator from Massachusetts.

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

Mr. KERRY. Mr. President, I thank the majority leader very much.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 8:30 p.m., with statements therein limited to 5 minutes each.

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

LEGISLATIVE PROPOSALS DEALING WITH AMERICAN POLICY TOWARD NICARAGUA

Mr. MOYNIHAN. Mr. President, as the Senate embarks upon yet another debate regarding American policy toward the Sandinista Government of Nicaragua, each offered in the form of an amendment to the pending State Department authorization bill, I think it appropriate to state at the outset that I expect to be recorded in opposition to each of the proposals likely to be brought to a vote today.

While there are elements in each that I could support, and in fact would like to see pursued by the President, it seems to me that none of these amendments, or any combination of these amendments, provides a reasonable or responsible basis on which to formulate and puruse a foreign policy in Central America. For the problem here is not one amenable to solution by legislative action alone. What is needed is the leadership of the President.

That 10 detailed proposals for how the United States should conduct itself with respect to Nicaragua have been brought to the floor of the Senate—an exhibition of what has been called the congressional micromanagement of foreign policy—is a reflection of the fact that the Reagan administration does not have a policy in Central American that it is willing to avow, and about which it is willing to be explicit. This is something, or so it seems to me, that ought to be remedied prior to legislative action.

Certainly the President has regularly expressed his sentiments about the current leadership of Nicaragua in the harshest terms, with the great force and emotive clarity that is characteristic of his public statements. Only yesterday, according to today's Washington Post, Mr. Reagan referred to Nicaraguan President Daniel Ortega as "the little dictator who went to Moscow in his green fatigues to receive a bear hug . . ."

Certainly there is widespread concern in this country about the increasingly totalitarian society is being established in Nicaragua by the Sandinistas, with the increasingly evident assistance and guidance of Soviet bloc governments. There is little dispute about this. The independent accounts of journalists, trade union officials, religious leaders—both Nicaraguan and American—attest to this.

Yet we are asked by the President and his advisors to accept the proposition that $14 million in what is termed "humanitarian assistance" to the insurgents in Nicaragua, the Contras, will make that very regime "turn around and say 'Uncle'."

This is not credible. I think it fair to say that it is not a serious proposal.

It has, at any rate, prompted a number of Senators of quite different experience and political inclination to propose amendments that presume to establish an American policy toward Nicaragua. Each has several sections setting forth an interpretation of recent events, instructing or advising the President in great detail, allowing for a variety of contingencies and options, each defining in a different way what is at issue in Central America and how we would know whether our policy goals have been realized.

Even the summary description of these amendments, provided the Democratic Senators in the usual manner by the staff of our Democratic Policy Committee, runs to several thousand words. Perhaps my meaning, and my concern, will be made clear if I state for the RECORD at this point that summary.

1. Dodd amendment which states Congressional findings and declares that a direct threat to U.S. security interests in the Central American region would arise from several developments including the (1) deployment of nuclear weapons or their delivery systems in the Central American region, (2) establishment of a foreign military base in the region, and (3) introduction into the region by a Communist country of any advanced offensive weapons system that is more sophisticated than those currently in the region; states Congressional intent to act promptly and in accordance with U.S. constitutional processes and treaty commitments to protect and defend U.S. security interests in the Central American region and to approve the use of military force if necessary, should any of these developments occur;

Extends the Boland language which prohibits the use of funds for military or paramilitary aid to the Contras; provides that the $14 million authorized in FY 1985 would be available solely for the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces and the relocation of such forces including immediate family members; and

Authorizes an additional $10 million to assist the Contadora negotiations and to support, through peacekeeping and verification activities, the implementation of any agreement reached—*90 minute time limitation.*

2. Kennedy amendment expressing the sense of the Congress that the U.S. should resume bilateral negotiations with Nicaragua; and prohibiting the use of funds to introduce U.S. Armed Forces into or over the territory of Nicaragua for combat unless Congress has declared war or enacted specific authorization for the introduction pursuant to the War Powers Resolution or the introduction of U.S. forces is necessary to meet a clear and present danger of possible attack upon the U.S. or its territories and possessions, to protect the U.S. embassy, or provide necessary protection for an evacuation of U.S. personnel or citizens—*90 minute time limitation.*

3. Hart amendment prohibiting, after enactment, the introduction of U.S. armed forces into the territory, air space, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training execises or any other purposes unless Congress has authorized their presence in advance by enactment of a joint resolution, or their presence is necessary to provide for the immediate evacuation of U.S. citizens or to respond to a clear and present danger of a military attack on the U.S.—*90 minute time limitation.*

4. Biden amendment which extends the Boland language which prohibits the use of funds for military or paramilitary aid to the Contras;

Unfences the $14 million authorized in FY 1985 for humanitarian assistance to the Contras if the assistance provided is independently monitored, the U.S. resumes bilateral negotiations with the Government of Nicaragua, and the Government of Nicaragua and the Contras agree to a ceasefire;

Permits provision of the $14 million for humanitarian assistance if the Government of Nicaragua refuses to enter into a ceasefire or if it violates the ceasefire first; specifies that the $14 million may be provided only by the State Department in the form of goods and services using previously appropriated funds; expresses the sense of the Congress that the U.S. Should encourage and support the Contadora negotiations; requires the President to submit a report to Congress every 90 days detailing actions taken under this authority;

Terminates the trade embargo if the Government of Nicaragua enters into a ceasefire and negotiations with the Contras;

Expresses the sense of Contras that U.S. military maneuvers in Honduras and off the coast of Nicaragua should be suspended if a ceasefire is agreed to; requires the President to submit any future requests for assistance to the Contras with a certification that the Contras have effectively eliminated from their ranks all persons who have engaged in human rights violations; and sets forth a procedure for expedited Congressional consideration of future aid requests—*60 minute time limitation.*

5. Nunn-Lugar-Boren amendment which strikes the Boland language prohibiting military or paramilitary aid to the Contras; provides humanitarian aid to the Contras by unfencing the $14 million authorized in FY 1985 and authorizing $24 million for FY 1986; includes the sharing of intelligence information in the definition of humanitarian aid; provides that the aid will be administratered by the President and permits the CIA to continue to manage it; and prohibits further assistance to the Contras unless the President certifies that diplomatic and economic measures have failed to solve the conflict in Central America and Congress specifically authorizes the additional assistance—*90 minute time limitation.*

6. Harkin amendment extending through FY 1986 the Boland language prohibiting the use of funds to provide military or paramilitary aid to the Contras and defining that section to prohibit the provision of human assistance by the CIA or DOD—*60 minute time limitation.*

7. Kerry amendment to prohibit use of funds authorized under this or any other act to fund directly or indirectly activities against the Government of Nicaragua which would place the U.S. in violation of international law or U.S. obligations under the charters of the Organization of American States or the United Nations—*60 minute time limitation.*

8. Wilson amendment which states Congressional findings with respect to commitments made by the Sandinista regime since it obtained power in Nicaragua and the Sandinistas' violations of these commitments;

Reaffirms the principles of the Monroe Doctrine as it relates to communist expansion in the Central American region;

States U.S. policy toward Nicaragua as having the following four objectives: (1) an end to Nicaraguan support for guerrilla groups in neighboring countries, (2) severance of Nicaraguan military and security ties to Cuba and the Soviet bloc, (3) reduction of Nicaragua's military strength to levels that would restore military equilibrium to the region, and (4) fulfillment of the original Sandinista promises to support democratic pluralism and respect for human and civil rights.

Expresses the sense of the Congress that (1) dialogue, negotiation, and pressure from world opinion have proved to have virtually no effect in changing the Sandinista regime's behavior and can be no substitute for direct economic and indirect military pressure, (2) the President should consider severing diplomatic relations with the Sandinista government if it does not fulfill its commitments to the OAS and the Contadora countries, and desist from further terrorism and subversion of its neighbors, (3) the U.S. should provide funding for both overt and covert assistance to the Contras to meet their military and non-military needs, and (4) the current statutory restrictions on the use of funds for the Contras should be removed and additional funds authorized for FY 1986;

Terminates the Boland language prohibiting the use of funds for military or paramilitary aid to the Contras contained in Public Laws 98-473 and 618; and

Provides that the $14 million authorized under P.L. 98-473 may be obligated only for humanitarian assistance to the Contras and authorizes $28 million in FY 1986 to the CIA for the purpose of providing assistance to the Contras—*60 minute time limitation.*

9. Melcher amendment re food aid—*60 minute time limitation.*

10. Dole amendment—*60 minute time limitation.*

Senators are surely not to be faulted for offering policy prescriptions in the absence of clear leadership by the Executive. But, constitutionally and commonsensically, it is first and foremost the duty of the executive to formulate and propose foreign policy to the Nation.

The Senate is a body in which the relative merits of a proposed policy can be debated, and measure can be taken of whether it is coherent in its own terms and likely to be successful—and where it can be judged whether the policy in question is supported by a consensus of the American people.

This has not been done in respect of Nicaragua, certainly not since the current 99th Congress was convened, and this is much to be regretted.

It stands in stark contrast to the early days of the Sandinista regime in Nicaragua, when the United States first had to deal with this situation.

By 1980, it had become clear that the Government of El Salvador was besieged by a consortium of insurgent movements, whose headquarters and logistical support base were located in Managua. There was indisputably underway a military assault on the Government of El Salvador by forces in league with the Government of Nicaragua. The United States therefore had both a right and a duty under international law—both customary and as expressed in treaties—to support the Government of El Salvador in resisting that aggression.

Which we did. The President came to Congress, asked for funds to be authorized to be used in a program of to discourage military support going from Nicaragua to overthrow the Government of El Salvador, and Congress authorized it.

I was in this period the vice chairman of the Senate Select Committee on Intelligence, where these matters were then discussed. Along with bipartisan majorities in both Houses of Congress, I supported the provision of this aid to insurgents in Nicaragua, for the purpose of responding to Nicaraguan aggression against its neighbor.

I urged that we do this avowedly and unashamedly. On November 18, 1983, in the necessary absence of Chairman Goldwater, it fell to me as vice chairman of the Intelligence Committee to bring to the floor of the Senate the report of the Conference Committee on the Intelligence Authorization Act for fiscal year 1984. This was the last time that Congress would authorize a bipartisan aid measure for the Contras. In order that the record be complete on this point, I would like to repeat a portion of my remarks of that day.

. . .[T]he distance between the House and the Senate was not as large as many might have thought. Both committees understood the Government of Nicaragua to be in violation of international law. This was recog-

nized in an express finding in the Intelligence Authorization bill passed by the House. The finding states:

By providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking the overthrow of the Government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated Article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of another state.

The United States, in upholding these covenants, has a duty to respond to these violations of law. Our response, however, must be both proportional and prudent. . . . Along with my colleagues, I pressed the administration to redefine its covert program to assure that it was in accord with our obligations under international law. . . . Thus the goal with this program is as it should be—to bring the Government of Nicaragua into conformity with accepted norms of international behavior.

The conference report was adopted unanimously.

Neither American nor Salvadoran forces were able to capture weapons known to have been moving from Nicaragua to the insurgents in El Salvador. There were two possible explanations for this. Either the program was not being executed properly—due to the ineptitude of the individuals involved, or some similar infirmity. Or the program was working, and the flow of arms and other material had stopped.

It turns out, according to recent evidence—or what may be evidence—that the latter may in fact have been the case.

The New York Times, on May 21, 1985, published a report from San Salvador about recently captured documents of the Central American Revolutionary Workers Party, a Marxist group that is one of five factions in the rebel military Farabundo Marti Revolutionary Front. These papers, said the Times account,

. . . indicate that . . . the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Another set of documents chronicle the tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of dependence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Despite this success, however, or perhaps because it was insufficiently clear to those involved whether our policy was enjoying any demonstrable success, the administration's support for the Contras in Nicaragua was continued, and indeed expanded.

It became less clear what the real policy was. By early 1984 it had become clear at least that our object was no longer simply the interdiction of war material to the Salvadoran rebels.

Either the policy had changed, although this has never been explained in a straightforward manner by persons in authority in the administration, or the policy had always been something other than what it was stated to be.

This dilemma persists. It remains unclear what the goals of the President in this respect are.

Wholly apart from the matter of whether certain activities of the CIA or its affiliates in Central America were consonant with American principles and law it has been unclear for an extended period now what the President's policy proposal for Nicaragua is.

On February 21 of this year, at a White House press conference, President Reagan replied to a question about the goal of his policy toward Nicaragua that it is to:

. . . remove [the Nicaraguan government] in the sense of its present structure, in which it is a Communist totalitarian state. . . .

The President proposed, in effect, the overthrow of the Government of Nicaragua. He proposed the provision of $14 million in military assistance to the Contras for this purpose. But the case for this policy was not made clear. What were our grounds? Would $14 million suffice? Suffice to do what? What was the strategy for actually removing the Sandinistas from Managua? How many years was that likely to take? What would be some interim accomplishments that would indicate whether progress was being made? None of these questions were answered, nor have they been since.

When it became clear that Congress would reject that ambiguously constructed policy proposal, by refusing to authorize the funds, the request was modified to exclude military assistance to the Contras, and to provide instead 14 million dollars' worth of humanitarian assistance.

Can it really be the policy of the President of the United States to seek to induce change in the policies or personnel of the Government of Nicaragua by providing $14 million in humanitarian assistance to the Contras?

Is this a coherent policy?

Much as I would like to support elements in several of the amendments before the Senate today, as I noted at the outset of my remarks, I believe it the duty of the Executive to formulate the policy in a more coherent and integrated manner than is possible when the Senate—and then the House—consider, and adopt or reject, seriatim, bits and pieces of a policy.

I shall vote against all of these amendments, and look forward with hope to a more complete statement of policy and purpose from the President.

In particular, I hope the administration might let us know just what is its position on the central recommendation of the Kissinger Commission—that is to say, on the proposal to establish a Central American Development Organization, with the help of Latin American and, it was hoped, European allies, This organization would help all the countries of the region, Nicaragua included, but on condition that each government maintain acceptable standards of human rights and representative government. That surely was a large and thoughtful proposal, and wholly consistent with American traditions and experience. Either Nicaragua joined or it declared itself to the world unwilling to meet the conditions of membership.

Had we pursued this course, would we be quareling among ourselves and isolated from our friends in the world today? It is not too late.

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 93. Joint resolution to designate the month of May 1985, as "Better Hearing and Speech Month".

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes;

H.R. 1614. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986.

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes;

H.R. 1868. An act to amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act;

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; and

H.J. Res. 159. Joint resolution commemorating the 75th anniversary of the Boy Scouts of America.

ENROLLED JOINT RESOLUTION SIGNED

At 5:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 93. Joint resolution to designate the month of May 1985 as "Better Hearing and Speech Month."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1349. An act to reduce the costs of operating Presidential libraries, and for other purposes; to the Committee on Governmental Affairs.

H.R. 1614. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1986; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1868. An act of amend the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions of that Act; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1699. An act to extend title I and part B of title II of the Energy Policy and Conservation Act, and for other purposes.

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-1250. A communication from a trustee of the St. George Island Trust, transmitting, pursuant to law, a copy of the progress report and a copy of the audited financial statement of the St. George Island Trust as of December 31, 1984; to the Committee on Commerce, Science, and Transportation.

EC-1251. A communication from the Acting Associate Director for Royalty Management, Minerals Research Service, Department of the Interior, transmitting, pursuant to law, notice of the refund of certain excess offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1252. A communication from the Secretary of the American Battle Monuments Commission, transmitting pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

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-239. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry.

"RESOLUTION

"Whereas, fluid milk is an essential part of a well-balanced human diet, especially the diet of children, youth, and older persons; and

"Whereas, milk contains valuable quantities of calcium, phosphorus, iron, and other necessary nutrients that are easily digested and very economical; and

"Whereas, the flavor and nutritional content of milk could be substantially enhanced by the establishment of increased minimum levels of milk solids-not-fat in fluid milk sold for direct human consumption; and

"Whereas, increases in the consumption of fluid milk because of improved taste and nutritional value brought about by the addition of milk solids-not-fat will reduce surplus dairy commodities held in government storage, improve the financial condition of family dairy farms, and assure good health for residents who drink more milk; and

"Whereas, the legislature has designated milk as the official state drink and it is appropriate for the legislature to take all actions to assure that milk sold and served in the state is as wholesome, tasty, and healthful as possible; and

"Whereas, minimum required levels of milk solids-not-fat in milk will protect the public from confusion, fraud, and deception while promoting fair and orderly marketing of an essential food; Now, therefore,

"Be it resolved by the Legislature of the State of Minnesota that the United States Department of Agriculture should include in all milk marketing orders issued or amended after January 1, 1986, a pricing mechanism for whole milk that would properly account for the value of solids-not-fat content.

"Be it further resolved that national standards for solids-not-fat be established for all fluid milk marketed to the public. Initially, the standard should require no less than 8.8 percent solids-not-fat with the understanding that in future years the minimum standard would be raised.

"Be it further resolved that the Secretary of State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the United States Secretary of Agriculture, the President and the Secretary of the United States Senate, the Speaker and the Chief Clerk of the United States House of Representatives, and to Minnesota's Senators and Representatives in Congress."

POM-240. A resolution adopted by the Legislature of the State of Michigan; to the Committee on Appropriations.

"SENATE RESOLUTION No. 97

"Whereas, Federal budget cuts proposed by the Reagan Administration would cut U.S. Coast Guard funding, reducing the Coast Guard's strength on the Great Lakes. Such a move would reduce the number of Coast Guard search and rescue stations throughout the region; and

"Whereas, The St. Clair Shores Coast Guard Station and the Harsens Island Coast Guard Station are among those targeted for closure. In communities whose economic well-being is derived in large measure from water-related industries, this action could have a drastic effect. Indeed, the imminent closing of these installations has alarmed boat owners, marina operators, and others who are concerned with boating safety in the area of Lake St. Clair. This is a particularly important issue at the present time because the U.S. Army Corps of Engineers has warned that 1985 lake levels for Lake St. Clair will approach the high levels experienced in 1973. The danger to the health and safety of area boaters presented by this forecast is clear and warrants immediate attention; now, therefore, be it

"Resolved by the Senate, That the members of this legislative body hereby memorialize the Congress and the President of the United States to continue the funding of the U.S. Coast Guard stations in St. Clair Shores and on Harsens Island; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation."

POM-241. A resolution adopted by the Legislature of the State of Florida; to the Committee on Commerce, Science, and Transportation.

"HOUSE MEMORIAL No. 378

"Whereas, the Legislature of the State of Florida took every available step in 1979 to repeal the Cross Florida Barge Canal Project through the adoption of chapter 79-167, Laws of Florida, and

"Whereas, any further legislature or action providing for the deauthorization of the Cross Florida Barge Canal requires action by the Congress of the United States, and

"Whereas, the Legislature of the State of Florida has determined that the Cross Florida Barge Canal Project would have a deleterious effect upon the ecology of the state, would adversely effect the freshwater aquifers of the state, and that the positive benefits of the project would be outweighed by its negative effect on the states' environment, and

"Whereas, the Legislature of the State of Florida has demonstrated its ongoing dedication to the preservation of the environment by passing legislation to preserve its wetlands and legislation aimed at protecting the state's freshwater aquifers, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida urge the Congress of the United States to take whatever action is appropriate to provide for the deauthorization of the Cross Florida Barge Canal Project, Now, therefore,

"Be it resolved by the Legislature of the State of Florida: That the Congress of the United States is requested to take whatever action is necessary to provide for the deauthorization of the Cross Florida Canal Project.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-242. A resolution adopted by the Senate of the General Assembly of the State of Illinois; to the Committee on Commerce, Science, and Transportation.

"SENATE RESOLUTION No. 201

"Whereas, The sale of Conrail was mandated by federal legislation in 1981; and

"Whereas, the U.S. Department of Transportation solicited and received bids from numerous entities; and

"Whereas, The Department of Transportation accepted the bid of Norfolk Southern in the amount of $1.2 billion, and has submitted the bid to Congress for approval; and

"Whereas, Conrail and Norfolk Southern are parallel carriers serving the same geographic area, and the resulting company would lessen competition in both the eastern region of the country and the midwest; and

"Whereas, A combined Conrail/Norfolk Southern could harm regional and local rail

carriers located in the State of Illinois by diverting traffic from their gateways; and

"Whereas, A combined Conrail/Norfolk Southern could have an adverse impact on Illinois regional and local railroad employees, as well as on the employees of the combined company; and

"Whereas, Conrail's management has recommended a public stock offering for Conrail so that it can remain a separate company; and

"Whereas, It is the sense of this Senate that such a public offering would be preferable to a combined Conrail/Norfolk Southern; therefore, be it

"Resolved, by the Senate of the Eighty-Fourth General Assembly of the State of Illinois, that we strongly urge the United States Congress to disapprove the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That the Illinois Senate respectfully urges the Congress of the United States to study the economic impact on each affected state before approving any disposition of Conrail, and to select some disposition by which Conrail will remain as an independent competitive carrier; and be it further

"Resolved, That we strongly urge each member of the Illinois Congressional Delegation to take all actions available to oppose and prevent the sale of Conrail to Norfolk Southern; and be it further

"Resolved, That a suitable copy of this preamble and resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to each member of the Illinois Congressional Delegation."

POM-243. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 13

"Whereas, The Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617, 92 Stat. 3117) among other things established a comprehensive scheme requiring state regulatory agencies to consider the adoption of certain federal standards to be applied to the public utilities which supply electricity or natural gas for their customers' use; and

"Whereas, The act commands the state regulatory agencies to conduct public hearings and determine whether to adopt the various federal standards; and

"Whereas, Although the hearings are mandatory, a state regulatory agency may determine after such a hearing that it is inappropriate to adopt the federal standards; and

"Whereas, The regulation of the local services of such public utilities is more appropriately reserved as a function of state governments; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature hereby urges the Congress of the United States to repeal such provisions of the Public Utility Regulatory Policies Act of 1978 and its amendments as seek to impose federal standards upon the local services of the public utilities and add burdensome administrative duties to the state agencies which regulate those utilities; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution becomes effective upon passage and approval."

POM-244. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 25

"Whereas, Section 12 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. § 1908) requires the Secretaries of the Department of the Interior and the Department of Agriculture, to report by December 31, 1985, to the Congress their evaluation of the grazing fee required by the act and other options for the adoption of a new schedule of fees beginning in 1986; and

"Whereas, The economy of many of Nevada's rural counties is heavily dependent upon ranching which serves as the stable base of the county's economy; and

"Whereas, Any change in the fees charged for grazing on public lands should be related to the price of the cattle grazed to protect the stability of the livestock business in Nevada; and

"Whereas, After a careful review of the fees charged for grazing on public lands, this state's legislative committee on public lands supports the formula presently used for establishing grazing fee; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the legislature urges the Congress to require and the Secretaries of the Department of the Interior and the Department of Agriculture to recommend the continuation of the current formula for fees; and be it further

"Resolved, That the legislative counsel forthwith transmit copies of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation, the Secretary of the Department of the Interior and the Secretary of the Department of Agriculture; and be it further

"Resolved, That this resolution become effective upon passage and approval."

POM-245. A resolution adopted by the Chester Township Trustees of Chesterland, Ohio relating to the Federal Executive Agency Public Hearings to the Committee on Finance.

POM-246. A resolution adopted by the Senate of the State of Michigan; to the Committee on Environment and Public Works.

"Whereas, The U.S. Army Corps of Engineers has warned in an extended forecast that Lake St. Clair and Lake Erie will experience extremely high levels in 1985 and 1986. This forecast indicates that 1985 lake levels will rise two to three inches above 1984 levels, peaking at approximately six inches below the disastrous 1973 levels in late 1985. Already, high water levels have been experienced, with particular damage being done during March and April of this year; and

"Whereas, Through its Detroit district office, U.S. Army Corps of Engineers specialists have advised officials of the City of St. Clair Shores, Harrison Township, and all communities bordering Lake St. Clair and Lake Erie of potentially dangerous lake conditions, posing a threat not only to area boaters but to the many businesses in these communities whose fortunes are directly tied to lake conditions. Additionally, the potential for disastrous shoreline erosion also exists; and

"Whereas In view of the dire threat posed by these high water levels, to the health and safety of area residents and visitors and to the economy of the many communities bordering Lake St. Clair and Lake Erie, the continued and expanded support of the U.S. Army Corps of Engineers is called for; now, therefore, be it

"Resolved by the Senate That the members of this legislative body hereby memorialize the Congress of the United States to expand the role of the U.S. Army Corps of Engineers in the City of St. Clair Shores, Harrison Township, throughout the Lake St. Clair region, the Lake Erie region, and all areas affected by the high water damage which occurred on March and April of 1985 until the end of 1986 or until Lake St. Clair and Lake Erie water levels return to normal; and be it further

"Resolved, that copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and to the U.S. Army Corps of Engineers."

POM-247. A resolution adopted by the City Council of Sherman, Texas, regarding the imposition of the Fair Labor Standards Act on local government as mandated by the recent Supreme Court decision of Garcia v. San Antonio Mass Transit Authority case; to the Committee on Labor and Human Resources.

POM-248. A resolution adopted by the City of Cleburne, Texas regarding the Supreme Court case of Garcia v. San Antonio Metropolitan Transit Authority; to the Committee on Labor and Human Resources.

POM-249. A resolution adopted by the Council of the City of Hilo, Hawaii relating to the Soil Conservation Service; to the Committee on Agriculture, Nutrition, and Forestry.

POM-250. A concurrent resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Finance.

"A RESOLUTION URGING THE UNITED STATES INTERNAL REVENUE SERVICE TO REPEAL ITS RULING CONCERNING KEEPING ADEQUATE CONTEMPORANEOUS RECORDS

"Whereas, the United States Intenal Revenue Service has adopted a rule under section 274 (d)(4) of the United States Internal Revenue Code called "adequate contemporaneous records" which calls for greatly increased record keeping and inconvenient and difficult paperwork which will adversely effect many New Hampshire businesses and employees; and

"Whereas, this rule will likely result in greater costs to business and individuals rather than in any increase in revenue to the federal government; and

"Whereas, this rule will reduce benefits to many New Hampshire employees while raising costs to many New Hampshire businesses; and

"Whereas, the adequate contemporaneous records rule seems founded on a presumption of mistrust toward the American taxpayer; and

"Whereas, this action vastly complicates rather than simplifies the present Internal Revenue Code; and

"Whereas, this provision once more adds grossly to the burden of paperwork already suffered by all American taxpayers; now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring:

"That the United States Internal Revenue Service is hereby urged to immediately repeal this ruling; and

"That the United States Congress and the Internal Revenue Service are hereby urged to work in concert for tax simplification across the board so that businesses, employees, and all citizens may have a fuller understanding of the Internal Revenue Code, a greater sense that it treats all taxpayers with equity, and a reduced burden of paperwork that is itself an unwritten tax upon the citizens of this nation; and

"That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Senate Finance committee, the House Budget and Ways and Means committees, and the members of the New Hampshire congressional delegation."

POM-251. A concurrent resolution adopted by the General Assembly of the State of South Carolina; to the Committee on Finance.

"H. 2568

"Whereas, sportfishing provides important recreational and economic benefits to the citizens of South Carolina and to the nation; and

"Whereas, the South Carolina Wildlife and Marine Resources Department (department) is the state agency in South Carolina charged with the responsibility of managing, conserving, and developing the state's sportfishery resources and habitat; and

"Whereas, the department also has responsibility regarding boating access and aquatic education; and

"Whereas, the states currently do not have adequate funding for sportfisheries management, research, development, and enhancement activities; and

"Whereas, the recent passage of Public Law 98-369 created the Sportfishing and Boating Enhancement Fund (Fund) for the purpose of providing much-needed revenues to the states for the further development of saltwater and fresh water sportfisheries programs, boating access, and aquatic education programs; and

"Whereas, the Office of Management and Budget has proposed that sixty-six million dollars or ninety-seven percent of the new money to be generated under Public Law 98-369 be "impounded" and utilized for purposes other than those intended by Public Law 98-369; and

"Whereas, the source of funds for the Sportfishing and Boating Enhancement Fund is not from general treasury funds but, rather, from excise taxes on sportfishing equipment, a portion of unrebated motorboat fuel taxes, and custom duties on imported watercraft and fishing tackle; and

"Whereas, virtually all of these newly authorized funds are a result of the user-pay concept and represent a philosophy supported by the federal administration; and

"Whereas, to use these funds for purposes other than those embodied in Public Law 98-369 would be a serious break in faith with the fishing and boating public who are being taxed for the specific purpose of supporting sportfishing programs; and

"Whereas, the action proposed by the Office of Management and Budget is contrary to law and to the intent of Congress in passing Public Law 98-369. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the members of the General Assembly of the State of South Carolina, by this resolution, strongly urge the President and the Congress of the United States to take every action necessary to ensure that the Sportfishing and Boating Enhancement Fund (Fund) is used solely for the purposes and activities embodied in Public Law 98-369 and that monies from the Fund be made available beginning on October 1, 1985.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States; to the President of United States Senate; to the Speaker of the United States House of Representatives; to each member of the South Carolina Congressional Delegation; and to the Director of the Office of Management and Budget in Washington, D.C."

POM-252. A resolution adopted by the Legislature of the State of Florida; to the Committee on Commerce, Science, and Transportation.

"HOUSE MEMORIAL No. 378

"Whereas, the Legislature of the State of Florida took every available step in 1979 to repeal the Cross Florida Barge Canal Project through the adoption of chapter 79-167, Laws of Florida, and

"Whereas, any further legislation or action providing for the deauthorization of the Cross Florida Barge Canal requires action by the Congress of the United States, and

"Whereas, the Legislature of the State of Florida has determined that the Cross Florida Barge Canal Project would have a deleterious effect upon the ecology of the state, would adversely effect the freshwater aquifers of the state, and that the positive benefits of the project would be outweighed by its negative effect on the states' environment, and

"Whereas, the Legislature of the State of Florida has demonstrated its ongoing dedication to the preservation of the environment by passing legislation to preserve its wetlands and legislation aimed at protecting the state's freshwater aquifers, and

"Whereas, it is fitting and appropriate that the Legislature of the State of Florida urge the Congress of the United States to take whatever action is appropriate to provide for the deauthorization of the Cross Florida Barge Canal Project, now, therefore,

"Be it resolved by the the Legislature of the State of Florida:

"That the Congress of the United States is requested to take whatever action is necessary to provide for the deauthorization of the Cross Florida Barge Canal Project.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-253. A resolution adopted by the Council of the City of Tyler, Texas relating to the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

POM-254. A resolution adopted by the Commission on Human Relations of the State of Maryland urging the Government of Maryland and all of its components immediately sever all commercial and cultural relations, both direct and indirect, with the government of South Africa until such time as that government establishes a policy and atmosphere which will allow all of its citizens an opportunity to participate fully in the economic, political, social and cultural structure and institutions in the country; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Con. Res. 47. A concurrent resolution observing the 20th anniversary of the enactment of the Older Americans Act of 1965.

By Mr. EVANS, from the Committee on Foreign Relations, without amendment:

S. 1166. A bill to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes (Rept. No. 99-78).

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. BYRD (for himself, Mr. SIMON, Mr. FORD, Mr. WARNER, and Mr. ROCKEFELLER):

S. 1248. A bill to establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in U.S. coal imports and develop national policy to protect the interests of the United States; to the Committee on Finance.

By Mr. HEINZ:

S. 1249. A bill to amend titles XVIII and XIX of the Social Security Act to provide for coverage of respiratory care services for ventilator-dependent individuals under medicare and medicaid; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BOREN, Mr. SYMMS, Mr. HEFLIN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. MATSUNAGA):

S. 1250. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. JOHNSTON):

S. 1251. A bill entitled "The Natural Gas Utilization Act of 1985"; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself, Mr. SYMMS, and Mr. DOMENICI):

S. 1252. A bill to clarify and augment certain provisions of the Motor Carrier Safety Act of 1984 regarding the certificate of registration procedures for foreign carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 1253. A bill to designate the "James A. Walsh United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1254. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for li-

ability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

By Mr. GORE:

S. 1255. A bill to establish the National Commission on Bioethics; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself, Mr. SIMPSON, Mr. PRYOR, Mr. GRASSLEY, and Mr. HELMS):

S. 1256. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 1257. A bill to provide that extended unemployment benefits or Federal supplemental benefits will not be denied to an individual where the individual was not actively engaged in seeking work because he was testifying before Congress or a Federal agency; to the Committee on Finance.

By Mr. GARN:

S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EVANS (for himself, Mr. METZENBAUM, Mr. DANFORTH, Mr. EAGLETON, Mr. HEINZ, Mr. WEICKER, Mr. PROXMIRE, Mr. DURENBERGER, Mr. COHEN, Mr. INOUYE, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. GORTON, Mr. BOSCHWITZ, Mr. PELL, and Mr. BAUCUS):

S. Res. 178. Resolution to urge the Administrator of the National Highway Traffic Safety Administration to retain the current automobile fuel economy standard; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. SIMON):

S. 1248. A bill to establish a national coal imports reporting program to provide an information base to permit the Congress to monitor trends in the U.S. coal imports and develop national policy to protect the interests of the United States; to the Committee on Finance.

(The remarks of Mr. BYRD and Mr. SIMON, and the test of the legislation appear earlier in today's RECORD.)

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. BOREN, Mr. SYMMS, Mr. HEFLIN, Mr. GRASSLEY, Mr. BAUCUS, and Mr. MATSUNAGA):

S. 1250. A bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes; to the Committee on Finance.

EXTENSION OF TARGETED JOBS TAX CREDIT

● Mr. HEINZ. Mr. President, I am introducing today, with my distinguished colleague, the chairman of the Senate Budget Committee, the Senator from New Mexico [Mr. DOMENICI], and others, a 5-year extension of the current Targeted Jobs Tax Credit Program, including two amendments which will broaden the current narrow definition of "handicapped individual" and will increase the eligibility period for public welfare recipients. Without immediate congressional action, this program will die at the end of 1985.

The targeted jobs tax credit [TJTC] is an unique jobs program. No expensive Government agency runs it. No excessive redtape lessens its effectiveness. Rather, TJTC offers financial incentives in the form of tax credits to employers who hire people from the targeted group. This legislation is similar to legislation extending the credit which passed the Senate in 1981, 1982, and 1984. I feel strongly that we should not permit an effective and revenue-enhancing program to die.

Targeted jobs tax credit encourages private sector employers to hire TJTC-eligible people by providing tax credits. To be eligible for TJTC, a potential employee must be certified as a member of one of the following groups:

First, handicapped individuals eligible for vocational rehabilitation services.

Second, economically disadvantaged students—age 18 to 24.

Third, economically disadvantaged Vietnam-era veterans.

Fourth, supplemental security income [SSI] recipients.

Fifth, general assistance—welfare—recipients.

Sixth, economically disadvantaged cooperative education students—age 16 to 19.

Seventh, economically disadvantaged former convicts.

Eighth, aid to families with dependent children [AFDC] recipients and work incentive [WIN] registrants, and

Ninth, economically disadvantaged summer youth employees.

An employer who hires a person certified as a member of one of these groups receives a tax credit equal to one-half of the first $6,000 of the first year's wages and up to one quarter of the first $6,000 of the second year's wages. However, with respect to the economically disadvantaged summer youth employees, the credit is equal to 85 percent of the first $3,000 earned between May 1 and September 15.

No employer is compelled to hire a person from a targeted group. Rather, the tax credit gives employers the incentive to hire the disadvantaged and it gives the disadvantaged something which they might not otherwise have—a fair chance to find meaningful and productive employment.

As more people leave the Federal and State welfare rolls to become productive, tax-paying citizens, the net cost of this program has actually proven to be negative. This remarkable program actually helps people and society without increasing Government spending or increasing the deficit.

Over the last 5 years, we have held numerous hearings and meetings—both here in Washington and in our home States—on the effect of TJTC. I have heard from employees who, because of this program, have been able to find jobs. For some, TJTC has been the only viable way to extracate themselves from unemployment, poverty, and public assistance. I have heard employers, State officials, and local leaders praise TJTC as a program which works.

While the program has been in existence since 1978, it has never been fully utilized. Without this 5-year extension, the program will die an unfair and premature death. The program needs continuity and permanency until we eliminate the problems which TJTC was designed to correct. More businesses need to discover and use this program. A 5-year extension will provide the stability necessary to allow employers to incorporate TJTC into their long-range plans.

The 5-year extension of the Targeted Jobs Tax Credit Program is a significant opportunity for this country to use a proven and effective method to reduce personal dependency, governmental paternalism, and the budget deficit by giving employers sufficient incentive to hire people off the welfare rolls and allow them to become productive, tax-paying citizens. Without this program, many people will never have a fair chance to prove themselves and make it on their own.

Mr. President, I should like to thank the chairman of the Senate Budget Committee as well as my other original cosponsors for their unqualified support. I believe that when the other Senators have an opportunity to examine our legislation, the merits of the program and the beneficial effects which this program has had in their States, they will again join us as cosponsors and this legislation will be expeditiously enacted. I urge all my fellow Senators to join us in cosponsoring of this legislation, and I hope the 5-year extension of this proven program will be expeditiously enacted.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1250

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

SECTION 1. EXTENSION OF TARGETED JOBS TAX CREDIT FOR 5 YEARS.

Paragraph (3) of section 51(c) of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "1985" and inserting in lieu thereof "1990".

SEC. 2. MEMBERS OF TARGETED GROUPS.

(a) VOCATIONAL REHABILITATION REFERRAL.—Section 51(d)(2) of the Internal Revenue Code of 1954 (defining vocational rehabilitation referral) is amended by striking out so much of subparagraph (B) as precedes clause (i) and inserting in lieu thereof:

"(B) is eligible to receive rehabilitative services pursuant to—".

(b) PERIODS DURING WHICH SSI AND GENERAL ASSISTANCE RECIPIENTS MAY QUALIFY.—

(1) SSI RECIPIENTS.—Section 51(d)(5) of the Internal Revenue Code of 1954 (defining SSI recipients) is amended by striking out "preemployment period" and inserting in lieu thereof "120-day period ending on the hiring date".

(2) GENERAL ASSISTANCE RECIPIENTS.—Section 51(d)(6)(A) of such code (defining general assistance recipients) is amended by striking out "period of not less than 30 days ending within the preemployment period" and inserting in lieu thereof "period of not less than 60 days ending within the 180-day period ending on the hiring date".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals beginning work for an employer after December 31, 1985, in taxable years ending after such date.●

By Mr. DOMENICI (for himself and Mr. JOHNSTON):

S. 1251. A bill entitled the "Natural Gas Utilization Act of 1985; to the Committee on Energy and Natural Resources.

NATURAL GAS UTILIZATION ACT

● Mr. DOMENICI. Mr. President, today I am introducing a bill to repeal certain restrictions of the Fuel Use Act of 1978 [FUA] and to repeal the incremental pricing requirements of the Natural Gas Policy Act of 1978 [NGPA]. The proposed bill is identical to the amendments in S. 1715, which was reported by the Committee on Energy and Natural Resources on July 29, 1983. I am detaching the Fuel Use Act and incremental pricing from other contentious issues because I believe most of us would agree the long overdue action is needed for providing future energy alternatives and, more importantly, an option of achieving a cleaner environment.

The Fuel Use Act [FUA] was enacted in 1978 to shift electric utility plants and major industrial fuel-burning installations [MFBI] from oil and natural gas to coal. The FUA was largely in response to the Arab oil embargo of 1973 which highlighted the dependence on unstable imported oil sources and the gas supply shortages of the mid-1970's, which were induced by the regulatory scheme then in place. Nearly 25 years of Federal wellhead price regulation has kept the price of gas below the market clearing levels, thereby discouraging the exploration for, and production of, this energy source.

While FUA was passed to limit the demand for gas, the Natural Gas Policy Act [NGPA] was passed to stimulate the exploration for and development of new gas sources. The NGPA has provided the framework for a transition to a decontrolled gas market. The supply impetus provided by the NGPA has been both obvious and encouraging. The gas market went from shortages to surpluses. Natural gas reserve additions from 1980 through 1983 equaled 102 percent of gas production, compared to only 48 percent in the 1968-78 period—excluding the 1-year addition of the Prudhoe Bay, AK, discovery.

Many believe that the restrictions imposed on electric utilities and large industrial plants by FUA were ill conceived, and that the success of NGPA in stimulating new gas supplies precludes the need to retain FUA. This opinion was given support in 1981 when a portion of FUA was repealed. As mandated in the original legislation, existing powerplants and MFBI, pre-1977, will not be required to be off gas by 1990. However, new electric utility plants and MFBI's still may not use gas as an energy source. A major fuel burning installation is any industrial boiler, cogenerator, turbine, or internal combustion engines with a fuel imput capacity in excess of 100 MMBtu per hour.

With the preclusion of gas the options available for future electricity generation are limited to nuclear, coal, foreign imports, or to postponing construction. Each of these options has problems which may delay its timely development. For instance, nuclear power has been plagued with a history of regulatory, economic, and construction delay problems. The coal-fired electricity generation can be a viable energy alternative; however, due to the environmental requirements on coal combustion and emission control of sulfur dioxide, the cost of coal-fired facilities can equal or out pace nuclear facilities on capital investments. Furthermore, even when equipped with precipitators, scrubbers, and other pollution control systems, coal combustion still produces more pollution than gas combustion. Natural gas combustion produces virtually no sulfur dioxide (SO_2), particulate matters, solid waste, and significantly less nitrogen oxides and water pollution than coal combustion. In fact, natural gas has always been, and will continue to be, the cleanest fossil fuel. The importation of electrical power and industrial products has had negative impacts on domestic employment, gross national product [GNP], and the balance of trade deficit. Electricity imported from Canada is projected to increase from 17,800 gigawatt hours in 1981 to 35,000 gigawatt hours in 1995 and result in the cancellation of five coal-fired powerplants in Northwestern United States—3,519 megawatts. Postponing new construction is not a long term option because regardless of the economic growth rate, new capacity will be needed sooner or later.

Because we are committed to the protection of our environment, we need to recognize that the inherent cleanliness of gas is beneficial to the environment and energy consumers. Select gas use can be a low cost method of environmental compliance without sacrificing our economic growth in energy cost and manufacturing production. The simultaneous combustion of gas and less environmental attractive fuels—for example, high sulfur coal or oil—under the bubble policy can offer us the benefits I mentioned earlier. With the select gas use we can reduce our dependence on imported oil, increase use of our abundant domestic coal and gas resources, maintain our air quality standards, and enhance the employment outlook for Eastern and Midwestern coal miners. For the energy consumers, select use can cut over all fuel costs, reduce our susceptibility to fuel supply disruptions, and increase flexibility in siting new facilities.

The benefits of select use via the bubble policy have been proven already in many operating facilities in Vermont, New Jersey, and Pennsylvania. Even though the success of select use will depend on site-specific variables, such as emission limits, fuel cost differentials, and equipment type, the potential for it is great in many parts of the country. The report, "Evaluation of the Environmental and other Benefits of the Selected Use of Natural Gas" by the Environmental Research and Technology, Inc., dated November 1983 concludes that select gas use not only reduces sulfur dioxide emissions but also reduces nitrogen oxides emissions and waste ash. From an economics point of view, it is generally less expensive for select gas use than use of scrubbers to achieve pollution reductions.

Sulfur oxide can be controlled by either removing sulfur from the fuel or sulfur oxide from the products of combustion. However, current technologies, such as scrubbers or coal cleaning, generally are capital intensive with high operating and maintenance cost or do not provide the necessary degree of sulfur oxide control.

I understand that there is a new nitrogen oxides control strategy, which utilizes natural gas, called reburning. It involves the reduction of nitrogen oxides in the furnace by downstream injection and burning natural gas. It appears that this technology is capable of reducing nitrogen oxides by 50 to 60 percent beyond the current new source performance standard level. EPA is currently conducting research programs to evaluate the potential of

this technique for application to U.S. boilers. The use of natural gas can also generate more reactive and high capture efficiency of sorbent injection technology for enhanced sulfur oxide reduction. Gas has the unique advantage of allowing the simultaneous applications of reburn and sorbent injection technologies in the same boilers. The potential benefits of wider use of gas are both environmental and economic such that we can lower the energy costs and improve air quality.

A report issued by the General Accounting Office on March 23, 1982, entitled, "A Market Approach to Air Pollution Control Could Reduce Compliance Costs Without Jeopardizing Clean Air Goals," suggested that a market approach, rather than command and control regulation, can save industry 90 percent in pollution abatement cost. The cost of saving can be translated to over $35 billion of capital outlays. Thus, the FUA is impeding a cost-effective technology for reducing air pollutants.

The combined implementation of the Fuel Use Act and incremental pricing requirements maintains economic inefficiencies on the marketplace. As I mentioned earlier, natural gas has been recognized as a superior fuel for utilities and industrial boilers. Throughout the 1960's and early 1970's natural gas was encouraged for such use by pollution control measures. With pricing controls and increased usage of natural gas, the imbalance between supply and demand worsened during the 1970's. Some feared that future supplies might not be adequate for both small—residential/commercial—and large—utility/industrial—users; hence, the incremental pricing theory was intended to shelter the small users by allocating expensive gas to large users and to promote conservation and coal conversion by large users. Incremental pricing requires that gas rate for certain industrial boilers must be set at rough parity with residual oil, even if gas would otherwise be less expensive. However, the increased costs placed an undue burden on the utilities and on residential and commercial users, who are basically dependent on the utilities for their energy needs. Therefore, incremental pricing not only fails to protect the small consumers, but also distorts the supply and demand of natural gas. Incremental Pricing is also inhibiting the potential displacement of imported oil by domestic natural gas; even though over 95 percent of our natural gas is derived from domestic sources, while roughly 30 percent of our oil is imported.

Some may argue that the supply of gas in the long run would not be as attractive as it seems now, and speculate on how large the excess capability is and how long it will last. Because of this, they would claim the repeal of the Fuel Use Act and incremental pricing provisions is a risky step. The preliminary finding of a 1984 Natural Gas Reserve report issued by the American Gas Association coupled with the Annual Energy Information Administration [EIA] report indicates that total U.S. gas reserves have increased since the end of 1980—that is aggregate reserve additions for the United States have exceeded aggregate production for the 4 years—1981, 1982, 1983, and 1984. Natural gas reserves reported by the 30 largest reserve holders showed that in 1984 reserve additions were about 7,355 Bcf—up 1,202 Bcf from a year earlier. To an even greater extent, major gas transportation companies reported strong increases in their total reserves in 1984. This sample of gas transportation companies accounted for 2,071 Bcf of reserve additions in 1984, as compared to 1,467 Bcf of reserve additions in 1983, and 1,567 Bcf in 1982. Clearly, the market is no longer restricted to the supply available, but it is restricted on the demand side through FUA and this will eventually feed back to the production side of the market.

Natural gas production in the United States in 1984 rebounded from the previous year's level. The top 30 producers increased 3.9 percent to a level of 8,711 Bcf. The statistics also indicate that in 1984 new discoveries represented a higher percentage of the major company reserve additions than a year ago. In 1984, total new gas additions were 90.2 percent of the reserves added by the top 30 reserve holders. In 1983, this percentage was 75 percent. AGA estimates that 1985 domestic unused production capability will be about 2.9 Tcf, up from 2.8 Tcf in 1984. However natural gas production in 1985 will be limited again by the demand of natural gas. It is evident that the short term gas supply outlook is very good with persisting excess domestic deliverability. The long-term outlook is also positive. We have reason to hope that U.S. natural gas supplies from the lower 48 States can be consistent through the end of the century. But, as in the case of oil, uranium, and coal, gas supplies are not guaranteed. To a large degree, it depends on government policy. Competitive pricing in the free market will only improve supply.

In summary, I strongly believe that increased use of natural gas either alone or in conjunction with other fuels could meet our environmental mandates, benefit the energy consumers, and improve our economic outlook. I am not suggesting that all new powerplants and large industrial boilers should be gas-fired. However, I do believe it is a choice that needs to be made by the plant operators and it cannot be made effectively by legislators. Plant operators need the utmost of flexibility in making their plant energy decision, because such flexibility encourages efficiency and creativity. FUA blocks this flexibility. Therefore I am introducing this bill today to repeal such restrictions and I hope that my colleagues will join me in support of this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1251

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

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Natural Gas Utilization Act of 1985".

(b) TABLE OF CONTENTS.—

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 101. Repeal of certain sections of the Powerplant and Industrial Fuel Use Act of 1978.
Sec. 102. Conforming Amendments.
Sec. 103. Repeal of Incremental Pricing Requirements.
Sec. 104. Effective Date.

REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

SEC. 101. (a) The following sections of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

(1) sections 103 (a)(16), (a)(18), (a)(19), and (a)(29)—(42 U.S.C. 8302 (a)(16), (a)(18), (a)(19), and (a)(29));

(2) sections 201 and 202 (42 U.S.C. 8311 and 8312);

(3) section 302 (42 U.S.C. 8342);

(4) section 401 (42 U.S.C. 8371);

(5) section 402 (42 U.S.C. 8372); and

(6) section 405 (42 U.S.C. 8375).

(b) The table of contents of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

SEC. 102. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking "and major fuel-burning installations" and "and new" wherever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or" at the end of clause (ii)(II), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuel-burning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuel-burning installation";

(4) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking "or major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everything after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"The provisions of the Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States, except Hawaii and Alaska.".

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows: "(1) The Secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "And Exemptions";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit)";

(5) in subsection (d)(1)(B), "or in the consideration of such petition,";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404),"; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking—

(1) in the title of subsection (a), "Or Exemption";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule, or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof)"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (47 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-buring installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(A) "new or" in the phrase "In the case of any new or existing facility"; and

(B) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

REPEAL OF INCREMENTAL PRICING REQUIREMENTS

SEC. 103. (a) Subject to subsections (b) and (c) of this section, title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flow-through of costs incurred before the enactment of this section, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

EFFECTIVE DATE

SEC. 104 The provisions of this Act shall take effect on date of enactment.●

● Mr. JOHNSTON. Mr. President, I am today introducing with Senator DOMENICI a bill to repeal the gas use restrictions in the Fuel Use Act and the incremental pricing provisions under the Natural Gas Policy Act. These two provisions represent the thinking of a bygone era in which the Congress assumed that through regulation and end use restrictions, we could better allocate precious natural resources than could the marketplace. Experience has shown just how wrong we can be.

We all assumed during the gas shortage days of the late seventies that natural gas was a premium fuel which was so quickly disappearing that the remaining quantities should be limited to those uses we considered of the highest priority. Had we more clearly viewed our actual situation, we would have realized that the "shortage" of the seventies was an artificial one, created by Government price controls which stripped the industry of any incentives to explore and drill. For all its faults, the Natural Gas Policy Act of 1978 restored some of those incentives and touched off one of the greatest drilling booms in history. Indeed, for the fourth year in a row we have discovered more gas reserves than we have produced.

At the same time, however, Federal price controls and end use restrictions caused the same natural gas market which had previously been in short supply to become glutted. By repealing the Fuel Use Act and incremental pricing provisions, we will restore to a large and arbitrarily selected group of end users the right to again select natural gas as their fuel of choice. This selection process will be governed by market forces, not statutes and regulations.

Mr. President, there is ample precedent for what we seek to do in this bill. In 1981, we repealed that portion of the Fuel Use Act which prohibited the use of natural gas in utility boilers beyond 1990. That provision will result in an estimated savings of $1 billion for Louisiana consumers alone. By repealing the remaining gas use restrictions of the Fuel Use Act, we will send a signal to industry and utilities alike that they are no longer prohibited from choosing what may be the lowest cost fuel available to them. Electricity consumers, industry, and our economy will reap the benefits. And, in conjunction with regulatory changes at the FERC designed to facilitate transportation of gas between producers and end users, we will likely witness a positive supply response.

During the last Congress we considered at length legislation to accomplish not only these ends, but to totally deregulate natural gas prices. We debated this measure for 31 days in the Senate Energy Committee and for 9 days on the Senate floor. The result of those deliberations was the unfortunate but clear indication that no con-

sensus exists or is likely to exist on natural gas price deregulation. The one area where consensus was present, almost to the point of unanimity, was the desirability of repealing the Fuel Use Act and incremental pricing. Since we often must deal with the possible rather than the desirable, Senator DOMENICI and I are today joining together in an effort to achieve those ends. While I regret that this measure falls short of what I consider to be ideal, I do believe it will have a very positive effect on the marketplace. Further, it represents another example of the Government stepping out of the energy business.

Mr. President, it is unwise and unfair for Congress to arbitrarily restrict the consumption of natural gas by a class of end users. The assumptions upon which we did so have proven false, and the result of our doing so has proven counterproductive. Repealing the Fuel Use Act and incremental pricing would be two truly positive steps we could take for the energy and economic future of our Nation. I look forward to working with Senator DOMENICI and other Members of Congress to do so.●

By Mr. DECONCINI:

S. 1253. A bill to designate the "James A. Walsh United States Courthouse"; to the Committee on Environment and Public Works.

JAMES A. WALSH U.S. COURTHOUSE

Mr. DECONCINI. Mr. President, today I am introducing legislation to designate the U.S. courthouse located at 55 East Broadway in Tucson, AR as the James A. Walsh U.S. Courthouse.

Judge James A. Walsh was born in Westfield, MA, on September 17, 1906. He attended St. Anselm's College in Manchester, NH, and graduated from Georgetown University in 1928 with a degree in law. Judge Walsh was admitted to the Arizona State Bar in 1928, and since that time has continuously served the citizens of Arizona with distinction and honor. His long list of contributions to the State include service as city attorney for the city of Mesa, AZ, 1936–40; assistant U.S. attorney, district of Arizona, 1943; county attorney, Maricopa County, AZ, 1943–44; and judge of the superior court, Maricopa County from 1945–47.

Judge Walsh, named U.S. district judge for the District of Arizona on July 7, 1952, was among the last judicial appointments made by President Harry S. Truman. Judge Walsh served as chief judge from 1961 until 1973, and took senior judge status on July 9, 1976.

I have known Judge Walsh and his family for many years, and have had the privilege of practicing law before him. His dedication to and application of the law, coupled with his love for and service to the country, provided a model for all young attorneys to emulate. Judge Walsh is recognized as one of the finest judges ever to serve in the Western United States and a building named in his honor is a fitting tribute to his lifetime of achievements, both on the bench and in the community.

Mr. President, my esteemed colleague from Arizona, Congressman MORRIS K. UDALL, is introducing companion legislation in the House today and I hope that the Members of both bodies will support this bill.

By Mr. GRASSLEY:

S. 1254. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

CONTRACTOR LIABILITY AND INDEMNIFICATION ACT

Mr. GRASSLEY. Mr. President, the legislation that I ask this Chamber to focus on today concerns the current law relating to contribution between the United States and its contractors. I introduced this bill in the last Congress after a great deal of study. I have, in my position as chairman of the Judiciary Subcommittee on Administrative Practice and Procedure, had four hearings on this topic. The bill that I introduce is a response to the concerns that have been raised at those hearings. Last year the bill was favorably reported from my subcommittee to the full Judiciary Committee, but time constraints prevented full committee consideration of the legislation.

Under provisions of the bill which we are examining today, a Government contractor may seek idemnification from the Federal Government for any damages or losses sustained as a result of suits brought solely against the contractor. The legislation also provides that the Government will include an indemnification provision in contracts where the risks are defined as unusually hazardous or nuclear in nature or giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance.

As a means of providing some of the background as to the Government fault problem, I cite to you the 1977 Supreme Court case of Stencel Aero Engineering Corporation versus United States. Stencel, a Government contractor, sought to obtain indemnification from the Government for liability incurred as a result of a personal injury suit brought by a military officer who had been injured when the ejection system of his fighter aircraft malfunctioned. The Government had specified the design of the system, and Stencel contended that the defects in the specifications about which he had complained to the Government to no avail, had caused the injuries to occur. The Court nevertheless held that the subcontractor could not obtain indemnity from the Government for claims made against it by military personnel.

Another problem is the catastrophic losses that might be suffered by the contractor—even if the contractor has followed specifications issued by the Government. These risks are inherent in many essential Government projects such as military activity, medical research, use and disposal of hazardous substances, vaccination programs, satellite and missile launching and reentry, and air traffic control. Liability for supplying these types of services could easily exceed both the available insurance and the net worth of those contractors. This could spell financial disaster for the contractor and the victim unable to obtain compensation.

While there is existing authority under Public Law 85–804 to indemnify contractor, past testimony from the Office of the Under Secretary of Defense, through Mary Ann Gillece, indicated that the use of existing indemnification authority is very unusual. Indemnification is currently provided in less that one one-thousandth of 1 percent of military contract actions—that's 93 out of 12 million in 1982. As a result, I believe we will see more and more conscientious contractors increasingly deterred from participating in essential procurements involving catastrophic risk.

I hope that all of my Senate colleagues will join me in sponsoring this bill.

I ask that the bill as well as the accompanying section-by-section analysis be printed in its entirety.

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

S. 1254

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 "Contractor Liability and Indemnification Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to establish fair and equitable apportionment of liability incurred by contractors with the United States by (i) providing for an equitable reduction of liability in cases in which acts or omissions of employees of the United States are wholly or partially the cause of a contractor's liability to a Government employee, and (ii) providing a comprehensive system of complete indemnity for contractors against liability in excess of reasonably available financial protection.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "contractor" means any person who has contracted with the United States to supply a product or service and such person's subcontractors and suppliers at any tier for such purpose;

(2) the term "person" means any individual, corporation (excluding a wholly owned corporation of the United States), company, foundation, association, organization, firm, partnership, society, charitable institution, or State or local unit of government;

(3) the term "claimant" means any person who asserts a claim which gives rise or may give rise to liability;

(4) the term "State" includes the District of Columbia and all territories or possessions of the United States;

(5) the terms "United States" and "contracting agency" means the Federal executive agencies and departments, the Federal military departments (including any unit or part of the National Guard of any State), independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States;

(6) the term "liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions;

(7) the term "harm" means (a) damage to or loss of use of property; (b) personal physical injury, illness, or death; (c) mental anguish or emotional distress resulting from an occurrence of personal physical injury, illness, or death; and/or (d) financial detriment, including loss of revenue or profits or other economic loss; and

(8) the term "fault" means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OF LIABILITY

SEC. 4. (a) In any civil action brought by an employee of the United States or by the employee's legal representative, estate, spouse, dependent, survivor, or relative in any State court or in any district court of the United States alleging liability of any contractor for harm concerning which the employee or the employee's legal representative, estate, spouse, dependent, survivor, or relative is or has been entitled to receive worker compensation benefits from the United States, upon request of any party the court shall make findings of fact as to the proportion that the fault of the United States bears to the total fault of all persons and the United States in causing harm which gives rise to the claim of liability. The court shall reduce any judgment for liability rendered against the contractor by the proportion of fault of the United States found by the court. The amount the United States is entitled by law to obtain through right of subrogation or subrogation lien arising from worker compensation payments for harm concerning which contractors are or may be held liable shall be reduced by the proportion of fault of the United States in causing the harm.

(b) A contractor against whom a civil action alleging liability is brought shall give written notice to the Attorney General of the United States, within ninety days of the filing of the civil action, if the contractor intends to seek an equitable reduction of liability pursuant to subsection (a) of this section. Except as otherwise directed, the contractor shall promptly furnish to the Attorney General a copy of all pertinent papers received or filed with respect to such civil action. The United States shall have the right, for a period of ninety days following receipt of any such notice, to intervene as a party in any such civil action. Any such civil action commenced in a State court in which the United States has intervened may be removed, at the election of the United States, along with any related pending action by a claimant, without bond at any time before a trial on the merits, to the district court of the United States for the district and division embracing the place wherein the State court action is pending. Should a United States district court determine, pursuant to an evidentiary hearing on a motion to remand held before the trial on the merits, that there is no substantial evidence of any fault on the part of the United States in causing harm to the employee of the Government, such civil action shall be remanded to the State court.

(c) In determining the proportion of fault of the United States pursuant to subsection (a) of this section, the court shall consider such evidence of fault as may be introduced by the parties in accordance with the rules of evidence and shall consider, among other relevant factors, the following:

(1) the nature of contract provisions or specifications associated with acts or omissions contributing to the harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with contract performance or nonperformance under such provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services furnished by the United States to the contractor under the contract are associated with acts or omissions contributing to the harm, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with use of such products and services;

(4) acts or omissions in performance of the contract by employees of the contractor or the United States which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of control or care exercised by the United States in the use, application, and maintenance of products or services after delivery by the contractor.

(d) The provisions of this section supercede any State law regarding matters covered by this section.

INDEMNIFICATION OF CONTRACTORS

SEC. 5. (a) The United States shall include in any contract hereafter made, and may include by amendment or modification in any contract heretofore made, a provision that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subsection (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise, except as provided in subsection (b)(2): *Provided,* That such provision shall apply only to claims for losses arising out of or resulting from risks that the contract defines as (1) unusually hazardous or nuclear in nature or (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance: *And provided further,* That no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to nongovernmental purchasers for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States. A determination of whether the conditions contained in the preceding sentence have been met shall be made in advance by the head of the contracting agency or his designee (who shall be an official at a level not below that of an assistant to the head of the contracting agency). A contractual provision for indemnification may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the head of the contracting agency or his designee to be appropriate under the circumstances. In determining whether conditions for the use of an indemnification provision have been met and in determining the amount of financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurnace, other proof of financial responsibility, and worker compensation insurance. The determination of the head of the contracting agency or his designee as to whether conditions for use of a contractual provision for indemnification have been met shall be final for purposes of the judicial review specified in subsection (c).

(b)(1) Subsection (a) of this section shall apply to claims, including reasonable expenses of litigation and settlement, or losses not compensated by insurance or otherwise, of the following types:

(A) claims by third persons, including of the contractor, for death, personal injury, or loss of, damage to, or loss or use of properties;

(B) loss of, damage to, or loss of use of property of the contractor;

(C) loss of, damage to, or loss of use of property of the Government; and

(D) claims arising (i) from indemnification agreements between the contractor and a subcontractor or subcontractors, of (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier, provided that all such arrangements were entered into pursuant to procedures prescribed or approved by the contracting agency.

(2) Indemnification and hold harmless agreements entered into pursuant to this section, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials. For purposes of this subsection, the term "principal officials" means any of the contractor's managers, superintendents, or other equivalent representatives who have supervision or direction of (A) all or substantially all of the contractor's business, (B) all or substantially all of the contractor's operations at any one plant or separate location in which a contract is being performed, or (C) a separate and complete major industrial operation in connection with the performance of a contract.

(3) The United States may discharge its obligation under the contractual provision authorized by subsection (a) of this section by making payments directly to contractors or subcontractors or to third persons to

whom a contractor or subcontractor may be liable.

(c) A contractual provision under subsection (a) of this section which provides for indemnification must also provide for—

(1) notice to the United States of any claim or action against, or any loss by, the contractor or subcontractor covered by such contractual provision; and

(2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action.

(d) Upon application by a contractor or subcontractor, each contracting agency shall determine, or upon its own initiative, each contracting agency may determine, after opportunity for a hearing (in accordance with section 553 of title 5, United States Code), whether any past, present, or future contract or class or category of contracts involves risks of the type set forth in subsection (a) of this section.

(e) Any contractor or subcontractor aggrieved by any decision or determination of the contracting agency pursuant to subsection (a) or subsection (d) of this section may, within sixty days of such decision or determination, petition the United States Court of Appeals for the Federal Circuit to review such decision or determination. The decision or determination of the contracting agency with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The provisions of sections 1431-1436, title 50, United States Code, shall not apply to indemnification of contractors as provided in this section. The provisions of section 2354, title 10, United States Code, are hereby repealed. Section 241(a)(7), title 42, United States Code, is hereby amended to delete the reference to section 2354, title 10, United States Code. The provisions of this section shall not apply to any risks against which indemnification may be obtained pursuant to section 2210, title 42, United States Code.

(g)(1) Notwithstanding the provisions of section 665, title 31, or section 11, title 41, United States Code, contracting agencies are hereby authorized to make indemnification payments pursuant to any indemnification provisions of their contracts from (A) funds obligated for the performance of the contract from which the contractor's liability arises; (B) funds currently available for contracts of the nature of the contract from which the contractor's liability arises, and not otherwise obligated; (C) funds specifically appropriated for such payments; and/or (D) funds appropriated pursuant to section 724(a), title 31, United States Code.

(2) The Supplemental Appropriations Act, section 724(a), title 31, United States Code, is hereby amended by adding the words "and section 5 of the Contractor Liability and Indemnification Act" after the words "or 2677 of title 28".

EFFECTIVE DATE

SEC. 6. This Act shall be effective as of the date it is signed into law by the President.

SECTION-BY-SECTION ANALYSIS OF S. 1839

PURPOSE

The purpose of this proposed Act is to provide a comprehensive system for indemnification by the United States against liability in excess of reasonably available financial protection and to provide for a reduction in liability in cases in which the negligence of United States employees contributes to that liability.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the Act may be cited as the "Contractor Liability and Indemnification Act."

PURPOSE

Section 2. The stated purpose of the Act is to provide a reduction of liability for government contractors in cases where the acts or omissions of United States employees have contributed to that liability and to provide a comprehensive system of indemnity for contractors against liability in excess of reasonably available financial protection.

DEFINITIONS

Section 3. This section defines terms used in the Act. Several of the terms are defined in the customary manner. "Contractor" includes state and local units of government as well as the usual forms of organizations excluding wholly-owned by the United States corporations. "Claimant" means any person who asserts a claim now or in the future which may give rise to liability. "State" includes the District of Columbia as well as the territories or possessions of the United States. "Liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions.

The definitions of other terms are more closely tied to their usage in the Act. For example, the terms "United States" and "contracting agencies" include those corporations acting as instrumentalities or agencies of the United States and state National Guard units, as well as federal executive agencies and departments and federal military departments. The term "harm" includes damages for injury to property or person, and emotional distress resulting from an occurrence of personal injury or default. Thus, damages for wrongful death would be available under the Act. The term "harm" as used in the Act also means financial detriment, including loss of revenue of profits or other economic loss. Ordinarily, damages in common law tort actions such as negligence or strict liability are not available for claims of purely economic loss. See e.g., James, "Limitations on Liability for Economic Loss Caused by Negligence: A Pragmatic Appraisal", 25 Vanderbilt Law Review 43 (1972).

The theories of negligence and strict liability were possibly not intended to protect citizens from economic losses unattended by physical injury to persons or property. *See also, Just's Inc.* v. *Arrington Construction Co.*, 99 Idaho 462 at 470, 583 P. 2d 997, at 1005 (1978): "the common underlying pragmatic consideration is that a contrary rule, which would allow compensation for losses of economic advantage caused by the defendant's negligence, would impose too heavy and unpredictable a burden on the defendant's conduct."

The last term defined by the Act is "fault", which means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OF LIABILITY

Section 4. Subsection (a) of section 4 permits a court, upon the request of any party, to make a finding of fact regarding the proportion of fault of the United States in regard to a claim of liability against a government contractor where the claimant or the claimant's representative (including estate, dependents, survivors, spouse, or legal representative) has been entitled to receive worker compensation benefits from the United States. This subsection instructs the court to reduce any judgement for liability rendered against the contractor by the proportion of fault of the United States found by the district court. The right of subrogation to which the United States is ordinarily entitled when contractors are found liable shall be limited by the proportion of fault of the United States in causing the harm giving rise to the liability.

Subsection (b) of section 4 directs a defendant contractor to give written notice to the Attorney General of the United States within 90 days of the filing of the suit against the contractor if equitable reduction pursuant to subsection (a) is sought. The contractor shall furnish the Attorney General copies of all papers pertinent to the civil action filed against the contractor.

The remaining 8 portions of subsection (b) govern intervention and removal by the United States. The Government has the right to intervene in any action for which it receives notice under this subsection. The Government may remove the action in question as well as any related pending action by a claimant to a United States District Court. If the district court, pursuant to an evidentary hearing on a motion to remand, finds no substantial evidence of any fault on the part of the United States, the civil action shall be remanded to the state court. The hearing on the motion to remand would take place before the trial on the merits. Thus, the liability of the United States, the primary issue governed by this Act, may be determined prior to trial on the merits and decided by a judge. In some instances, the only issue decided by the district court could be that of the Government's liability; the initial claim against the contractor would still be decided by the state court.

Subsection (c) establishes the factors for the court to consider, in accordance with the rules of evidence, in determining the proportion of fault of the United States. These factors include the following:

(1) the nature of contract provisions of specifications associated with whatever incidents gave rise to the alleged harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative ability of the United States and the contractor to discern possible harm resulting from performance or non-performance under such contract provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services supplied by the United States to the contractor contributes to the incidents causing harm, and the relative ability of the United States and the contractor to discern which of such products or services might contribute to potential harm; and

(4) the acts or omissions in performance of the contract by employees of both the United States and the contractor which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of continuing control or supervision exercised by the United States in the use, application and maintenance of products and services delivered to the contractor. Subsection (d) states that the provisions of section 4 shall supersede any state law regarding matters covered by the section. The authority for this subsection is Article VI of the United States Constitution which states in clause ii that "(t)his Consti-

tution and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land. . . ." This clause, known as the Supremacy Clause, gives Congress the authority to legislate and thereby impose legal obligations beyond what exists on the state level when a particular national interest is served.

INDEMNIFICATION OF CONTRACTORS

Section 5 (a). Section 5, subsection (a) directs the United States to prospectively include in contracts indemnification clauses holding contractors harmless against claims or losses set forth in subsection (b), regardless of the possible fault of the contractor, provided that: "Such provision shall apply only to claims for losses arising out of or resulting from risks that the contract defines as (1) unusually hazardous or nuclear in nature of (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance: provided further, that no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to nongovernmental purchasers for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States."

A designated official at a contracting agency shall determine whether the requirements of the above are met. In addition, the designated official shall determine the type and amount of financial protection in the form of insurance which is appropriate for the circumstances. The official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurance, other proof of financial responsibility, and worker compensation insurance. Determination by any official under this subsection shall be final for purposes of the judicial review specified in subsection (c).

Subsection (b)(1) states that the indemnification provisions of subsection (a) shall apply to claims, including reasonable litigation expenses and uncompensated losses of the following types:

(A) Third party claims for injury to person or property;

(B) Loss of use of or damage to the contractor's property; and

(C) Loss of use of or damage to Government property; and

(D) Claims arising from indemnification agreements among contractors and subcontractors.

Subsection (b)(2) excepts from coverage of indemnification agreements entered into pursuant to this section claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors, officers, or principal officials. "Principal officials" is defined as any of the contractor's managers, superintendents, or other representatives who have supervision over all or substantially all of (1) the contractor's business, (2) the operations of any plant or location where a contract is performed, or (3) a separate, major industrial operation in connection with the performance of a contract.

Subsection (b)(3) would permit the United States to discharge any indemnification obligations directly to the parties, including contractors, subcontractors, and third persons to whom the contractors or subcontractors may be liable.

Subsection (c) requires that in any indemnification provision the contract shall also provide for notice to the United States of any claim or loss covered by such provision and control or assistance by the United States in the settlement or defense of any such claim.

Subsection (d) provides that each contracting agency may determine, after opportunity for a hearing in accordance with 5 U.S.C. S. 553, whether any past, present, or future contracts involve the risks of the type set forth in subsection (a) of this section. Thus, the possibility of the contractor obtaining indemnification shall be retroactive under this subsection.

Subsection (e) provides for appellate judicial review of any decision or determination under subsection (a) or (d). However, the decision of the contracting agency, if supported by substantial evidence on the record, shall be conclusive. Thus, the burden of proof in any appeal of a contracting agency's decision will be on the opponent of that decision.

Subsections (f) and (g) are technical in nature, referring primarily to affected areas of the United States Code. Under subsection (f), 50 U.S.C. S. 1431-1436, governing the authority of the heads of named agencies to enter into contracts in connection with national defense functions, shall not apply to indemnification of contractors as provided by the bill. In addition, 10 U.S.C. S. 2354, which currently provides indemnification for contractors in connection with certain ultrahazardous activities, would be repealed. Proposed S. 1839 is broader in scope than 10 U.S.C. S. 2354, since the bill does not solely limit the availability of indemnification by the nature of the activity to be performed under the contract, but provides indemnification for any activity for which the contractor has no or insufficient financial protection. 42 U.S.C. S. 241(a)(7) would be amended to delete the reference to section 2354 of title 10. The provisions of this bill would not affect the indemnification and limitation of liability provided for in 10 U.S.C. S. 2210, which applies to the Nuclear Regulatory Commission.

Subsection (g)(1) would authorize the contracting agencies to make indemnification provisions from (A) funds obligated for the particular contract; (B) funds currently available for contracts of the same type as the one giving rise to the liability in question; (C) funds specifically appropriated for such payments; or (D) funds appropriated pursuant to section 31 U.S.C. S. 724 (a), which authorizes appropriations for payments of judgments and compromise settlements against the United States. The authorization pursuant to this subsection would permit payment notwithstanding the provisions of 31 U.S.C. S. 665, which prohibits expenditures of funds in excess of appropriations, and 42 U.S.C. S. 11, which prohibits the making of contracts unauthorized by law.

Finally, under subsection (g)(2), 31 U.S.C. S. 724(a), would be amended by adding the words "and section 5 of the Contractor liability and Indemnification Act" after the words "or 2677 of title 28."

In sum, S. 1839, being prospective in nature, would not be subject to possible constitutional challenges of retroactive application. The purpose of S. 1839 is to waive sovereign immunity for those negligent actions to which the United States contributed, but for which the United States is not now liable under *Stencil Aero Engineering* v. *United States*, 431 U.S. 666 (1977). The effect of S. 1839 would be to expand the protection currently available to contractors when they engage in the Government's business. Although the form this protection would take depends upon the particular contract between the U.S. and its supplier, there would be concomitant changes in the current law. Such changes are desirable, given the substantial risks taken by those contractors willing to do defense and nuclear-related work.●

By Mr. GORE:

S. 1255. A bill to establish the National Commission on Bioethics; to the Committee on Governmental Affairs.

NATIONAL COMMISSION ON BIOETHICS

● Mr. GORE. Mr. President, I am today introducing legislation to create the National Commission on Bioethics.

The bill that I am introducing today is an outgrowth of legislation that I introduced during the 98th Congress as a Member of the House and which was eventually approved by both the House and Senate but fell just short of becoming law.

The bill establishes a 15-member, congressionally appointed advisory commission. The purpose of the Commission is simple and straightforward: To provide a forum for the critical examination of the many difficult and complex issues presented by the application of new technologies to human beings.

We live in a time in which science and technology are developing so rapidly that they are surpassing the ability of our social, ethical, and legal institutions to cope with them. New technologies are swiftly presenting us with questions that we are unprepared to answer and choices we are unprepared to make.

For example, the amazing advances in biotechnology are rapidly giving us the power to alter the genetic basis of life. Yet, we do not have a good grasp on how we will best use the technology and what limits may have to be placed on it.

Moreover, as recent events with artificial heart transplants have demonstrated, we are acquiring the ability to sustain life in dramatic new, and sometimes unorthodox, ways. When is it appropriate to employ these devices and when is it not? How should we allocate scarce medical resources, and what role should cost play?

Additionally, we are approaching an era in which new reproductive technologies are radically affecting the ability of people to be parents and even changing the definition of parenthood itself. In vitro fertilization, embryo transfers, the freezing and storage of embryos, and other techniques have significant benefits. But they also raise serious ethical questions.

Unless we begin now to search for solutions to the serious ethical dilemmas that modern science is creating, events will simply overtake us. Indeed, the first authorized human gene therapy experiments may be conducted within a year, and as we have seen,

other technologies are already being applied to humans. We must make sure that we take the necessary steps to answer the questions raised by the new technologies before they are answered for us.

As a Member of the House of Representatives, I served on the House Science and Technology Committee for 8 years and chaired its Investigations and Oversight Subcommittee for 4 years. In that capacity, I chaired numerous hearings on technological advances and the challenges they pose for our society. Those hearings have left me unshakeably convinced that a commission to examine bioethical issues, such as the one I have proposed, is absolutely essential. In fact, the principal conclusion of 3 days of hearings that I chaired in November 1982 on human genetic engineering was that such a body must be established.

Because of the importance of these issues to our society, the Commission is designed to ensure that a broad and meaningful examination of them occurs.

First, the Commission is effectively independent. It is not housed within any Federal agency, and its members are appointed by a special 12-member Congressional Board on Bioethics, which the bill also establishes. Thus, the Commission will have maximum freedom to consider issues and render reasoned, objective advice.

Second, the Commission is composed of representatives from a variety of backgrounds, including the general public. A majority of the members are nonscientists, to ensure that the Commission's focus is on ethical issues and not technical scientific concerns.

Third, and finally, the Commission is nonregulatory. It is purely an advisory body with no regulatory power whatsoever. The Commission will consider issues and make written reports to the Congress. The impact of the Commission's conclusions and recommendations will therefore depend on how well reasoned they are.

Upon the conclusion of each of its studies, the Commission will submit a written report to Congress outlining its conclusions and any findings and recommendations it wishes to make. In this way, the Commission will provide Congress with much-needed analysis of the many difficult bioethical issues that confront our society.

The Commission is designed to be broad-based in both its composition and its approach to issues. Because our society is daily faced with complex choices in many areas, the Commission is charged to consider a wide range of bioethical questions. There is one area, however, that is so important that this legislation specifically directs the Commission to conduct a study of it as its first study. That is the question of human genetic engineering. The bill directs that a study of this issue must be completed and submitted to Congress by the Commission within 18 months of the Commission's establishment.

It is a primary responsibility of Government not only to promote science but to foresee its future and any problems it might present. As the new technologies develop, it will be essential that our Nation be informed about both the positive and negative implications of it. Particularly for those of us in Congress, it will be important that we base our reactions to and decisions about technology on objective, reasoned consideration of the issues and not on misunderstandings or exaggerations of its benefits or its potential for abuse.

Accomplishment of these objectives will require public education and reasoned debate over the complex issues that will confront us. The Commission that I have proposed is an important step in that process.●

By Mr. BUMPERS (for himself, Mr. SIMPSON, Mr. PRYOR, Mr. GRASSLEY, and Mr. HELMS):

S. 1256. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

JUDICIAL REVIEW IMPROVEMENT ACT

● Mr. BUMPERS. Mr. President, on February 6, I introduced S. 396, the Small Business Fairness Act of 1985. That bill contained four major titles of importance to small business. Title I of that bill was my amendment to the judicial review provisions of the Administrative Procedure Act codified at 5 U.S.C. 706, legislation which has over the years come to be known as the "Bumpers Amendment Regulatory Reform Proposal." I am today introducing the Bumpers amendment as a separate bill for referral and action by the Judiciary Committee. I am pleased to be joined by Senators SIMPSON, PRYOR, GRASSLEY, and HELMS as cosponsors.

As I mentioned, this is an important amendment to the Administrative Procedure Act which I have sponsored for several years and which passed the Senate in both the 96th and 97th Congress. It would give courts more authority to overturn the unfair and burdensome regulations which affect small business and individuals. In the 98th Congress, it was part of S. 1080, the Regulatory Reform Act. Unfortunately, this bill was not enacted into law.

It would restore vitality and balance to the judicial review provisions of the APA by putting individuals and businesses on an equal footing with Federal regulators when they enter the courthouse door. For too long, the courts have accorded all too much deference to agencies' opinions on questions of law, including the scope of each agency's own jurisdiction. It is fundamentally unfair for an agency to be the judge of the scope of its own power.

Under our system of justice, questions of law are to be decided by an impartial court, and all litigants are supposed to be equal in the eyes of the law. But the courts have accorded an undue presumption of validity to the agency's proceedings. Under my amendment, the agency would have to show, based on the record, that it was legally and factually justified in taking the actions which it took. My amendment will ensure that judicial review is not a rubber stamp process, as it too often is under the current vague standards of judicial review.

My amendment will admonish the Federal judiciary to decide all administrative matters "independently." In informal rulemakings, it will require that there be "substantial support" in the rulemaking file for the factual predicate of a rule. If questions are raised about an agency's power to act as it did, the agency will be required to prove that its authorizing legislation specifically gave it the jurisdiction or authority to take the action it took. On all other questions of law, the court is to accord "no presumption" either in favor of or against the agency's action.

I am absolutely convinced that this is a legislative idea that is critically important to small business and everyone who ends up in litigation against a Federal agency, and it is a proposal for which the time has come.

This amendment to the Administrative Procedure Act is supported by the American Bar Association, by the Chamber of Commerce, and the Business Roundtable. Rarely has such a consensus existed about the need for such legislation which has gone unmet for so long.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD, along with a legal analysis of the measure. I urge the Judiciary Committee to act on this important measure as soon as possible.

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

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Review Improvement Act of 1985."

SECTION 1. Section 706 of title 5, United States Code, is amended to read as follows:

"§ 706. Scope of review

"(a) To the extent necessary to decision and when presented, the reviewing court shall independently decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the

meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statue;

"(F) without substantial support in the rulemaking file, viewed, as a whole, for the asserted or necessary factual basis, as distinguished from the policy or legal basis, of a rule adopted in a proceeding subject to section 553 of this title; or

"(G) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"(c) In making determinations concerning statutory jurisdiction or authority under clause (2)(C) of subsection (a) of this section, the court shall require that the action by the agency is within the scope of the agency jurisdiction or authority on the basis of the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent. In making determinations on other questions of law, the court shall not accord any presumption in favor of or against agency action.".

SEC. 2. This Act shall apply to agency action taken on or after May 1, 1985.

LEGAL ANALYSIS OF BUMPERS AMENDMENT

POLICY

These amendments to section 706 of the Administrative Procedure Act contained in the Judicial Review Improvement Act of 1985 are premised on the basic constitutional principal that in a representative democracy, legislative power shall be exercised by elected representatives and not by unelected officials who are not directly responsible to the electorate. The delegation doctrine requires that there be mechanisms for controlling the exercise of delegated regulatory power.

The mechanisms are the requirements that when the legislature delegates power it must establish an "intelligible principle" to govern the delegate, and that the judiciary will hold invalid actions which are not authorized by the statutory delegation. In the words of Mr. Justice Reed—

"An agency may not finally determine the limits of its statutory power. That is a judicial function. *Social Security Board* v. *Nierotko*, 327 U.S. 358, 369 (1946).

The insertion of the word "independently" in the introductory sentence of section 706 reemphasizes this primary role of the courts.

SCOPE OF AGENCY JURISDICTION

The first sentence of new subsection (c) of section 706 directs the courts to exercise their traditional review function to prevent an agency from acting beyond its regulatory authority.

This provision directs the courts to play a more active role in policing regulatory power by closely construing statutes which transfer regulatory authority to administrators. See Stewart, "The Reformation of American Administrative Law," 88 Harv. L. Rev. 1667 (1975). The Supreme Court has followed this approach in two recent decisions. See *FCC* v. *Midwest Video Corp.*, 99 S. Ct. 824 (1979); *NLRB* v. *Catholic Bishops of Chicago*. 99 S. Ct. 1313 (1979). See also *Kent* v. *Dulles*, 357 U.S. 116 (1958); *National Cable Television Assn. Inc.* v. *United States*, 415 U.S. 336 (1974); Schwartz, "Administrative Law Cases During 1979," 32 Ad. L. Rev. 441, 413–415 (1980).

Under subsection (c), a court must determine that the agency's authority to act has been granted expressly in the language of its organic statute or, in the event of ambiguity, by reference to the statute's legislative history or other materials relevant to ascertaining legislative intent. This provision is intended to underscore the duty of the courts to insure that agencies do not transgress the outer boundaries of their authority. Indeed, for a court to allow an agency to go beyond these boundaries would be "an unwarranted judicial intrusion upon the legislative sphere wholly at odds with the democratic processes of lawmaking contemplated by the Constitution." *Lubrizol Corp.* v. *EPA*, 562 F. 2d 607, 620 (D.C. Cir. 1977). See *City of Palestine* v. *United States*, 559 F. 2d 408, 414 (5th Cir. 1977); *National Nutritional Foods Association* v. *Matthews*, 557 F. 2d 325, 326 (2d Cir. 1976).

Subsection (c), then, does not seek to impose any new, strange, or radical duty on the judiciary. Instead, it simply directs the reviewing court to take a hard look at an agency's assertions of regulatory jurisdiction or authority. It will allow the reviewing courts to make use of all appropriate materials for ascertaining the legislative will, but it is not intended to allow abuses of post-hoc legislative history. *Consumer Product Safety Commission* v. *GTE Sylvania*, U. S. 64 L. Ed. 2d 766 (1980). Performance of this duty often will be difficult, but I am confident that the good sense and resourcefulness of the Federal Judiciary will be equal to the task.

In making such determinations, the court will be influenced not only by the statute's legislative history but also by the nature of the asserted power. If, for example, the agency is asserting a basic or significant extension of authority, especially one which bears on personal liberties or heralds significant involvement of the agency in a new area or imposes significant costs, the reviewing court should not uphold the extension unless it is convinced that the statute and relevant legal materials demonstrate that Congress specifically or generally addressed the issue, and that the statute does contain the authority asserted by the agency.

On the other hand, if the asserted authority at issue relates to an interstitial or minor matter, the reviewing court might well conclude that although Congress had not really addressed the issue, the matter is of such a character that sensible administration necessarily requires exercise of such an implementing authority.

From the perspective of the agencies, it is true that some statutes are imperfectly drafted, or are silent or even conflicting. In these circumstances, agencies must use their discretion soundly to formulate the most appropriate means of carrying out their basic statutory mandates, filling in what are interstices of the statutory framework by which they are bound but adhering scrupulously to express or implied limitations on their authority.

EFFECT ON DEREGULATION AND EFFORTS TO LESSEN THE BURDENS OF REGULATION

It should be emphasized that the primary thrust of this portion of the bill is to curb attempts by agencies to exercise positive jurisdiction in areas beyond the boundaries spelled out in their organic statutes. It is not intended to prevent an agency from exempting from regulation activities or persons under the traditional de minimus rationale where such exemptions are consistent with the basic purposes of the statute. Nor is this amendment intended to preclude rational interpretation and application of statutory criteria in ways that lessen the cost and other burdens of regulation.

The intent is to exclude those cases where the agency exercises its permissible discretion and declines to take affirmative action. Such a declaration is consonant with the policy to encourage agencies to refrain from taking unnecessary or inappropriate regulatory measures.

Nor is the amendment intended to nullify broad grants of administrative discretion where Congress knowingly intends that. When the statute and legislative history are clear that Congress intended a broad delegation, and the grant is not so unconfined as to violate the delegation doctrine, courts should give effect to such an intended broad grant. But the reviewer—the court, not the agency, is to determine independently whether the asserted power has in fact been conferred, either expressly or by implication.

THE "NO PRESUMPTION" CRITERIA

The second sentence of new subsection (c) of section 706, together with the insertion of the word "independently" in subsection (a), is intended to make clear that Congress intends the courts to perform, and to perform diligently, their traditional role as the ultimate and impartial interpreters of the law. It is designed to insure that as to decisions of law, the agency and the appellant stand on equal footing before the law without bias, preference, or deference to either and without any presumption in support of or against agency action, except as to questions of jurisdiction, where the first part of subsection (c) imposes the burden upon the agency.

In providing that the "no presumption" criterion will apply only to questions of law, the intent is to preserve the existing "arbitrary, capricious, an abuse of discretion" standards of section 706 with respect to policy determinations within the permissible limits of agency discretion. The intent is also to make it clear that the reviewing court will apply the new "substantial support" standard in clause 2(F) only to agency factual determinations.

Thus, ample room is left for proper reliance on agency expertise where it actually exists. It is recognized that some issues will involve mixed legal and policy, or mixed legal and fact, aspects. Regardless of the agency's characterization of the issues, the courts must independently define the issues and reexamine independently the questions of law involved; at the same time, the courts should recognize the primary role of the agency with respect to choice of policy, official notice of legislative facts, and factual findings.

It is not the intent of the no presumption criterion to preclude consideration of an agency legal interpretation. This interpretation will be one element of the process of independent judicial reexamination. The effect of any agency interpretative judgment, whether contained in a rule or order, on the court's own interpretation should not, however, depend on some general rule of deference. Rather the court, in examining the agency interpretation, should evaluate the thoroughness in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements and all those factors which give it power to persuade if lacking power to control. *Skidmore* v. *Swift & Co.* 323 U.S. 134, 140 (1944). The court should also weigh any countervailing factors bearing on the validity of the agency's legal position.

Thus, the court may not regard the agency's reading of the statute as controlling or entitled to a deference that would avoid the court's reaching its own independent judgment. Accordingly, under this amendment, a reviewing court may not proceed on the assumption that it should uphold an agency's statutory construction so long as the construction is not unreasonable or not irrational. Instead, the court shall regard the interpretation of the statute as a judicial question.

SUBSTANTIAL SUPPORT FOR FACTUAL DETERMINATIONS

The substantial support standard of new clause 2(F) of paragraph (a) relates to review of factual determinations in informal rulemakings. The standard recognizes that in such proceedings there is a distinction between an exercise of discretion (policy choice) by the agency, which remains subject to the "arbitrary, capricious an abuse of discretion" standard of clause 2(A), and the factual foundation for such a choice.

Relying on the analysis in Administrative Conference recommendation 74 to 4, 1 CFR, sections 305.74-4, the new clause 2(F) requires substantial support for factual determinations in informal rulemaking in two cases:

First. Where the finding of fact is necessary to the rule, that is to say, where the policy choice would fail to satisfy the arbitrary, capricious, an abuse of discretion criterion absent such a finding of fact.

Second. Where the finding of fact is an "asserted" basis for the rule, that is to say, where the agency relies on the finding as part of its rationale for the policy choice reflected in the rule.

Under the terms of clause 2(F) the "substantial support" must be found in "the rulemaking file, viewed as a whole." This provision meshes with other provisions of the act amending section 553 calling for the organized and systematic development of a file on which the rulemaking action is to be based. Pedersen, "Formal Records and Informal Rulemaking," 85 Yale L.J. 38 (1975). The amendment does not preclude an agency in an appropriate case from taking official notice of legislative facts that underpin policy choice.

Earlier versions of this amendment in the 95th and 96th Congresses used the words "substantial evidence" rather than "substantial support." The change in language is meant to negate any implication that the intent of the amendment is to require indirectly the use of trial-type procedures in informal rulemaking. Procedural requirements for such rulemaking will be found in other provisions of the Administrative Procedure Act, as amended, and in constitutional and common law considerations of fairness.

On the other hand, the words "substantial support" are intended to require that the data or materials on which the agency bases its factual determinations must be reliable and credible even though they do not necessarily satisfy the rules of evidence applied in judicial proceedings.

Enactment of these three changes in section 706 will not require all Federal courts to alter their decisional process. As Mr. Justice Frankfurter said with respect to a similar congressional endeavor some years ago:

"Some—perhaps a majority—have always applied the attitude reflected in this legislation. To explore whether a particular court should or should not alter its practice would only divert attention from the application of the standard now prescribed to a futile inquiry into the nature of the test formerly used by a particular court. *Universal Camera Corp.* v. *NLRB*, U.S. 474, 790 (1951)."

The ultimate objective of this amendment is to make sure that the pace and scope of regulation conform to the timetable and map established by elected representatives rather than by an unelected bureaucracy.

TECHNICAL

First. The changes in section 706 are not intended to affect any applicable rule of law which provides that in a civil or criminal action reliance on an agency rule or order is a defense. Thus, a defendant who has acted in compliance with an agency rule or order would continue to have any protection the law now provides even if the rule or order is subsequently found to be invalid.

Second. The Congress expects that whenever an agency rule or order is challenged in a civil action where a private party is suing under an express or implied right of action for violation of an agency rule (arguably not a "proceeding for judicial enforcement" within the meaning of section 706 scope of review applies), the court will apply the same standards of review as set forth in section 706. In stating this expectation there is no intention to imply any new standing or right of a defendant to challenge the validity of an agency rule or order. Thus, only if and to the extent that a rule can be reviewed by the court in the action would the reviewing court be expected to apply the same section 706 tests of lawfulness of agency action.

Third. While this amendment applies to the judicial review of questions arising under the existing and future organic acts of Congress where the general standards for judicial review as previously articulated in section 706 have been applicable, it is not intended either to change any settled judicial interpretation existing at the date of enactment as to the boundaries of a particular agency's jurisdiction or authority determined by a Federal appellate court, or to unsettle any res judicata or collateral estoppel effects of prior court decisions that have become final.●

By Mr. GARN:

S. 1258. A bill to modify the restrictions on the use of a certain tract of land in the State of Utah, and to provide for the conveyance of the fence located on such tract to the Armory Board, State of Utah; to the Committee on Veterans' Affairs.

MODIFICATION OF RESTRICTIONS ON CERTAIN TRACT OF LAND

● Mr. GARN. Mr. President, I am pleased to introduce a bill which would allow the Utah National Guard and Reserve to relocate in larger facilities. Companion legislation is being introduced in the House of Representatives today by Congressman MONSON.

The Utah Guard requested the move for three reasons: First, the lack of space at the current facilities located adjacent to the University of Utah. Second, to resolve the legal problem of having the Utah National Guard housed on a federally owned armory property, instead of a State facility. Third, the current location creates numerous transportation problems in the movement of heavy equipment and armor through downtown Salt Lake City to the training center at Camp Williams.

The National Guard has occupied the current facilities for over 30 years. With the expanding role of the National Guard in the security of our country, adequate facilities are essential. The property that the Utah National Guard is interested in purchasing has a larger, more modern building, which is located closer to Camp Williams.

The Veterans' Administration declared this property surplus land in 1954. Congress granted the Utah State Armory Board all right, title, and interest in the 35 acres adjacent to the Salt Lake City Veterans' Administration Medical Center. However, certain restrictions were applied to this property. Those restrictions include training, civic, and related purposes.

This proposed legislation would expand the potential uses of this land to include hospital, educational, civic, residential, or related purposes. This will allow the State Armory Board to sell a portion of this property and enable it to be developed in some reasonable manner. The original intent of the 1954 legislation will be respected. This current legislation will not interfere with the present or prospective operation of the Veterans' Administration hospital.

The Veterans' Administration, the National Guard Bureau and the Utah State Armory Board all approve this legislation. I, too, believe that this bill is the most prudent way to resolve the problem of overcrowding at the current facilities. It is also important to address the safety problems. Under current conditions, it is only a matter of time before a crisis, such as a transportation accident, occurs. Congress should act quickly on this legislation to alleviate these problems.

I ask my colleagues in the Senate and in the House to join me in supporting this bill.●

ADDITIONAL COSPONSORS

S. 274

At the request of Mr. DENTON, the names of the Senator from Idaho [Mr. MCCLURE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 274, a bill to provide for the national security by allowing access to certain Federal criminal history records.

S. 408

At the request of Mr. WEICKER, the name of the Senator from Ohio [Mr. GLENN] 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. 680

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 680, a bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

S. 788

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 788, a bill entitled the "Senior Citizens Independent Community Care Act."

S. 816

At the request of Mr. EXON, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 816, a bill to establish the Pine Ridge Wilderness and Soldier Creek Wilderness in the Nebraska National Forest in the State of Nebraska, and for other purposes.

S. 865

At the request of Mr. MATHIAS, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. PRYOR], the Senator from Washington [Mr. EVANS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 865, a bill to award special congressional gold medals to Jan Scruggs, Robert Doubek, and Jack Wheeler.

S. 983

At the request of Mr. MCCLURE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 983, a bill to provide for limited extension of alternative means of providing assistance under the School Lunch Program and to provide for national commodity processing programs.

S. 986

At the request of Mr. BOREN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1954 to disallow any deduction for advertising or other promotion expenses with respect to arms sales.

S. 987

At the request of Mr. EXON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 987, a bill to recognize the organization known as the Daughters of Union Veterans of the Civil War 1861-65.

S. 1169

At the request of Mr. DURENBERGER, the name of the Senator form North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 1169, a bill to ensure economic equity for American women by providing retirement security for women as workers and as divorced or surviving spouses, making quality dependent care available to all working families, ending discrimination in insurance on the basis of race, color, religion, national origin, or sex, providing equal employment opportunity and pay equity for women, treating women and low-income families more equitably under the tax laws and tax reform proposals, and improving the health care coverage of displaced homemakers and Medicare recipients.

SENATE JOINT RESOLUTION 24

At the request of Mr. BRADLEY, the names of the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 24, a joint resolution to designate the month of October 1985 as "National Make-A-Wish Month."

SENATE JOINT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM], was added as a cosponsor of Senate Joint Resolution 73, a joint resolution to designate the week of September 15, 1985, through September 21, 1985, as "National Independent Free Papers Week."

SENATE JOINT RESOLUTION 102

At the request of Mr. ZORINSKY, the name of the Senator from North Carolina [Mr. HELMS], was added as a cosponsor of Senate Joint Resolution 102, a joint resolution to establish a National Commission on Illiteracy.

SENATE JOINT RESOLUTION 138

At the request of Mr. DURENBERGER, the name of the Senator from Texas [Mr. GRAMM], was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to designate the week of June 2, 1985, through June 8, 1985, as "National Intelligence Community Week."

SENATE JOINT RESOLUTION 142

At the request of Mr. LEVIN, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nebraska [Mr. ZORINSKY], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. LUGAR], the Senator from Texas [Mr. GRAMM], the Senator from Rhode Island [Mr. PELL], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 142, a joint resolution to designate June 12, 1985, as "Anne Frank Day."

SENATE RESOLUTION 178—RELATING TO AUTOMOBILE FUEL ECONOMY STANDARDS

Mr. EVANS (for himself, Mr. METZENBAUM, Mr. DANFORTH, Mr. EAGLETON, Mr. HEINZ, Mr. WEICKER, Mr. PROXMIRE, Mr. DURENBERGER, Mr. COHEN, Mr. INOUYE, Mr. MATSUNAGA, Mr. LAUTENBERG, Mr. GORTON, Mr. PELL, and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 178

Whereas,

(1) This nation should pursue an energy policy that encourages energy efficiency and reduces our vulnerability to interruptions of foreign supplies;

(2) In addition to price-induced conservation, Corporate Average Fuel Economy (CAFE) standards have been responsible for the near doubling since 1975 of the average fuel economy of new cars sold in the United States;

(3) Previous government estimates of United States domestic oil and gas reserves—especially offshore supplies—recently have been revised significantly downward;

(4) General Motors, Ford, and a number of Japanese and European automobile manufacturers have petitioned the administrator of the National Highway Traffic Safety Administration (NHTSA) to roll back the CAFE standard beginning with the 1986 model year;

(5) The administrator is expected to rule on these petitions shortly.

Now, therefore, be it

Resolved, That it is the sense of the Senate that: The administrator of the National Highway Traffic Safety Administration (NHTSA) should retain the CAFE (corporate average fuel economy) standard for passenger automobiles specified in current law.

● Mr. EVANS. Mr. President, today I am submitting—along with Senators DANFORTH, METZENBAUM, EAGLETON, and others—a resolution that would call for maintaining what I believe is an important energy conservation standard under current law.

The Secretary of Transportation will, in the next few weeks, make a decision on whether to roll back the current corporate average fuel economy [CAFE] standard from 27.5 miles per gallon to 26 miles per gallon. Every

manufacturer selling new cars in the United States is required to meet this fuel economy standard—on a fleet average basis—or be liable for a financial penalty.

Recently General Motors and Ford filed petitions at the 11th hour to have the standard rolled back for the 1986 model year. This effort is being supported by a number of Japanese and European auto manufacturers. Chrysler, which has met the standard, opposes the petitions. Based on all the information I have available to me, I am strongly opposed to the requested rollback.

One word summarizes the predominant view in this country of world and domestic energy markets—complacency. We hear a lot of smug statements these days, like: First, OPEC's back has been broken; second, the United States has reduced its dependence on foreign sources of oil, especially OPEC sources; third, the price of oil in real terms has dropped substantially over the past 3 years; fourth, $1 per gallon gasoline is back; and fifth, consumers have returned to larger and more performance oriented cars. While all of these statements may be true now, we must ask ourselves: Will they be true tomorrow?

Because the current picture appears rosy, people have decided that energy conservation and reducing our vulnerability to energy-supply interruptions are no longer as important as they were following the Arab oil embargo in 1973 or as important as they were following the price increases caused by the Iranian revolution. Will we fail to heed these painful lessons of recent history?

I do not deny that current trends are realities. But they are, in my view, short-term realities. We cannot afford, out of complacency or myopia to abandon the modest, yet successful, efforts that we initiated in energy conservation over 10 years ago with EPCA, the Energy Policy and Conservation Act.

In fact, even these modest policies, barely a decade old, seem to be dying a slow death on the vine of complacency and tight budgets today. A supposedly balanced program of R&D into alternative ways of producing energy has become unbalanced. Since 1981, funds for renewable energy R&D such as solar, wind, and geothermal have been severely cut, with little justification. Funds for the advanced breeder reactor have also been cut dramatically. We will need these energy technologies in the future. The Government does have a role to promote a balanced range of energy technologies by funding basic R&D up to the point of proof-of-concept, and perhaps beyond.

On the other hand, we still continue to spend upward of $8 billion in loan and price guarantees for the Synfuels Corporation. The technology that is being funded by the Synfuels Corporation is not particularly new or innovative. Much of it has been developed abroad. The Government has seen an important role for the support of commercial synfuels production facilities in this country. Yet it will be fortunate to be producing 75,000 barrels per day by 1990, when the drafters of the Energy Security Act of 1980 anticipated 500,000 barrels per day by 1987. The Government also has spent liberally over the years to fund the basic and applied R&D for nuclear fission and fusion technologies. As late as 1983, DOE was still spending over $800 million on nuclear activities and $450 million on fusion R&D.

We have not thought out what a U.S. energy strategy should be and have not applied our funds in a rational, coherent manner. There appears to be little coordination between the various agencies and departments involved in U.S. energy policy. Officials overlook that fact that aggressive CAFE standards could perhaps be our most cost-effective energy policy. For example, improving the average miles per gallon for the entire fleet from approximately 16 to 30 miles per gallon would save about 2.1 million barrels per day—more than our current imports from the Middle East. It is doubtful the Synfuels Corporation could achieve that goal at any price.

Today, we are headed back down the road of energy vulnerability. Two of the most successful energy policies in the last 10 years, in my view, are being seriously eroded now. The administration has proposed a temporary moratorium on filling the strategic petroleum reserve, which the Senate has accepted in our budget resolution. While there appears to be some justification for such a moratorium now because of the overriding need to reduce the budget deficit, I feel the pressures to keep the 1986 moratorium permanent will grow. And now we have the GM and Ford proposal to rollback CAFE standards for the 1986 model year. CAFE is the last remnant of an energy policy designed to reduce foreign dependence and increase energy efficiency.

Mr. President, it is important to note that the automobile manufacturers themselves have admitted that the 1975 CAFE law was an important factor in helping them withstand the shock of the oil supply disruption occasioned by the Iranian situation in 1979. No one can argue that the Middle East is any more politically stable now than it was then. We cannot afford to retreat from our commitment to increasing our energy independence.

Technology is not the problem. Just 5 years ago GM announced its intention to achieve a fleet fuel economy average of 31 miles per gallon by this year. They would not have made that statement without convincing evidence of the technological feasibility of their goal. Although feasible, they have not come close to meeting their own stated goal while some foreign manufacturers have exceeded it.

The automobile manufacturers were given an opportunity to meet this standard in whatever manner they felt was most appropriate. They could choose from a variety of options. For example, some of the newer, fuel-efficient automobiles on sale today easily-surpass 50 miles per gallon. Diesel engines can dramatically improve the fuel economy of the overall fleet. Newer engines coupled with even lighter cars and improved aerodynamics can improve fuel efficiency even further.

The most recent surveys on U.S. oil production and consumption are not encouraging. The latest Energy Information Administration [EIA] energy projections published in January—Annual Energy Outlook 1984 with Projections for 1995—indicate a dramatic reduction in U.S. domestic production, and an equivalent increase in net oil imports in the 1990's. The report is based on conservative assumptions of $25 per barrel of oil and a 3.1-percent GNP growth rate. It projects that from 1985 to 1995, domestic production drops from 11.1 million barrels per day to 7.6 million barrels per day, while net oil imports rise from 5.1 to 11.7 million barrels per day. Ten years is not a very long time in the energy business. Nor is it a very long time in the auto business, which requires long investment lead times.

A recent study by the Office of Technology Assessment—Oil and Gas Technologies for the Artic and Deepwater—regarding the offshore oil and gas resources in the United States revealed a dramatic reduction in anticipated oil and gas reserves. Much of this is due to the disappointing results in drilling on the Alaskan North Slope: estimates have dropped from 12.2 to 3.3 billion barrels from 1981 to 1984. For the entire United States, oil reserve estimates have dropped by 55 percent while gas reserve estimates have dropped by 44 percent. This is not encouraging news. With domestic production declining by this magnitude, one can easily anticipate out a scenario in which oil imports will surpass their previous peak of 9.3 million barrels per day in 1977.

In sum, the recent evidence from the EIA [Department of Interior] and the OTA all point in one direction—less oil available to the U.S. consumer in the 1990's. Hence, the need is greater than ever to maintain the current CAFE standards. In fact, we should consider raising them to a level that is reasonable in light of advancing technology. We must remember that liquid petroleum fuel is a finite fuel and it's rapidly disappearing from the Earth with

current rates of consumption. It is being depleted not only in the United States but in many developing countries where pressures for growth and population will put even greater pressure on this valuable resource.

Proponents of the rollback will cite the recent trends of softening in world oil markets and reduced dependence on OPEC oil. They also will cite the demands of the marketplace and characterize CAFE as an old-fashioned and outdated intrusion into the private market.

Let's not be fooled by their rhetoric. All evidence points to the conclusion that the current relative calm in the oil markets will not last. In fact, consumer demand is as much a function of actions taken by the auto companies themselves as anything else. On Monday of this week Ford ran a two-thirds page ad in the Wall Street Journal offering cut-rate financing for Lincoln Continentals—not high on the list of energy efficient automobiles. It would be curious for them to deny that these marketing efforts will not spur demand for those cars that contribute to the failure to meet the CAFE standards.

Moreover, it is fairly apparent that we are not dealing with anything approaching a free automobile market. It is interesting that some automobile companies are now attempting to clock themselves in the mantle of free market advocacy. Those same companies, in the not-to-distant past, were not similarly disposed when the issue was import restrictions on Japanese automobiles. They cannot have it both ways.

The companies will also assert that a failure to roll back the standards will put them in an unlawful situation and subject them to potential liability in a shareholder suit. This is a specious argument that is being used as a smokescreen to obscure the fact that it was the conscious decision of the automakers themselves not to meet the standard. Their objective, as it should be, is to maximize profits. No doubt their financial analysts concluded that the companies would be more profitable in not meeting the standard—and paying the fine—than in meeting the standard by withholding production of some larger—and more profitable—cars.

Rolling back the standard would result in a windfall to the companies that made the conscious decision to maximize profits by not meeting the standard. it would also place those companies that made the investments necessary to meet the standard at a competitive disadvantage in the marketplace.

Mr. President, my basic position is this: CAFE is an extremely effective conservation measures. The Government should continue to remain in the business of insuring energy efficiency, and therefore, the CAFE standard should be maintained. Those companies that failed to meet the standard should face the consequences. In fact, we should think about strengthening the standards for the sake of future generations. If we relax our energy efficiency efforts today, people in the year 2000 and beyond will view such actions as selfish, wrong, and shortsighted.●

● Mr. METZENBAUM. Mr. President, I am pleased to join my colleagues in submitting this resolution on corporate average fuel economy [CAFE] standards.

The request by Ford and General Motors to roll back the CAFE standards has tremendous implications for the long-term health of the auto industry and our national commitment to energy conservation. For these reasons, I believe that this is an issue which this body has a responsibility to address.

A few weeks ago, the Energy Regulation and Conservation Subcommittee of the Energy Committee held an extensive hearing on this issue.

We heard a lot of talk about the free market and consumer choice being the driving forces behind the need for a rollback in the CAFE standard.

But there are other issues involved which I believe have a greater relevance to this debate.

They are the need to save energy, and responsibility.

I refer to the responsibility of the auto industry, the responsibility of the administration, and the responsibility of Congress.

Mr. President, the CAFE standard for 1985 was established in 1975—10 years ago. It was not a number which popped up overnight.

When the Senate subsequently attempted to establish mandatory mileage minimums, the industry argued that the CAFE standards would be as effective in stimulating fuel efficiency. They wanted and got the standard now found in the law.

The main purpose Congress had in setting the standards was to reduce our energy vulnerability.

Even today, the transportation sector uses over 60 percent of all our liquid petroleum supplies. So reduction in demand in the transportation sector can go a long way in improving our energy security.

Even DOE admitted in testimony before our subcommittee that improvements in auto fuel efficiency have resulted in a savings of 1 million barrels of oil per day.

Neither the market nor consumer demand can change those facts.

The standards are also a challenge to the creativity and resourcefulness of the auto industry.

It was not the intent of the law to deny large cars to the consumers.

The law was intended to be a technology-forcing mechanism whereby the companies would make their mid and large size cars more fuel efficient.

Congress set the standard because it had learned from 1973 what tremendous problems result from an oil supply interruption.

And in 1979 and 1980, we saw again how disruptive such an interruption can be. Prices of gas skyrocketed, and the auto industry was on its knees, because it had resisted building the kind of fuel efficient cars that Americans wanted and needed.

So we bailed them out.

We provided loan guarantees for one, and established import quotas to limit the competition from overseas to protect the domestic industry. But underlying all of this was the implicit agreement that the auto companies would take advantage of the assistance we were providing to remake their fleets and start turning out the kind of fuel efficient cars that are necessary in today's market.

And the car companies told us they would meet the challenge.

As recently as last year, they were telling a subcommittee in the House that they would meet the standard.

But today, it's a different story.

The two largest auto makers in this country have petitioned Congress and the administration at the 12th hour to change the standards in the law so they can avoid hundreds of millions of dollars in fines.

The Havoc brought on by the crisis of 1979 and 1980 have been washed away by the record profits of 1983 and 1984.

The cry seems to be "The problems are over. Let us go back to the good old days, and continue to offer Americans big gas guzzling cars."

The administration with its ideological adherence to the free market has joined the campaign to roll back the standards.

Mr. President, this type of attitude is not only shortsighted, it is simply irresponsible.

The next energy crisis could develop overnight. And Congress, the administration and the auto industry have a responsibility to do all that can be done to ensure America's security when the next crisis inevitably strikes.

Yet this responsibility has been abandoned.

It's been abandoned by two of our domestic auto manufacturers.

They come and tell us "It's not our fault, the market demands larger cars."

What they don't tell us is that two other domestic manufacturers have made the investments necessary to meet the standards.

They don't tell us that consumer demand regarding the size mix of cars has been very stable since 1980.

They don't tell us that they have delayed investing the capital needed for

technology improvements in their large- and Mid-size cars simply because they continue to make money on the old, less fuel efficient lines.

Had they made the improvements as planned, they would be very close to meeting the standards today.

They don't tell us that as recently as December, they provided documents to the National Highway Traffic Safety Administration showing that over the next 3 years they expect to earn credits for exceeding the current standards.

They don't tell us about the special marketing programs they run to provide below market financing for their large cars.

In short, Mr. President, they have simply decided not to live up to their responsibility because they made more money by not doing so.

They have abused the flexibility Congress built into the law to push their noncompliance to the last minute. And now, facing hundreds of millions of dollars in fines, they want the Government to bail them out again.

I wonder how they would react if the Government backed off a commitment as they are proposing to do now?

The administration's performance has been as equally dismal.

All we hear from them is that the market should determine fuel efficiency standards.

How absurd.

The whole purpose of the standards is to provide a floor against fluctuations and incorrect signals of the market.

If a crisis occurs overnight, it would take the automakers years to adjust to a sudden shift in the market.

What happens to our Energy Conservation Program and the domestic auto industry in the meantime?

The standards are an attempt to avoid such dramatic swings in the market and the fortunes of the industry.

Yet the administration comes to this issue armed only with its ideological belief in the free market.

Where is the detailed, thorough analysis that should accompany its recommendation to end fuel efficiency standards?

In light of the irresponsibility of these two actors, the responsibility falls upon Congress.

The resolution we are introducing today urges the Administrator of the National Highway Traffic Safety Administration [NHTSA] not to roll back the CAFE standards.

This resolution is an attempt to send a signal to both the administration and the auto companies, that this body has not walked away from its responsibility, and doesn't think they should, either.

It's a gentle nudge, and it may not be enough.

We may find it necessary to take legislative action in the future if the administration and the auto companies don't turn around.

But for now, it is important that we send this signal.

The public, the administration and the auto companies must understand that this Congress is as committed as ever to the goal of energy security and does not look lightly on attempts to take a shortsighted view of this important issue.

Mr. President, recently, the Cleveland Plain Dealer and the New York Times published editorials on the corporate average fuel economy standards.

I ask unanimous consent that these editorials be inserted in the RECORD, and I recommend that my colleagues read them.

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

[From the Cleveland Plain Dealer]

FUEL EFFICIENCY FOLLIES

The expressed desire of two major U.S. automakers for a reduction in federally mandated fuel efficiency standards makes a good deal of sense—from their marketing viewpoint.

The standards, born of the oil embargo of a decade ago, called for fleets made in 1985 to average 27.5 miles per gallon. The small cars made by General Motors Corp. and Ford Motor Co.—the ones that haven't sold as well as their Japanese counterparts—have had no trouble meeting this goal. But the larger models—the ones that bring the larger profits—fall short. And, since the fear of diminishing oil supplies has worn off in recent years, GM and Ford have returned to selling Americans on the idea that, down deep in their driving hearts, they really want—need—the variety of automotive behemoth that uses more fuel.

Now, raising the shade of unemployment that they say surely looms if they are not allowed to undercut the mileage goal while simultaneously hoisting the strange-to-their-touch banner of free-market choice, GM and Ford have petitioned the National Highway Traffic Safety Administration to lower the standard to 26 mpg. Indications are that the deregulatory-minded agency will comply and, Sen. Howard Metzenbaum's protests notwithstanding, that the Senate will not intervene.

If these two exemplars of Detroit's historically myopic wisdom want the free market, then most certainly they should have it—in all its competitive splendor. But that freedom, they should note, includes the right to find themselves bankrupt, without recourse to governmental beneficence, if and when world oil prices again soar and the demand of the American marketplace, dependent upon imported oil for a third of its supply, swings back to the most efficient of automobiles. Yes, give them the free market. And when the Lincolns and Cadillacs that bring the high profits overflow the storage lots for lack of sale, and the makers come beseeching Congress for protection from the more competitive, foreign-made, fuel-efficient vehicles—then, give them the gate.

[The New York Times, May 21, 1985]

THE "FREEDOM" TO GUZZLE GAS

"Free-market factors," not Government, asserts the Reagan Administration, should determine how much gasoline America's cars consume. Therefore the Transportation Department wants to lower the current average standard of 27.5 miles per gallon, which Ford and General Motors are unable to meet. It also wants Congress to enact a looser standard for future years.

The Administration's argument is that the consumer knows best what products are worth buying. That's right, more often than not. But in the case of auto fuel consumption, the public is party to every purchase: it bears some of the costs. The more fuel cars consume, the higher the price of all oil and the greater the risk of a supply crisis.

Unless Government represents this public interest, the "free-market" choice is bound to be an inefficient one. A mileage standard for auto fuel is not the only way to correct this inefficiency, and it certainly isn't the best way. But for the moment, it is the only way we have.

Mileage standards were decreed by Congress in 1975. Since then, the amount of gasoline needed for the average new car has been nearly halved. With oil plentiful and getting cheaper, Ford and General Motors are struggling, unsuccessfully, to sell enough small cars to make the average for their entire fleets comply with the current standard.

Both are capable of turning out large, peppy cars that manage 30 or more miles to the gallon. But that would require expensive, radical retooling. Then why not let consumers buy the cars they want and pay the price at the pump? Because excessive gasoline consumption threatens national security.

Oil is now in glut. Yet American consumption is rising while American production is declining. Eventually, the world oil market will tighten again; the only question is when. Cars designed today for sale in the 1990's will still be on the road at the turn of the century. The gasoline they require will determine the degree of America's dependence on foreign oil suppliers.

Our foreign sources of oil are more diverse than in the 1970's, and our ability to cope with a shortage has probably improved. But even if we manage to avoid a 1979-style shock and the resulting worldwide recession, gas guzzling still would impose enormous costs on the entire nation.

The price of oil is highly sensitive to demand. If world consumption were to grow quickly by, say, 10 percent, prices would skyrocket and, at least for a time, OPEC would be back in the driver's seat. Conversely, if the major oil consuming nations could manage to grow without greatly increasing their oil consumption, their import bills would probably continue to fall for a while.

The ideal way to let these true market forces express themselves is to hold car buyers to account—by taxing gasoline, not the machines that consume it. Some consumers would then drive less. Others would choose smaller cars, or pay a premium for fuel-efficient cars. Still others would wince and pay up. The decision would be theirs; the real costs of their choices would be plain.

But Congress reacts to the idea of a gasoline tax the way 8-year-olds react to brussels sprouts. The awkward but appropriate alternative to such a tax is a mileage standard. A fine for the sale of too many high-consump-

tion cars raises their price and forces the consumer to weigh the true cost.

The Administration is right to want commerce to be shaped by the market. But removing the mileage standard without substituting a gas tax is to distort the market and guarantee the wrong result.●

AMENDMENTS SUBMITTED

DEPARTMENT OF STATE AUTHORIZATIONS, FISCAL YEARS 1986 and 1987

PROXMIRE (AND OTHERS) AMENDMENT NO. 270

(Ordered to lie on the table.)

Mr. PROXMIRE (for himself, Mr. HATFIELD) Mr. JOHNSTON, Mr. GORE, Mr. BINGAMAN, Mr. LEVIN, Mr. SIMON, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill (S. 1003) to authorize appropriations for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and the National Endowment for Democracy, and for other purposes for fiscal years 1986 and 1987; as follows:

On page 31, after line 23, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

POLICY OF CONGRESS REGARDING THE ESTABLISHMENT OF A JOINT COMMISSION OF THE UNITED STATES AND THE SOVIET UNION TO STUDY THE CONSEQUENCES OF NUCLEAR WINTER

SEC. 601. It is the sense of the Congress that the President should propose to the Government of the Soviet Union during any arms control talks held with such Government–

(1) that the United States and the Soviet Union establish a joint commission to study the atmospheric, climatic, environmental, and biological consequences of nuclear explosions, sometimes known as "nuclear winter", and the impact that nuclear winter would have on the national security of both nations;

(2) that the work of such joint commission include the sharing and exchange of information and findings on the nuclear winter phenomena and the conduct of joint research projects that would benefit both nations; and

(3) that at some time after the establishment of the joint commission the other nuclear weapon nations—the United Kingdom, France, and the People's Republic of China—be involved in the work of the joint commission.

DODD (AND OTHERS) AMENDMENT NO. 271

Mr. DODD (for himself, Mr. PELL, Mr. HARKIN, and Mr. KERRY) proposed an amendment to the bill S. 1003, supra; as follows:

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

PROTECTION OF UNITED STATES SECURITY INTERESTS IN THE CENTRAL AMERICAN REGION

SEC. 17. (a) The Congress finds and declares that a direct threat to the security interests of the United States in the Central American region would arise from several developments including, but not limited to, the following:

(1) The stationing, installation, or other deployment of nuclear weapons or the delivery systems for such weapons in the Central American region.

(2) The establishment of a foreign military base in the Central American region by the government of a Communist country.

(3) The introduction into the Central American region of any advanced offensive weapons system by the government of a Communist country if such system is more sophisticated than such systems currently in the region.

(b) If any development described in paragraphs (1) through (3) of subsection (a) arises, the Congress intends to act promptly, in accordance with the constitutional processes and treaty commitments of the United States, to protect and defend United States security interests in the Central American region and to approve the use of military force, if necessary, for that purpose.

(c) Notwithstanding any other provision of law, the prohibition contained in section 8066(a) of the Department of Defense Appropriation Act, 1985, as enacted by the Act of October 12, 1984 (Public Law 98-473), which applies to funds available during the fiscal year 1985 to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities shall apply to the same extent and in the same manner with respect to any such funds available during any fiscal year beginning on or after October 1, 1985. For purposes of the application of this subsection, the reference in such section 8066(a) to the fiscal year 1985 shall be deemed to be a reference to the fiscal year in which such funds are available.

(d) There are authorized to be appropriated to the President $14,000,000 for the fiscal year 1985 to be available only to achieve—

(1) the safe and orderly withdrawal from Nicaragua of all military and paramilitary forces which were supported by the United States before October 12, 1934; and

(2) the relocation of such forces, including members of the immediate families of individuals serving in such forces.

(e)(1) There are authorized to be appropriated to the Secretary of State $10,000,000 which shall be used only as may be necessary to assist the negotiations sponsored by the Contadora group and to support through peacekeeping and verification activities the implementation of any agreement reached pursuant to such negotiations.

(2) For purposes of paragraph (1), the term "Contadora group" refers to the governments of Colombia, Mexico, Panama, and Venezuela.

(f) Nothing in this Act shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in absence of this Act.

(g) For purposes of this Act—

(1) the term "Central American region" refers to the geographic region containing Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; and

(2) the term "Communist country" has the same meaning as is given to it by section 620(f) of the Foreign Assistantce Act of 1961.

KENNEDY (AND HATFIELD) AMENDMENT NO. 272

Mr. KENNEDY (for himself and Mr. HATFIELD) proposed an amendment to the bill S. 1003, supra; as follows:

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

BILATERAL NEGOTIATIONS BETWEEN THE UNITED STATES AND THE GOVERNMENT OF NICARAGUA

SEC. . It is the sense of Congress that the United States should resume bilateral negotiations with the government of Nicaragua.

LIMITATIONS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

SEC. . (a) Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization in this or any other Act may be obligated or expended for the purpose of introducing Armed Forces of the United States into or over the territory or waters of Nicaragua for combat.

(b) As used in this section, the term "combat" means the introduction of Armed Forces of the United States for the purpose of delivering weapons fire upon an enemy.

(c) This section does not apply with respect to an introduction of the Armed Forces of the United States into or over Nicaragua for combat if—

(1) the Congress has declared war; or

(2) the Congress has enacted specific authorization for such introduction, which authorization may be expendited in accordance with those expedited procedures set forth in Section 8066 of the Department of Defense Authorizations Act (1985), Public Law 98-473; or

(3) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, provide necessary protection for, the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens.

HART AMENDMENT NO. 273

Mr. HART proposed an amendment to the bill S. 1003, supra; as follows:

On page 31, after line 23, add the following:

TITLE VI—MISCELLANEOUS PROVISIONS

RESTRICTION ON THE INTRODUCTION OF UNITED STATES ARMED FORCES INTO CENTRAL AMERICA

SEC. 601. (a) The Congress finds that—

(1) the Government of Nicaragua has disregarded its commitments to internal pluralism and non-intervention in its neighbors' affairs, and thereby caused grave concern in the United States and among the nations of Central America;

(2) the Government of the United States has placed an economic embargo on Nicaragua and resorted to other economic and political pressures to affect the policies of Nicaragua;

(3) the increasingly frequent presence of American combat troops in Central America for training exercises, particularly in the current, extremely tense atmosphere, does

not advance American foreign policy objectives and may lead to military conflicts; and

(4) the Government of the United States should place its first priority on diplomatic initiatives in the conduct of its foreign policy, and such initiatives should precede any use or threat of military force.

(b)(1) No combat units of the Armed Forces of the United States may be sent into the territory, airspace, or waters of Costa Rica, El Salvador, Guatemala, Honduras, or Nicaragua for training exercises or any other purpose after the date of enactment of this Act unless—

(A) the Congress has authorized the presence of such units in advance by a joint resolution enacted into law; or

(B) the presence of such units is necessary to provide for the immediate evacuation of United States citizens, or to respond to a clear and present danger of military attack on the United States.

(2) In either case described in clause (B) of paragraph (1), the President should advise and, to the extent possible, consult in advance with the Congress.

BIDEN (AND OTHERS) AMENDMENT NO. 274

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. SASSER, Mr. GORE, and Mr. COHEN) proposed an amendment, which was subsequently modified, to the bill S. 1003, supra; as follows:

At the end of the bill, add the following new title:

TITLE VI—U.S. POLICY TOWARD NICARAGUA

PROHIBITION ON MILITARY AND PARAMILITARY AID

SEC. 601. The prohibitions contained in section 8066 of Public Law 98-473 and in section 801 of Public Law 98-618 shall remain in full force and effect with respect to all material, financial and training assistance: *Provided, however,* that the assistance authorized by section 602 shall be permitted.

AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 602. (a) During fiscal year 1985, and again during fiscal year 1986, not more than $14,000,000 may be expended for the provision of food, clothing, medicine and other humanitarian assistance to resistance forces which are opposed to the present Government in Nicaragua: *Provided, however,* That—

(1) such assistance is provided in a manner such that the nature and extent of such assistance is independently monitored;

(2) the United States resumes bilateral negotiations with the Government of Nicaragua; and

(3) the Government of Nicaragua and resistance forces which are opposed to the Government of Nicaragua each agree to institute a cease fire.

(b) In the event the Government of Nicaragua refuses to enter into a mutual cease fire as described in subsection (a)(3), or to resume bilateral negotiations with the United States as described in subsection (a)(2), the humanitarian assistance authorized by this section may be provided.

(c) In the event a mutual cease fire described in this section is seriously or substantially violated by resistance forces opposed to the Government of Nicaragua, no humanitarian assistance authorized by this section may thereafter be provided: *Provided, however,* That if the Government of Nicaragua has earlier, and seriously or substantially, violated such cease fire, this prohibition shall not apply.

DISTRIBUTION OF ASSISTANCE

SEC. 603. (a) The $14,000,000 described in section 602 may be provided only—

(a) by the Department of State;

(b) from funds previously appropriated to the Department of State; and

(c) upon a determination by the Secretary of State that the assistance is necessary to meet the humanitarian needs of resistance forces opposing the Government of Nicaragua.

FORM OF ASSISTANCE

SEC. 604. The assistance described in section 602 may be provided only in the form of goods and services, and no direct or indirect financial assistance may be provided.

PROHIBITION ON OTHER ASSISTANCE

SEC. 605. No assistance may be provided by the United States to resistance forces opposed to the Government of Nicaragua except as authorized and for the purpose described in section 602, and no funds may be used to provide the assistance authorized in section 602 except as provided in section 603.

SUPPORT FOR CONTADORA NEGOTIATIONS

SEC. 606. (a) It is the sense of the Congress that the United States should encourage and support the efforts of the Contadora nations (Colombia, Mexico, Panama, and Venezuela) to negotiate and conclude an agreement based upon the Contadora Document of Objectives of September 9, 1983.

(b) In the event that less than $14,000,000 is expended for the humanitarian assistance authorized in section 602, the remainder of such amount and any necessary additional funds may be made available for payment to the Contadora nations for expenses arising from implementation of the agreement described in this section including peacekeeping, verification, and monitoring systems: *Provided, however,* That in the event $14,000,000 is expended for the humanitarian assistance authorized by section 602, other funds may be made available for payment of such expenses. Any funds made available for the purpose described in this subsection may be provided from funds previously appropriated to the Department of State.

PRESIDENTIAL REPORT TO CONGRESS

SEC. 607. The President shall submit a report to the Congress every 90 days on any activity carried out under this title. Such report shall include a report on the progress of efforts to reach a negotiated settlement as set forth in section 602 and 606, a detailed accounting of the disbursement of humanitarian assistance, and steps taken by the democratic resistance toward the objectives described in section 611.

SUSPENSION OF EMBARGO AGAINST NICARAGUA

SEC. 608. The national emergency declared in the President's executive order of May 1, 1985, prohibiting trade and certain other transactions involving Nicaragua, shall be terminated, and the prohibitions contained in that executive order shall be suspended, if the Government of Nicaragua enters into a cease-fire and negotiations with opposition forces.

UNITED STATES MILITARY MANEUVERS NEAR NICARAGUA

SEC. 609. It is the sense of Congress that the President should order a suspension of U.S. military maneuvers in Honduras and off Nicaragua's coast if the Government of Nicaragua agrees to a cease fire, to open a dialogue with the democratic resistance, and to suspend the state of emergency.

FUTURE LOGISTICAL AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 610. The President may request the Congress to authorize additional logistical assistance for resistance forces opposed to the Government of Nicaragua, in such amount as he deems appropriate, including economic sanctions with respect to the Government of Nicaragua, in the event that—

(a) the Government of Nicaragua refuses to resume the bilateral negotiations with the United States, as described in section 602; or

(b) following an agreement between the Government of Nicaragua and the United States to resume the bilateral negotiations which are described in section 602, the Government of Nicaragua refuses to enter into a mutual cease fire, as described in section 602. A request submitted to the Congress under this section shall be handled by the Congress under the provisions of section 612.

PRECONDITION FOR FUTURE AID TO NICARAGUANS CONSTITUTING A DEMOCRATIC OPPOSITION

SEC. 611. (a) Congress finds that United States assistance to a Nicaraguan democratic opposition can be justified, and can be effective, only if such opposition truly represents democratic and humanitarian values.

(b) Therefore, Congress shall consider further assistance to the democratic opposition only if such opposition has eliminated from its ranks all persons who have engaged in abuses of human rights.

(c) The President shall submit any future request for assistance for opposition forces only in accompaniment with a detailed certification, which shall be subject to congressional hearings, that opposition has in fact acted effectively to eliminate from its ranks all persons who have engaged in violations of human rights.

EXPEDITED PROCEDURE FOR FUTURE AID REQUESTS

SEC. 612. (a) A joint resolution which is introduced within three calendar days after the Congress receives a Presidential request described in section 610 and which, if enacted, would grant the President the authority to take any or all of the actions described in such section, shall be considered in accordance with procedures contained in section 8066 of Public Law 98-473: *Provided, however,* That—

(i) references in that section to the Committee on Appropriations of each House shall be deemed to be references to the appropriate committee or committees of each House; and

(ii) amendments to the joint resolution are in order.

(b) This section is enacted by Congress as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supercedes other rules only to the extent that it is inconsistent with such rules.

(c) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same

manner and to the same extent as in the case of any other rule of that House.

FUTURE AID TO THE GOVERNMENT OF NICARAGUA

SEC. 613. (a) If the Congress determines that progress is being made toward peace and development of democratic institutions in Nicaragua, Congress will consider initiating a number of economic and development programs, including but not limited to—

(1) trade concessions;

(2) Peace Corps programs;

(3) technical assistance;

(4) health services; and

(5) agricultural and industrial development.

(b) In assessing whether progress is being made toward achieving these goals, Congress will expect, within the context of a regional settlement—

(1) the removal of foreign military advisers from Nicaragua;

(2) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to rebel forces fighting the democratically-elected government in El Salvador;

(3) restoration of individual liberties, political expression, freedom of worship, and independence of the media; and

(4) progress toward internal reconciliation and a pluralistic democratic system.

NUNN (AND OTHERS) AMENDMENT NO. 275

Mr. NUNN (for himself, Mr. BENTSEN, Mr. BOREN, Mr. CHILES, Mr. JOHNSTON, Mr. DOLE, Mr. LUGAR, Mr. DURENBERGER, Mr. DECONCINI, Mr. NICKLES, Mr. GOLDWATER, Mr. EXON, Mr. STENNIS, Mr. DOMENICI and Mr. MATTINGLY) proposed an amendment to the bill S. 1003, supra; as follows:

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

SEC. .(a) Nothwithstanding section 405 of the International Security & Development Cooperation Act of 1985 as contained in S. 960 (99th Congress, 1st session) or any other provision of law, there is authorized to be appropriated $24,000,000 for Fiscal Year 1986 to be expended by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(b) Subsections 8066(a) and (b) of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public Law 98-473; 98 Stat. 1935), and section 801 of the Intelligence Authorization Act for fiscal year 1985 (Public Law 98-618; 98 Stat. 3304) are hereby repealed, provided however that the funds made available by this section may only be used by the President for humanitarian assistance to the Nicaraguan democratic resistance.

(c) The President shall direct the National Security Council to monitor the use of funds for the purpose authorized in subsections (a) and (b).

(d) Nothing in this section shall be construed to impair or limit in any way the oversight powers of the Congress.

(e) The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations to:

(A) implement the Contadora Document of Objectives of September 8, 1983, and

(B) develop, in close consultation and cooperation with other nations, trade and economic measures to complement the economic sanctions of the United States imposed by the President on May 1, 1985 and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict.

(2) to suspend the economic sanctions imposed by the President on May 1, 1985 and the United States military maneuvers in Honduras and off the coast of Nicaragua if the Government of Nicaragua agrees (A) to a cease fire, (B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and (C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(f) The President shall submit a report to the Congress 90 days after the enactment of this act, and every 90 days thereafter, on any actions taken to carry out subsections (a) and (b). Each such report shall include (1) a detailed statement of the progress made, if any, in reaching a negotiated settlement referred to in subsection (e)(1), (2) a detailed accounting of the disbursements made to provide humanitarian assistance with the funds referred to in subsection (a) and (b), and (3) a statement of the steps taken by the Nicaraguan democratic resistance to comply with the request referred to in subsection (e)(3).

(g) As used in this section, the term "humanitarian assistance" means the provision of food, clothing, medicine, other humanitarian assistance, and transportation associated with the delivery of such assistance. Such term does not include weapons, weapons systems, ammunition, or any other equipment or materiel which is designed, or has as its purpose, to inflict serious bodily harm or death.

(h) Nothing in this section precludes sharing or collecting necessary intelligence information by the United States.

(i)(1) No other materiel assistance may be provided to the Nicaraguan democratic resistance, directly or indirectly, by any agency or instrumentality of the Government of the United States from any funds under its control or otherwise available to it unless an additional request is presented to Congress by the President and then only to the extent it is approved as provided in this section.

(2) If the President determines at any time after the date of the enactment of this act that negotiations based on the Contadora Document of Objectives of September 8, 1983 have failed to produce an agreement, or if other trade and economic measures have failed to resolve the conflict in Central America, the President may request the Congress to authorize additional assistance for the Nicaraguan democratic resistance in such amount and of such a nature as the President considers appropriate. The President shall include in any such request a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(j)(1) A joint resolution which is introduced within 3 calendar days after the day on which the Congress receives a Presidential request described in subsection (i) and which, if enacted, would grant the President the authority to take any or all of the actions described in subsection (i) shall be considered in accordance with procedures continued in paragraph (3) through (7) of subsection (c) of section 8066 of the Department of Defense Appropriations Act, 1985, as contained in the joint resolution entitled a "Joint Resolution making continuing appropriations for the fiscal year 1985, and for other purposes", approved October 12, 1984 (Public law 98-473; 98 Stat. 1935), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate the House of Representatives shall be deemed to be references to the appropriate committee or committees of the Senate and the House of Representatives, respectively; and

(B) amendments to the joint resolution are in order.

(2) This Section is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as related to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

IMPROVEMENTS TO RIVERS AND HARBORS

LAUTENBERG (AND OTHERS) AMENDMENT NO. 276

(Ordered referred to the Committee on Environment and Public Works.)

Mr. LAUTENBERG (for himself, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill (S. 366) to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 88, between lines 19 and 20, insert the following: "(70) Ramapo and Mahwah Rivers, Mahwah, New Jersey and Suffern, New York: Report of the Chief of Engineers dated November 27, 1984 at a total cost of $5,700,000 (October 1984);"

● Mr. LAUTENBERG. Mr. President, I am today introducing, along with Senators MOYNIHAN, BRADLEY, and D'AMATO, legislation to authorize a flood control project for the Passaic River basin. The problem we seek to address is the overtopping of the chan-

nel banks along the Ramapo and Mahwah Rivers at Mahwah, NJ, and Suffern, NY.

A severe flood in November 1977 caused $4,050,000 in damage. The project we are authorizing will reduce the potential for such damage by modifying the channels of the Ramapo and Mahwah Rivers.

A study of this project was initiated in June 1979. The project has now been reviewed by all State and local agencies and interested parties. The States of New Jersey and New York have indicated that they will serve as the non-Federal sponsors of this project.

The channel modifications for the Ramapo and Mahwah Rivers will cost $5,700,000. The project has a favorable cost-benefit ratio of 1.7.

Mr. President, the authorization for the Ramapo and Mahwah Rivers project is one of many steps that must be taken to address flooding and the resulting damage and loss of life in the Passaic River basin. Other flood control projects are working their way through the Corps of Engineers process. Other Projects include work at Saddle River in Bergen County, NJ; along the Ramapo River in Pompton Lakes, NJ, and at Molly Ann's Brook in the towns of Patterson, Haledon, and Prospect Park, NJ. As these projects receive approval by the Chief of Engineers, I will be seeking their inclusion in water resources legislation.

The projects I have mentioned are called the interim projects in the Passaic River basin. Other more extensive work is needed as well. A long-term solution to flooding in the Passaic River basin including structural and nonstructural remedies is currently under study. With the memories of the devastating 1984 flooding in mind, I believe we must face the critical issue of flood control before it happens again.●

DEPARTMENT OF STATE AUTHORIZATIONS, FISCAL YEAR 1986 AND 1987

ROTH AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1003, supra; as follows:

At the appropriate place in the bill add the following new sections: To prevent the conduct of Espionage activities in the United States by employees of the United Nations.

"SEC. . (a) The Congress finds that—

"(1) Pursuant to the Headquarters Agreement between the United States and the United Nations (authorized by Public Law 80-357, 22 U.S.C. 287, Aug. 4, 1947):

"(A) The United States has accepted the treaty obligation to permit, and to facilitate, persons employed by or who are authorized by the United Nations to conduct official business in connection with the organization or any agency thereof, the right of entry into, and the exit from, the United States subject to regulation as to points of entry and departure, for purposes of conducting official activities within the Headquarters district; and

"(B) An obligation to permit, and to facilitate, acquisition of facilities in order to conduct such activities within or in proximity to the Headquarters District, subject to reasonable regulation, including the location and size of such facilities' and

"(2) Taking into account subsection (1), and consistent with the obligation of the United States to facilitate the functioning of the United Nations, the United States has no additional obligation to permit the conduct of any other activities, including non-official activities, by such persons outside of any area described in this section.

"(b) Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301, et seq.), is amended by adding the following new section:

"SEC. . (a) DEFINITIONS.—For purposes of this Act, 'Headquarters District' shall mean such area, if any, within the United States, agreed to by a public international organization and the United States to constitute such a District, together with such areas as the Secretary of State may approve from time to time in order to permit effective functioning of the Organization or Missions thereto;

"(b) The conduct of any activities, or the acquisition of any benefits as defined by P.L. 80-357, by any person described in subsection (a)(1)(A), or any person or agency acting on behalf thereto, outside an area described in that subsection may be permitted or denied or subject to reasonable regulation as determined to be in the best interests of the United States and pursuant to the provisions of P.L. 80-357.

"(c) The Secretary of State shall report to the Congress not later than thirty days after the date of enactment of this Section as to plans for implementation of its provisions, and shall report not later than six (6) months thereafter as to action taken pursuant thereto.

"(d) The Secretary of State is directed to apply to employees of the United Nations Secretariat who are nationals of a foreign country any and all terms, limitations, restrictions, or conditions applicable to individuals pursuant to this Title as may from time to time be applied to members of the consulate, embassy, or mission to the United Nations of this country in the United States, pursuant to this Title.

"(e) Nothing in this section shall apply to any United States national.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE HANDICAPPED

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on the Handicapped of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, June 6, to mark up S. 415 to clarify the intent of Congress to protect the educational rights of handicapped children, and S. 974, to provide for protection and advocacy for mentally ill persons.

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

SUBCOMMITTEE ON NATURAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Natural Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 6, to hold an oversight hearing on the impact of coal imports on the domestic coal industry.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 6, 1985, in closed executive session, to receive a briefing on intelligence matters.

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

ADDITIONAL STATEMENTS

THE ARC

● Mr. SARBANES. Mr. President, this year marks the 20th anniversary of the passage of the Appalachian Development Act of 1965, which authorized a broad spectrum of economic development programs for 397 counties in 13 States. President John F. Kennedy became interested in establishing the Appalachian Regional Commission in the early 1960's after a conversation with Maryland's Gov. J. Millard Tawes regarding the great need for an areawide economic development strategy. Contrary to the views held in the current administration about the effectiveness of the ARC's programs and the need for their extension, there is strong evidence that the ARC's programs have made a difference in the area's economic development and are still essential.

I have seen what the ARC has achieved in the three western counties of Maryland—Washington, Allegany, and Garrett Counties, and I have strongly supported its extension. I do not think that any counties have used ARC highway and economic development programs more skillfully than these three jurisdictions. Communities which could not otherwise afford to install badly needed water and sewer systems essential to economic development and attracting industry and permanent jobs have been able to do so with the ARC's assistance. Rail and road connections to industrial parks were developed using ARC funds. Important health and child nutrition programs were funded through the ARC.

Mr. President, an article by Doris Deaken in the Baltimore Sun on June 4, 1985, outlines the importance of the

Appalachian Regional Commission and its impact. I ask that it be printed in the RECORD.

The article follows:

[From the Baltimore Sun, June 4, 1985]

APPALACHIA WITHOUT THE ARC

(By Doris Deakin)

WASHINGTON.—Campaigning in West Virginia in 1960, John F. Kennedy saw Appalachia, saw the poverty of it. "He had never expected to find anything like this in the United States," historian Arthur M. Schlesinger, Jr., has written, ". . . hungry, hollow-eyed children, dispirited families . . . gray, dismal towns, despair."

Twice—in 1902 and again in 1935—teams of federal experts had studied the region's problems. When it came to remedial action, both teams advised the White House the task was too great. But President Kennedy was determined to do something. The eventual result was the Appalachian Regional Commission, created by Congress in 1965 with support from both parties. There was, in those days, a national commitment to help the country's weakest region.

This year, President Reagan is proposing to abolish the commission.

Why should we be concerned? The times are not for sentimental talk. After all, the focus in the real world is on the bottom line.

What is the bottom line for the ARC? Part of it, at least, is that this commission actually did what teams of federal experts in the past had said could not be done: It penetrated the barrier between Appalachia and economic prosperity.

There is an irony here. The commission managed to stimulate precisely the kind of economic growth that Mr. Reagan says is essential to reducing the nation's massive federal deficit.

In the mid-1960s, there was no economic growth in Appalachia. Few tax revenues flowed to Washington from those isolated hills. The movement of money was the other way. The federal dole kept the region alive. In 1963, author Harry Caudill described central Appalachia as approaching "a day when perhaps 80 percent of its inhabitants will be welfare recipients."

The ARC turned the situation around. Figures show the effect it had. In Appalachia between 1960 and 1980:

Per capita income rose from $1,438 to $6,211.

Two million new private-sector jobs were created.

Poverty dropped from 31 percent of the region's residents to 14 percent. (Poverty in the nation fell to 12.4 percent.)

As the Sun said editorially: "Any society committed to protecting its citizens against sickness, poverty and ignorance should be happy with the commission's achievements."

What has the Appalachian Regional Commission actually done? Two things, mainly:

It helped finance projects that otherwise would not have been undertaken, projects essential to the economic growth of the whole region. The ARC did not foot the entire bill. Its outlays (except for roads) were small percentages of total project costs.

The ARC built infrastructure—roads, sewers, water systems. Appalachia lacked all three. One reason industry hadn't come to the hills was that it couldn't get there. The interstate highway system mainly bypassed Appalachia. The ARC spent a total of about $5 billion, $3 billion of it for roads. By 1981, the new roads had brought in an estimated 430,000 new jobs.

In the 1950s and 1960s, there was an immense emigration from Appalachia. In the 1970s, the trend was reversed. Partly, it was a return of natives. But it included a new breed of migrant, city people fed up with urban problems. After the ARC began building roads, a tourist industry grew in Appalachia. It's booming.

Lack of resources is not Appalachia's shortcoming. It has plenty. Coal, for instance—some 113.3 trillion short tons. Inaccessibility, not resources, is Appalachia's main problem. Tough geography makes it a special case. Its population is sparse and spread over rugged terrain. To bring people and jobs together is difficult and costly.

By 1980, it was clear the Appalachian Regional Commission had done something. The region's per capital income had gone up to 85 percent of the national average; it had been 78 percent in 1960. This is Reagan-style economic growth. But when the Appalachian Regional Commission goes out of business, who will build the infrastructure crucial to continued growth? If no one does, the region will slip backward.

Perhaps private industry will fill the gap. Do not hold your breath.●

THE TEENAGE PREGNANCY CRISIS

● Mr. CHAFEE. Mr. President, the recent attention focused by the media on the problem of teenage pregnancy serves as an inviting challenge to all of us to find effective ways to address one of our Nation's most distressing social issues.

Teenage pregnancy is rising at an alarming rate in the United States. Teenagers account for more than a half million births each year, and the consequences are tragic.

Teen mothers face a dismal future of lower educational attaintment, diminishing employment prospects, repeated pregnancies, and a high probability of welfare dependence. Babies born to teenaged mothers are at an increased risk of low birth weight and consequently at significantly higher risk of death or birth defects.

Children of teenage mothers are substantially more likely to live in poverty than other children. Over half the mothers on welfare had their first child as a teenager.

We all have a responsibility and an obligation to turn the teenage childbearing crisis around. This can be achieved through intensified prevention programs, and new reliable, safe, and convenient methods of birth control. When a teenager decides to carry her pregnancy to term and raise her child, comprehensive services must be made available to ensure that she has every opportunity available to become self-sufficient and independent.

I recently introduced legislation, bill S. 1091, which will provide additional support to the National Institutes of Health to develop new, safer, and more convenient methods of birth control. New methods of contraception will reduce the incidence of unplanned teenage pregnancies.

For those teenage mothers who carry their pregnancy to term and parent their children, I have also introduced legislation designed to provide comprehensive services to both the teen mother and her child. This bill, S. 938, will provide grants to public and nonprofit private entities to support services, such as—prenatal and postpartum care, well-child care, family planning, and counseling services and educational and vocational counseling. These are all necessary services to promote successful outcomes of teenage childbearing.

A recent article in the Washington Post clearly depicts the seriousness of teenage childbearing. The tragedy of teenage pregnancy glares at us through the headline, "Squandered Lives." I ask that this article be repeated in full in the RECORD.

[From the Washington Post Weekly Edition, June 3, 1985]

SQUANDERED LIVES: IT'S TIME TO GET SERIOUS ABOUT THE TEEN PREGNANCY CRISIS

(By Judy Mann)

A quarter of the 6.1 million pregnancies in the United States in 1981 ended in abortion, according to the latest report by the Alan Guttmacher Institute, a research organization affiliated with Planned Parenthood. That's 1.5 million abortions. Much remains to be done to reduce unwanted pregnancies.

White women, who comprise the largest racial group in the nation, accounted for 70 percent of the abortions, or 24 per 1,000 pregnancies. The rate for nonwhite women, however, was more than double that: 56 per 1,000 pregnancies. Females 15 to 19 obtained nearly half a million abortions, according to these data, the latest available.

The Children's Defense Fund, which began a project to prevent teen-age pregnancies in 1983, recently issued data showing the dimensions of the problem in that age group: Teen-agers are responsible for more than half a million births every year, including 10,000 to children under the age of 15.

"Almost 90 percent of the pregnancies among unwed teens are unintended," the CDF found. "For the over 800,000 teens who faced unintended pregnancies, there were no satisfactory choices or outcomes; 60 percent aborted their pregnancies; virtually all of the remaining 40 percent chose to raise their children themselves, half as single parents.

"The consequences of teen-age pregnancy go beyond personal tragedy. Society pays as well. Over half the mothers on welfare had their first child in adolescence. Thirty percent of all hospital deliveries to adolescents are paid for by Medicaid. Because teen mothers are the least likely to receive prenatal care, their babies are most likely to need expensive hospital care after they are born. Babies born to teens account for 20 percent of all low birthweight infants born each year."

These statistics cry out for a targeted approach to family planning that would reach teen-agers, particularly nonwhites, who already have higher poverty rates and are going to be the most vulnerable to the crippling effects of adolescent motherhood. There fate could not be more bleak or predictable: Young women who cannot complete their educations cannot get decent

jobs that pay enough for child care and cannot support themselves, much less a child. Their futures are behind them.

The CDF report found that while 14 percent of the adolescent population is black, black women account for 28 percent of births by adolescents, and nearly half of all births to unmarried teen-agers. "Eighty-five percent of black single mothers under age 25 live in poverty," the CDF report noted. It said the pregnancy rate among young black women "is a crisis that threatens to cripple economic progress and lock generations of children into poverty."

The CDF report said that the extended family, a support system that used to help young mothers, has changed since the early '50s. The black extended family "today is likely to be a 17-year-old mother and 35-year-old grandmother each with one minimum wage job, if any. The community has lost many of its leaders to the suburbs and now, depleted of role models, confirms rather than counters black youths' fears that life holds little for them. Most important, the adolescent single mother was the exception in the black community of the 1950s. Today, she is the rule."

The abortion and teen-age birth statistics underscore the need for more and better birth control information for young people. While the burden of pregnancy falls most heavily on young women, whether they give birth or have abortions, both young men and young women need to understand the devastating effects of premature child-bearing on young women and their children.

Society can continue with a half-baked approach to teaching sex education, and it can continue with its half-baked approach to poverty and minority unemployment. But the result will be a perpetually costly group of mothers who were trapped into poverty as teen-agers and a perpetually high rate of abortions. Or society and its institutions can tackle the causes of teen-age pregnancy by making more and better contraceptive information available and by providing its young people with education, skills and opportunities.

As things stand, society is spending hundreds of millions in various forms of minimal assistance and young women, particularly young black women, are paying with their futures.●

STATE SENATOR DAVE MANNING

● Mr. BAUCUS. Mr. President, when Montana's 49th legislative session adjourned April 25, 1985, it did so without one of its most revered members.

On January 8 of this year, 1 day after gaveling in the new session, State Senator Dave Manning of Hysham, was admitted to the hospital for a persistent back problem.

On January 25, still in the hospital, Dave decided his lawmaking days were over. Poor health, he said, prevented him from serving his constituents properly, and so he reluctantly turned in his resignation.

The 87-year-old Manning had called an end to a tenure that goes into the record books as the Nation's longest for a State legislator. Dave had served 52 continuous years in the Montana statehouse.

Throughout his legislative career, Senator Manning commanded respect and admiration for his uncompromising integrity and honesty.

After he announced his resignation from the State senate, the senate passed a resolution honoring the Senator and his wife, Ruth, for their never-ending commitment to the State of Montana. And in recognition of this, the new highway department headquarters building has been named the Dave Manning Highway Building.

In 1933, after convincing his wife that it would be a good experience, Dave ran for and was elected to a seat in the Montana House of Representatives.

Thus began his long career in Montana lawmaking. He never had a primary opponent; he never lost an election, and he did it as a Democrat in a Republican stronghold.

Dave also won tremendous support from his colleagues gaining many leadership posts including speaker of the house in 1939.

He left the house to enter the senate in 1941, where he served as minority leader in 1951, president pro tempore and the senate's acting president in 1959 and 1963, the Acting Governor under Governors Roy Ayers, J. Hugo Aronson, and Tim Babcock. Dave also served as the chairman of numerous committees.

Dave is a man who could stare strong, national adversity in the eye, and not blink. When the U.S. Supreme Court ruled in 1964 that both houses of the State legislatures had to be apportioned on a one-man, one-vote basis, Dave dug his heels in and stood his ground against the High Court.

He charged that with the little federal systems in the States canceled as a result of the Court ruling, rural representation was being undercut. Dave once told the Billings Gazette that he represents not only people, but land, coal, trees, cattle, and a lifestyle, and therefore each county, no matter what its population, should have an equal voice in the State senate, similar to the U.S. Senate's composition.

Dave was also instrumental in the development of an alternate form of energy using off-stream storage of floodwaters. The stored floodwaters would be released evenly throughout the year through turbines to generate electricity for Montana.

The project is financed by a portion of the coal severance tax, another piece of legislation for which he was an outspoken supporter.

Getting many of Montana's gravel roads paved was another of Dave's far-reaching projects. In the 1970's, he persuaded the legislature to set aside $15 million raised by the severance tax levied on coal to help reconstruct the roads affected by the coal industry.

Some Montanans feared the 30 percent severance tax would drive the coal industry out of the State, but Manning thought the contrary, and in fact he once said, according to the Montana Legislative Council, that even if the coal companies did leave, at least they would leave on good roads.

Dave would hit the roads himself once a year to visit Washington, DC, where he met every President since Franklin Roosevelt, usually through arrangements with former Montana Senator Mike Mansfield.

But Dave never sought a seat for himself in Washington as a Congressman, because as he said in the Great Falls Tribune, "I've seen too many that are forgotten after awhile."

I had the privilege, Mr. President, of serving in the Montana Legislature with Senator Manning, and although he has officially retired, I will continue to turn to him for his commonsense advice.

State Senator Dave Manning is one man that will not be forgotten. For all of his years of service, for all that he stood for and fought for, Montana is honored to claim him as her own. January 25, 1985, will be remembered as the day a living legend retired.●

PRESIDENT OF ECUADOR FEBRES CORDERO HONORED BY ALMA MATER—STEVENS INSTITUTE OF TECHNOLOGY

● Mr. BRADLEY. Mr. President, Senator LAUTENBERG and I are pleased to draw our colleagues' attention to the recent remarks made by Ecuador's President Febres Cordero in accepting an honorary degree from his alma mater, Stevens Institute of Technology. President Febres Cordero graduated from Stevens in 1953 at the top of his class.

President Febres Cordero's life exemplifies the value of the sound and challenging education he received at Stevens Institute of Technology. His achievements reflect in part the rigorous preparation and sound values provided by that institution.

Mr. President, we ask that the remarks of President Febres Cordero, along with an introduction by Kenneth C. Roger, president of Stevens Institute of Technology, be inserted in the RECORD.

The remarks follow:

INTRODUCTORY REMARKS BY KENNETH C. ROGERS, PRESIDENT OF STEVENS INSTITUTE OF TECHNOLOGY

Mr. Chairman Emeritus of the Board of Trustees, I have the honor to present to you Leon Febres Cordero, Class of 1953.

The yearbook for the Class of 1953 bears a unique dedication. It was neither an inspired teacher nor a beloved counselor who drew the students' admiration. It was rather "the future of mankind." In the students' own words, "We must realize that the future of the world is . . . the responsibility of each and every one of us. The individual holds the power in the palm of his hand and it is up to him to use it."

How prophetic these words were for one member of the class, Leon Febres Cordero,

President of the Republic of Ecuador. He is the sole son of Stevens to join that unique fellowship of individuals who hold in their hands the capability of shaping the destiny of our world.

When he was an undergraduate here, Mr. Febres Cordero was known for his intellectual prowess, his enthusiasm and boundless energy, his determination and relentless drive. Combining a rigorous academic schedule and a myriad of extracurricular activities, he graduated with high honor at the top of his class. The personal attributes that led to his success at Stevens have taken him along the path from student to engineer to industrialist to statesman.

Today, as president of Ecuador, facing the greatest challenges of his career, Mr. Febres Cordero can draw upon problem-solving approaches he first mastered at an engineering student at Stevens. With professional engineering credentials that few world leaders possess, he can offer special insight into the complex problems facing mankind. His voice, raised on behalf of the positive results of technological innovation, commands international respect.

Mr. Febres Cordero has stated, "Everything I learned, I learned at Stevens." We thank you, sir, for this most generous endorsement, and in turn, say to you that your extraordinary achievements inspire us all. From Castle Point to the pinnacle of responsibility and power in the Republic of Ecuador, your promise has been so richly fulfilled.

I ask you, Mr. Chairman Emeritus, to confer upon His Excellency Leon Febres Cordero the degree of doctor of engineering, honoris causa.

ACCEPTANCE REMARKS, DOCTOR OF ENGINEERING, HONORIS CAUSA, CONFERRED BY STEVENS INSTITUTE OF TECHNOLOGY ON LEON FEBRES CORDERO

Without any doubt, your gesture has a special connotation for me; not only because of the high honour you are today bestowing upon me, but also and fundamentally because it brings me back to a period of my life which can never be forgotten; a period spent in this institution to which I owe my intellectual formation, most of my knowledge and the basic principles on which I have based the development of my ways of life.

The degree of Doctor Honoris Causa, which you have just granted me, does commit my gratitude to you, who represent, not only an institution of the highest academic standards, but who also fulfill the spirit of this nation: heroic in the compliance of duty, profound and austere in its obligations, and totally dedicated to the enhancement of science and technology.

In this education environment, I spent a very important part of my life. Here I made everlasting and true friendships, and it was here that I acquired not only a sound education, but also the will to fight for noble causes, the character to overcome obstacles, and the strength not to succumb to negative emotions and passions.

These tools I have used with tenacity, to obtain the trust of a people which has put upon my shoulder the very grave responsibility of conducting its destiny.

In so doing, I have not surrendered my principles, nor have I deviated from my firm convictions. On the contrary, I have presented myself to the people in a frank and authentic fashion; I have spoken with sincerity on the principles of the market economy; I have opposed, without any fear, the demagogic posture of extreme leftist tendencies and statism.

I have spoken about the capabilities of the human being and his free will, of the need to foster the development of a society in which bread, shelter and jobs are available to everyone. I was fortunate to have the favorable response of my countrymen, to the service of whom I am now totally committed.

The degree with which I have been honoured on this day, I take back to my country with sincere pride and deep satisfaction; and with you I leave the warmest feelings of my people and the permanent gratitude of this alumnus.●

JIM MOLLOY

● Mr. MOYNIHAN. Mr. President, Jim Molloy became Doorkeeper of the House at about the time I was first elected to the Senate. We have worked together nearly a decade now, and during those years I have come to know him as a man of great ability and character.

All of us know Jim Molloy's fine work. His kindness and hospitality during joint sessions and meetings of Congress make our visits to the other Chamber a great pleasure; his dedication, enthusiasm, and easy manner have earned him as many friends here as there.

Mr. President, I ask that the New York Times article, "The Keeper of the Door and Other House Parts," be printed in the RECORD.

The article follows:

THE KEEPER OF THE DOOR AND OTHER HOUSE PARTS

(By Martin Tolchin)

WASHINGTON, June 4.—He is a large, rotund man who stands in the rear of the House chamber during joint sessions of Congress and bellows the titles of those entering the chamber, ultimately proclaiming, "Mr. Speaker, the President of the United States."

That is what the world sees and hears of James T. Molloy, who rose from ward politics in Buffalo, N.Y., to defeat William Miller of Mississippi in a vote by the Democratic caucus and become Doorkeeper of the House of Representatives.

He is a gregarious man, with the same zest for local politics as the House Speaker, Thomas P. O'Neill Jr., who recently walked to the House chamber with an arm draped over the Doorkeeper's shoulder and said to a reporter: "They don't make them any better. He's one of my great friends and a beautiful man."

The Doorkeeper, nominally in charge of keeping order on the floor, oversees more than 400 employees and a budget of $6.8 million. His jurisdiction includes such seemingly peripheral responsibilities as the House document room, the Office of Photography and a Publications Distribution Service.

"I'm a political creature," Mr. Molloy said in an interview in his tiny office, cluttered with memorabilia. "If something involves politics, it ends up here."

A genial man, Mr. Molloy is nevertheless known to have flashes of temper, which he has occasionally expressed in writing, to his regret.

He recalled the anxiety of his maiden appearance on the House floor when President Ford delivered his first State of the Union address on Jan. 15, 1975. "I don't know who was more nervous," Mr. Molloy said. "Ford wanted to show that he was in charge, and so did I."

Mr. Molloy introduced "the Justices of the Supreme Court" and was gently told by Chief Justice Warren E. Burger that the proper introduction was "the Chief Justice and Associate Justices of the Supreme Court."

HENRY AND THE BOYS

Mr. Molloy also recalled that moments before he introduced "the President's Cabinet," which was lined up outside the chamber, Secretary of State Henry A. Kissinger poked his head inside the door and playfully told him, "Tell the world that Henry and the boys are here."

Mr. Molloy, 48 years old, a third-generation Irish-American, grew up in South Buffalo, which he recalled was "a hotbed of politics."

The son of a firefighter, he worked as a marine firefighter, a teacher and in the District Attorney's office while earning his undergraduate and law degrees.

The turning point in his career, he said, was joining the South Side Democratic Club and being elected its chairman at age 27, "the youngest ward chairman in the city's history." At that time he worked as a loan officer for a local bank, but used an alias, "Mr. Alois," so that his constituents would not recognize their ward leader as the man who was pressing them to pay their bills.

Mr. Molloy became a protégé of Joe Crangle, then as now leader of Buffalo's Democratic organization, who worked with Representative John Rooney, a Brooklyn Democrat, to send Mr. Molloy to Washington. His first job here, in 1969, was as the House's chief disbursing officer. He then served for two years as the House's chief finance officer.

"There were people happy to get me out of Buffalo," Mr. Molloy said.

WE'RE JUST HIRED HELP

In 1974 he mounted his challenge to Mr. Miller, who had held the job for more than two decades. Mr. Molloy and some veteran House members agree that Mr. Miller had developed an independent power base, courting the committee chairmen but largely ignoring the rank and file.

"He forgot that we're just hired help," Mr. Molloy recalled. "It's a service-oriented job."

Carl Albert, who at that time was the Speaker, remained neutral in the vote by the caucus, as did Mr. O'Neill, then the majority leader. Mr. Molloy was also aided by some of the younger, antiwar members and some Southern delegations.

The current consensus is that Mr. Molloy is attentive to members' needs, from an extra ticket to a State of the Union address to appointment of a House page to distribution of a newsletter.

"He tries to make the members' job as pleasant as possible," said Representative Henry J. Nowak of Buffalo, an old friend and ally.

Mr. Molloy's greatest crisis occurred in 1982 with the reports of sexual misconduct and drug abuse involving House and Senate pages.

"I told the Speaker we had to move quickly," Mr. Molloy recalled.

He had previously urged stricter supervision of House pages, high school students

who were largely left to their own devices off the House floor. He then successfully argued for conversion of a House office building into a dormitory for pages and for an overhauling of the school where pages attend classes while working in the capital.

CROSSING SWORDS WITH THE PRESS

More recently, Mr. Molloy has crossed swords with the staff of the House press galleries. Although he serves as paymaster of the staff, its control is in the hands of committees of reporters.

After only 15 reporters turned out to hear Garret FitzGerald, the Irish Prime Minister, Mr. Molloy fired off an angry letter to the press galleries superintendent directing that all 96 seats be filled for a forthcoming visit by President Francois Mitterrand of France. Mr. Molloy now says he regrets sending the letter. But when Mr. Mitterrand appeared, there was standing-room only in the press galleries.

Mr. Molloy has witnessed the dispersion of power in the House, and an increase in the number of younger members.

"You'd think there'd be a lot more camaraderie, but there isn't," he said. "When we used to have late-night sessions, you'd see those small airline whisky bottles in the cloak-room and hear some singing. But now they're all business. They take themselves too seriously."●

COMBAT ON COMMUNIST TERRITORY

● Mr. ARMSTRONG. Mr. President, I would like to bring to the attention of my colleagues an outstanding book entitled "Combat on Communist Territory" by Charles Moser. Perhaps more clearly and more concisely than any other document, this book, published by the Free Congress Foundation, chronicles the actions of freedom fighters throughout the world who are seriously threatening Soviet domination.

I am particularly grateful to the Free Congress Foundation for their courageous work in this field. It is much easier to follow the more popular path which seems to ignore the threat of Soviet expansionism. Instead, the Free Congress Foundation has willingly sponsored outstanding, scholarly works such as "Combat on Communist Territory" which can serve as the basis for a more reasoned approach to encouraging American values and interests.

While I encourage my colleagues to read the entire book, I would particularly like to draw their attention to the chapter on Nicaragua. Literally millions of pages have been written on the Nicaraguan situation, but little of the information has been in an understandable, usable, factual format. I believe you will find Mr. Moser's material to be an invaluable tool in better understanding the real aims of the Sandinista government as well as the motivating factors behind the democratic forces in Nicaragua.

I submit the following material for the RECORD:

DEFENDING FREEDOM IN NICARAGUA

(By Jeffrey St. John)

BACKGROUND

The Republic of Nicaragua is the largest of the five Central American nations, with an area of 57,000 square miles; at the same time, it is the least populated, with 2.7 million people. The capital and largest city, Managua (population 450,000), devastated by an earthquake in 1972, is located on the Pacific coast, where most of the population is concentrated. The economy is largely based on the production of agricultural commodities for export (cotton, beef, sugar) as well as on the production of light industrial goods for internal consumption, such as processed foods, beverages, textiles, and clothing.

Although the country lacks major mineral resources, it exports moderate quantities of gold and silver, and it has considerable hydroelectric potential as well as large sections of uncultivated lands.

During the 1970's a sizable shrimp and lobster fishing industry began to develop.

Nicaragua's major trading partners are the United States, Japan, Western Europe, and Central America.

During the 1960's and early 1970's the gross national product and the general standard of living increased sufficiently to make Nicaragua's per-capita GNP the highest in Central America after Costa Rica, and so Nicaragua was classified as a "middle-income" country.

Nicaragua shares with its neighbors a history of civil strife and political instability. Throughout the 19th and the early 20th centuries, geographically-based political factions representing a single, small ruling class competed under a symbolic two-party system in which neither contender was willing to accept an unfavorable outcome. Frequently they achieved victory through the assistance of foreign governments and/or financial interests.

In 1933, when the last American military forces left the country after 20 years of intervention, Anastasio Somoza Garcia seized power to begin more than four decades of domination of Nicaraguan politics by the Somoza dynasty.

By 1977 mounting internal unrest, a new international political climate, and the progressive weakening of the Somoza regime created conditions which eventually led to a general insurrection and the seizure of power by the Frente Sandinista de Liberacion Nacional (FSLN) in July of 1979.

A series of events beginning in August 1978 with the seizure of the National Palace while Congress was in session, followed in September by Sandinista-led insurrections in major provincial capitals, captured the imagination of the people. However, the great majority still hoped for a peaceful solution and backed the moderate Broad Opposition Front (FAO), even after the so-called "Group of Twelve," composed mostly of radicals representing the Sandinistas, abandoned the democratic opposition in an effort to block the mediation undertaken by the U.S. ambassador to Nicaragua. The Sandinistas loudly opposed any form of peaceful settlement, and even denounced a rumored "coup d'etat" which would have robbed them of their legitimacy, since they could obtain absolute power only from Somoza. At the same time the FSLN in Costa Rica received a constant flow of goods from such countries as Cuba, Venezuela, Mexico, and Panama, while the U.S. turned back two shiploads of arms and ammunition from Israel destined for the beleaguered government forces.

In early June of 1979 the Sandinistas—with full national and international backing—launched a final offensive. At this point the U.S was willing to force Somoza's resignation. At its initiative the XVII meeting of Consultation of Foreign Ministers of the Organization of American States was convened, and on June 23 adopted an unprecedented proposal calling for:

1. Immediate and definite replacement of the Somoza regime.

2. Installation of a democratic government in Nicaragua to include representatives of the main groups opposing the Somoza regime and reflecting the free will of the people of Nicaragua.

3. Guarantees for the respect of the human rights of all Nicaraguans without exception.

4. Free elections at the earliest possible date to bring about the establishment of an authentically democratic government.

This hemispheric bombshell unquestionably hastened Somoza's departure, which at U.S. request did not occur until July 17.

For their part, however, the Sandinistas did not live up to the agreement, although they consented to do so. In a letter from San Jose, Costa Rica, of July 12 to the Secretary General of the OAS, they pledged themselves to democracy, human rights, and the first free elections in this century for Nicaragua. They also said: "Our premise is that while it is true that the solution to Nicaragua's serious problem is the exclusive competence of the Nicaraguan people, hemispheric solidarity, essential for this plan to take hold, will be accorded in fulfilment of the OAS resolution of June 23, 1979." That undertaking has never been met.

Honduras, Costa Rica, El Salvador and Guatemala, the countries most serously afflicted by the Sandinista onslaught, with the endorsement of the United States, have taken the first step in reminding the OAS of the duty it accepted in 1979 to the Nicaraguan people and to the entire American continent.

Private sector organizations in Nicaragua, political parties, labor organizations and the Church have made numerous appeals to the Sandinistas to carry out the objectives and respect the principles of the Nicaraguan revolution as originally formulated by the Sandinistas themselves.

THE PARTICULAR CHARACTERISTICS INFLUENCING THE NATURE OF THE ANTI-COMMUNIST STRUGGLE IN NICARAGUA

Bishop Pablo Antonio Vega, newly elected President of the Roman Catholic Episcopal Conference, recently defined the principal characteristic of the anti-communist struggle in Nicaragua when he said: "The tragedy of the Nicaraguan people is that we are living with a totalitarian ideology that no one wants in this country." This helps to explain the widespread support for the freedom fighters, as illustrated in the following quotation from the May 14, 1984 issue of *Time:*

"Over the past year, the civilian population has grown used to the contra presence and now provides a network of assistance. Our patrol carries rations of dried beef, rice, roasted cocoa beans and sugar, but peasants along the way offer us tortillas, bananas and water. More important, the local campesinos act as couriers and give our patrol intelligence about Sandinista troop movements. On the third and fourth nights of our trek, we are invited to sleep at peasant

homes. During the days, we frequently take long rests at farmhouses. The contras chat easily with our hosts, some of whom are their friends and relatives."

The totalitarian way of life the Soviets, Cubans and communist Nicaraguans are trying to impose on the country runs athwart the most important values of the Nicaraguans as revealed in a poll of August 1981 (the last taken before they were outlawed by the government): religion, liberty and private property.

Cubans, estimated to number from 12,000 to 15,000, and perhaps 2,000 citizens from other communist countries had arrived in Nicaragua by the end of 1979 to aid in the radicalization of the revolutionary process. This led to an immediate reaction against the Sandinista betrayal of the objectives of the resolution.

The first to form small units to harass government troops and agents were the peasants and small landowners of northern Nicaragua, protesting against being forced to form agricultural cooperatives and sell their products exclusively to the State. Their armed activities, though limited, brought on repression by the police, and prepared the ground for more organized resistance.

The first significant political and military opposition to the Sandinistas was formed under the leadership of Fernando Chamorro—who remained inside the country after the Sandinista triumph and began organizing an Internal Clandestine Front—and his brother, Edmundo, who remained abroad for a time to begin forming the Nicaraguan Democratic Union (UDN), with an armed branch called the Nicaraguan Revolutionary Armed Forces (FARN). By 1981 UDN was very much in the field against the regime within Nicaragua. In a lengthy press interview of that year Edmundo Chamorro indignantly rejected a question implying that UDN used the same sorts of terrorist, destructive methods the Sandinistas had employed in their drive to power, describing such a strategy as "low-down." At the same time he complained that the anti-Sandinista cause suffered from lack of funds, whereas the communists in their time had obtained "plentiful amounts of money" through such improper means as "stealing, kidnapping, hijacking, extortion and blackmail". Chamorro emphasized that the UDN was waging a "clean war," for a "just, noble and necessary" cause, in a struggle which would ultimately prevail.

With the intensification of Sandinista repression, other political groups came into existence. A leading one among them began to be formed in late 1981 as an amalgamation of several exile organizations which decided to cooperate in the endeavor to overthrow the Nicaraguan regime, which took the name of the Nicaraguan Democratic Force (Fuerza democratica nicaraguense, or FDN). The initial directorate of the FDN was composed of Edgar Chamorro, Enrique Bermudez, Mario Zeledon, Indalecio Rodiguez, Lucia Cardenal Salazar, Alfonso Callejas Deshon, and Adolfo Calero. In December 1982 the FDN published a proclamation calling the Nicaraguans to arms and requesting aid from other hemispheric nations for the institution of a democratic system in Nicaragua.

The political objective of the FDN, according to its statement of principles and objectives, is to "establish a type of government in accordance with the western concept of man and society," which incorporates the "essential and fundamental values of the Nicaraguan nationality and Christian culture."

More specifically the FDN calls for "respect for life, liberty and human dignity," as well as family rights; the right of private property and the raising of living standards for all Nicaraguans; freedom of speech and of the press; freedom of association; and the creation of a non-partisan army and national police.

The FDN also believes that it is still possible to achieve the original objectives of the Nicaraguan revolution by peaceful means, and so it is willing to cease all paramilitary operations it has undertaken within the country provided that the Sandinista government, under OAS guarantees, comply with certain conditions designed to restore to the citizens of Nicaragua certain rights they are now denied. These conditions include: a general amnesty; immediate revocation of the National Emergency Law, which in effect imposes a state of siege upon the nation; repatriation of all Nicaraguans, with full guarantees of their rights as citizens; revocation of all laws denying human, civil, and social rights, and the abolition of repressive institutions; an immediate end to religious persecution; expulsion of the "internationalists" who have entered the country, including all those granted Nicaraguan citizenship after July 19, 1979; the creation of a genuine army and impartial national police without affiliation with any political party to replace the present Sandinista army and police; a drastic reduction of the immense inventory of weapons stockpiled by the Sandinista government; the immediate separation of public administration from partisan political activity; the right of free speech and freedom of the press, with the abolition of all forms of censorship and state control and ownership of the media; an end to the persecution of the rural and Miskito population; and the holding of free and honest elections of a National Constitutional Assembly to be supervised by an international organization such as the OAS.

Still another Freedom Fighter organization is the Democratic Revolutionary Alliance (ARDE) under Eden Pastora and Alfonso Robelo, which claims to have more than 4,000 guerrillas under arms and considerable support among the Nicaraguan militia and peasantry. Pastora, known as Commander Zero, is the best-known single leader of the anti-Sandinista forces: he was the most popular guerrilla fighter in the field against Somoza, and was initially a member of the Sandinista government. However, he soon became disillusioned by the direction in which that government was moving and left Nicaragua in 1980. Very recently he was the target of an assassination attempt which U.S. sources are coming to believe was organized by the Nicaraguan government.

The severe Sandinista persecution of Indian groups within the country—such as the Miskito, Suma and Rama Indians in the northeastern portion—has led them to take up arms in self-defense, and to cooperate at least in a limited way with the Nicaraguan insurgents. The Indian resistance falls into two major groups. One is called MISURASATA and is under the leadership of Brooklyn Rivera; it cooperates closely with Pastora's ARDE and operates more in the southern portion of the Indian lands, with bases in Costa Rica. The other group, led by Steadman Fagoth, is called MISURA, and is more loosely connected with the FDN, working out of Honduras to the north. Since the Sandinista response to Indian resistance has been ferocious, the Indians are motivated to fight with all their energies. On the other hand, their alliance with the anti-communist Nicaraguans is uneasy, since the Indians would make claims for local autonomy against even a democratic Nicaraguan government. as one of their leaders has said: "We want autonomy and self-determination so we can protect our culture, our Indian life, Indian rights. Without Indian determination, our way of life will be dominated by capitalism or marxism. Those are not Indian ways. We have our own ways."

Religious persecution has also swollen the ranks of the rebels and caused second thoughts within many religious organizations once actively supportive of the Sandinistas.

Internal factors contributing to a passive rejection of the Sandinista government which may be transformed into active insurrection as the armed struggle intensifies include violations of human rights, armed repression of the people, increased rationing of food and other necessities, government control of the economy and the gradual elimination of private enterprise. Independent labor unions have also been marked for extinction. Also, the forced induction of teenagers into the army has caused unrest.

The unprecedented Sandinista arms buildup has also greatly disturbed the countries in the region. The ideological commitment of the Sandinistas to the spread of revolution and their funnelling of arms to the guerrillas in El Salvador have provoked the opposition of countries outside the region including the United States, with the exception of Mexico. Costa Rica, El Salvador and Honduras have brought heavy diplomatic pressures to bear as well.

POLITICAL AND MILITARY ORGANIZATION OF THE SANDINISTAS

The Sandinista government is modeled on those of Cuba and the Soviet Union; thousands of advisors from those countries specializing in governmental organization poured into the country immediately after the Sandinista victory. It is based on the interplay of three balancing forces: the Party, the Army, and State Security. Each possesses enormous power, but this is offset by the combined strength of the other two.

The nine Commanders of the Revolution have their own areas of authority in the triangular structure, and they check one another through an umbrella organization equivalent to the Soviet Politburo called the National Directorate, which plays a decisive role in all aspects of Nicaraguan life.

At present there is no office of President; in its place there is a governing junta of three—though real power is reserved to the Politburo. The equivalent of the Soviet Parliament—the Council of State—is an organization without real influence. Its President is Carlos Nunez, one of the nine Commanders, but the Council itself is powerless even to propose the enactment of laws. It exists merely for propaganda purposes, to give the impression that Nicaragua enjoys a republican government as understood in the West. In the judicial area there exist people's tribunals staffed by party members without legal training; there is also a Supreme Court whose decisions are totally subject to the will of the Politburo.

As for the executive branch, the Junta is a mere front, since the ministries of state handle the day-to-day business of government. Among the most powerful of these is the Ministry of the Interior, headed by

Tomas Borge, one of the nine. The State Security Forces come under this ministry, under the direction of vice-minister Luis Carrion, another of the nine, as do border control, customs, immigration, press censorship. This apparatus includes an estimated 10,000 to 15,000 men and also has a parallel separate army, the border patrol, said to number 5,000. The national police also comes under the control of this ministry.

The Ministry of Defense is headed by Commander Humberto Ortega, Commander-in-Chief of the Army and of the Popular Militia. These two institutions include the bulk of the armed forces: the former is estimated at 45,000 and the latter at 60,000. The Army has its own political and security forces, and runs an important counter-intelligence unit. Ortega's power is partly offset by Borge's. The two are said to have carried on a feud for many years, but it was mitigated by Fidel Castro's intervention in 1978 and has been kept in check by the continued supervision of Castro and the Politburo. This is an important exploitable weakness in the Sandinista apparatus.

The Ministry of Agriculture and Agrarian Reform under another Commander Jaime Wheelock, has no army of its own, but controls the largest working force in the nation. Under it come the agricultural cooperatives and the agricultural workers union, which peasants are compelled to join and which therefore numbers in the tens of thousands. This ministry has carried out the confiscation and outright appropriation of millions of acres of land.

The Ministry of Planning has another Commander at its head, Henry Ruiz, a man so radical that he was once expelled from Patrice Lumumba University in Moscow. This ministry sees to all five and ten year plans; the Central Bank and such ministries as Finance, Foreign and Domestic Commerce, Public Works, and lesser government agencies come under its control. They are all plagued by inefficient, overlapping bureaucracies which have made the entire network unproductive.

The basic population control apparatus, called the Sandinista Defense Committee (CSD), modeled directly on Cuba's Committees for the Defense of the Revolution, is supposed to be formed in every city block and is under the direct supervision of State Security. Through this organization the State Security Forces exercise a great deal of control in most cities, especially in lower middle class and poor neighborhoods, which make up most of the country's population. This network supplies the police with information, and also carries out many smaller policing tasks itself. The heads of the CDS are armed by the State and constituted paramilitary force designed to terrorize the people.

The top authority of the Sandinista government is the National directorate of the Sandinista Front of National Liberation (FSLN), a tightly closed group made up of the nine self-appointed Commanders of the Revolution. All are hard-core doctrinaire and dedicated communists. All are Nicaraguan born except for Victor Tirado, a Mexican, created a Nicaraguan born citizen by decree. All have been trained in the Soviet Union, Cuba, and the PLO camps of the Middle East.

The members of the Directorate are divided among hawks (who favor a fast pace toward socialism regardless of the consequences) and doves, who incline to take a less confrontational path and are more willing to make tactical compromises.

Ironically, the unity which was so instrumental in the Commanders' rise to power could be an important factor in their downfall. When the chips are down frictions are inevitable. For example, the elections which have been forced on them by national and international pressures have split them deeply. Toma Borge, founder of the FSLN and a more charismatic leader, is challenging the Politburo's nomination of Daniel Ortega as president in the "elections" scheduled for November 1984. Zavier Gorostiaga, a Basque Jesuit priest and leading Sandinista advisor, has recently said: "My impression is that the internal dynamics of this country don't require us to have elections. The elections are much more for external benefit. They are a symbolic gesture." And indeed, as of June 1984 the civil and political rights of the citizens are suspended by law; there is no freedom of expression or assembly; and even the taking of polls is prohibited by law.

The Sandinista government, ignoring the traditional division of the country into Departments, has divided Nicaragua into Regions and Zones, for both political and military purposes. The Regions cover the populated area of the country, the Pacific side, while the Zones cover the Atlantic side, which is thinly populated, remote, and less important. The Regions have their own municipal governments, while the Zones are governed by delegates of the ruling Junta.

The overall organization of the Sandinista army is as follows. Regions and Zones are independent of each other, but are under the direction of a Chief of Staff from whom all orders emanate, and who in turn is under the Commander-in-Chief of the Popular Sandinista Army. Regional and Zone commanders share authority with three other officers: Political, Special Brigades, and Supplies, who all send in separate reports. This structure is replicated all down the line, from headquarters to detachments. All plans are drawn up jointly with Cuban advisers, but Cubans evaluate them and see to their execution. The foreign press has reported that there are Cubans at detachment level in all operations.

The Militia, by far the most numerous force, comes under the Defense Ministry, but also has a Chief Commander. At each place of work there is a commander, who with the help of union officials forces workers to "volunteer" for the Militia on pain of losing their jobs. Placed in Special Brigades and Reserve Brigades, they are assigned to different Zones and Regions, and thus far have borne the brunt of the fighting. Special Army political troops are always present at their rear to make sure that they engage the enemy.

Both the Militia and the members of the Military Service have suffered serious casualties. They are sent into battle without proper training and with inferior weapons. They have been used as cannon-fodder, and a number have been actually assassinated by the infamous rear-guard troops, who are trained specially to kill.

Besides the Border Patrol, the Ministry of the Interior has special troops called Counter Insurgency Battalions, assigned to the rural areas with large populations. They are equipped with sophisticated weapons and supported with helicopters. Though they do engage the Freedom Fighters, their principal task seems to be the terrorization and annihilation of the civilian population supporting the Freedom Fighters.

MILITARY ORGANIZATION OF THE FREEDOM FORCES

For the purposes of discussion in this chapter, we shall concentrate primarily on the political organization and military experience of the Nicaraguan Democratic Force, or FDN.

The top authority of the Nicaraguan Democratic Force is the National Directorate, comprised of seven members, which operates like the board of a corporation. In October 1983 one of the directors was elected President, and at the same time Chief of the armed forces. Each of the directors is assigned a specific area of concentration, but overall policy is set by the entire body, which meets at least once a month. However, most of the time four of them are together in the same place in order to take prompt decisions.

The Civic Military Command serves as an executive committee in direct charge of the military campaign. It is comprised of four National Directors. They are in charge of the following areas.

Strategic Command. Directly supervising military operations this is under the command of a former military man who is also a member of the Civic Military Command and the National Directorate. He is assisted by a general staff made up of specialists in their fields, but the commander can only be replaced by another member of the Civic Military Command. Its sections are as follows:

Clandestine internal resistance operates inside Nicaragua as a secret organization made up of small cells which maintain no contact with one another but keep in constant communication with zone commanders. They have the task of coordinating sabotage operations.

Special forces are commando or ranger outfits made up of young men in top physical condition who train constantly for a variety of tasks. Two units of the Special Forces carried out the Pelota Island operation. Others have carried out attacks on Sandinista army bases with such precision as to accomplish their objectives without suffering any casualties.

Schools are conducted for officers who head detachments; seminars are conducted for group commanders, task force commanders, and regional commanders. Training is also provided in arms maintenance and communications. Troops are trained in larger camps; all new recruits are provided a six-week course before being sent into combat, though there are some exceptions to this rule.

Air force is divided into two sections: one for the transport of materials and airdrops, the other for tactical operations and a variety of missions such as aerial photography, rescue operations, reconnaissance, propaganda drops and attack operations.

Operations theater, or tactical command. A commander with a field staff and task force is in charge of coordinating and supervising the regional commands. This group has great mobility, maintains personal and radio contact with the regional commanders, and also participates in operations. This commander reports directly to the Strategic Commander.

The basic unit is the detachment, which numbers from 20 to 30 men. Three or more detachments make up a Group Force; three or more Group Forces constitute a Task Force. Three or more Task Forces form a Regional Command, named after prominent figures in Nicaraguan or Central American history.

Supply Center is devoted to planning, appraising, acquisition, warehousing and distribution of materials provided through the Civic-Military Command.

Center for Civilian Services. Driven by Sandinista persecution, thousands of Nicaraguans have fled to neighboring countries. International organizations lack the resources, and sometimes the will, to care for people in the refugee camps in Honduras and Costa Rica; thus the Center for Civilian Services sees to their needs (many volunteers have family members in the camps, in fact). For this and other activities the Center solicits aid from both national and international sources, with considerable success. The Human Rights Section interviews the refugees to record their experiences and make them known throughout the world. Journalists are given the opportunity to conduct personal interviews with refugees in the camps.

Medical Center. Nearly every detachment includes paramedics to take care of emergency aid. The wounded, depending on the severity of their injuries, are channelled to mobile units, to regional clinics, and to the general hospital, which at times houses up to 150 patients and has a competent staff of physicians. This hospital has received many donations, especially from members of the Cuban and Nicaraguan exile communities in the United States. Cuban doctors resident in the United States make regular trips to the hospital to perform specialized surgical operations.

In sum, what began as a rag-tag force in small rural communities in 1980 has grown into a well-organized force of 10,000 volunteer combatants. With proper equipment and support, that number could double within a few months.

EXAMPLES OF SUCCESSFUL MILITARY OPERATIONS

One of the very first successful operations by the Freedom Fighters was an attack on the Sandinista Army Command post at San Francisco del Norte. It was a well planned and well coordinated attack by two task forces, Zebra and Sagitarius, using precise and last-minute intelligence information. This operation resulted in the deaths of a considerable number of enemy soldiers and the capture of more than 80 weapons, most of them made in Czechoslavakia.

Ambushes are among the most useful guerrilla warfare tactics, in which the heaviest casualties are inflicted upon the Sandinistas with the fewest casualties for the Freedom Fighters. Ambushes have been carried out throughout the areas controlled by the Freedom Fighters, and have such impact on the Sandinistas as to cause them to carry civilians in their military trucks so as to blame their deaths on the Freedom Fighters in case of ambush.

A number of strategic objectives have also been destroyed. For example, on March 13, 1982, the bridges of Ocotal and Somotillo were destroyed by special units operating within a few minutes of each other. At the time the FDN left brochures at the site announcing the initiation of its military operations, which in turn caused the Sandinista regime to declare a state of national emergency which has been in effect since that time. Smaller bridges have been destroyed in the provinces of Nueva Segovia, Jinotega, Esteli, and Matagalpa.

In August of 1982 another very successful military operation took place at Puerto Viejo, in the Iyas Comarca, where the Ministry of Construction had concentrated a great deal of heavy machinery for the construction of a road connecting the province of Zelaya to the Pacific area. A special unit of 26 Freedom Fighters destroyed a total of 62 pieces of heavy equipment with demolition charges. In addition to these, fuel depots, office buildings, barracks and mechanical shops were also demolished.

Although the international press refers to this day to the "border war" of the "contras," a pejorative word coined by the communists, the village of Pantasma is located 25 kilometers northwest of Jinotaga, capital of the province of the same name, and 85 kilometers south of the border between Nicaragua and Honduras—quite in the interior of the country.

A rich agricultural valley 6 by 15 kilometers, Pantasma produces primarily livestock and grain. Most of its 5,000 inhabitants had been forced onto collective farms. Through regulation of seed, fertilizer, and credit lines, the Sandinista government had established firm control over the population and turned Pantasma into a sort of Potemkin village.

Mike Lima's Diriangen Task Force—named after an Indian chief who fought the Spaniards in the 16th century—was running short of ammunition and other supplies. Natives of Pantasma in his group suggested that the valley would be an excellent place to obtain supplies.

On the evening of October 17, 1983, Mike gathered his force of 500 men in the outlying hills, reviewed final plans, and assigned seven contingents to the same number of objectives, located over a stretch of 4 kilometers, all of them along a road crossing the village from El Charcon, a settlement on the northern tip where 50 Sandinista militiamen were stationed, to the southernmost Central Army Command, a military area of 150 square meters which houses up to 1,000 men but at the time of the attack was defended by 250 men.

After a perfectly coordinated six-hour night march, at daybreak Commander Jimmy Leo with 80 men led the assault on El Charcon, which resulted in 32 enemy dead and 18 escaped, with the capture of 32 AK-47s. The second objective—the Government Development Bank, along with grain storage facilities and other government offices—was taken by Commander Cinco Pinos. Only three of 27 defenders escaped. A substantial sum of money was requisitioned and used later for the purchase of boots and other items from the town's stores. The Freedom Fighters either are given food and other items or purchase them, never taking anything by force.

The State Security Forces had their own headquarters, where Commander Hugo's 40 men overpowered 15 Sandinistas, of whom 11 were killed with some weapons captured. A lumberyard caught fire rather spectacularly during the exchange. Commander Ruben with 80 men was assigned to take the center of the village. Only two Sandinistas were found there guarding the grain store, and were easily disposed of. No civilians were injured at all.

The Sandinista party headquarters was also guarded by troops, but out of 32 only three escaped in a battle which took just an hour.

The Highway Construction Camp, housing over 100 vehicles, tractors and other equipment, manned by Cubans and used for road building and military purposes, was defended by 60 men, of whom 15 were killed while the rest fled in confusion. Most of the equipment was destroyed as a means of curtailing the enemy's mobility.

The Army Central Headquarters, located in Estancia Cora, a farm and the base for Battalion 3644, which at times houses up to 1,000 men, was defended by 250 men, as our intelligence had reported. It had three lines of defense consisting of trenches, sandbags and turrets. Commander Douglas led the attack with 150 crack troops equipped with support weapons. The assault on the base camp at dawn met with fierce resistance, and the battle, with reinforcements arriving for the Freedom Fighters as other objectives were cleared, continued until 3 p.m., when the ammunition depot exploded after being hit with a grenade. That threw the enemy forces into disarray. When the Freedom Fighters overran the camp, 50 of the enemy were killed and the rest fled to the hills.

Enemy reinforcements of 250 men were beaten back at 5 p.m. through an ambush on the outskirts of town organized by Jimmy Leo after accomplishing his primary objective. At the beginning of the entire encounter Mike Lima had obtained a Nissan public bus for himself and drove it back and forth between the lines, directing the entire operation.

In this entire assault the Freedom Fighters lost only 8 men killed and 5 wounded, capturing 110 AK-47s, 87 Czech BZ, and 30,000 rounds of ammunition. They also reequipped themselves with items purchased from the local stores, mingled with the population, and—most important—recruited 114 new volunteers.

The special forces of the Freedom Fighters have carried out numerous operations which depended primarily on good intelligence and the element of surprise. Examples are the blowing up of petroleum storage tanks in the port of Corinto on October 10, 1983, and the destruction of the crude intake pipe offshore in Puerto Tamarindo (Sandino) a months earlier.

The special forces also carried out the mining of Nicaraguan ports without suffering any casualties, but this activity has been discontinued for political reasons.

UNSUCCESSFUL MILITARY OPERATIONS AND THE CAUSES OF THEIR FAILURE

Occupation of the town of Jalapa

By November 20, 1982, the FDN had several detachments in the community of Yumpali. By this date the different detachments had spent four consecutive days since November 16 in one relatively small area located about 15 kilometers from Jalapa. This meant that the EPS had had sufficient time to gather information about FDN movements and to send troops to the area.

Contact was first made with the enemy on November 23, seven days after the first Detachment had arrived at Yumpali, so the EPS had the information it needed to seek to cut off the force and try to annihilate it. Still, the Freedom Fighters lost no troops that day, while the EPS lost three. By this time it would have been wiser to have besieged Jalapa, which was the chief objective in any case. That same day the Freedom Fighters relocated from Yumpali to the command post formed at La Providencia, but by this time the Sandinistas had a superior logistical channel to the front line in addition to outnumbering the Freedom Fighters by at least 11 to 1. They also had an unconfirmed number of artillery pieces in action and the support of the air force.

The main cause of the failure of this operation lay in deficient planning and initiative. Since FDN troops had spent too much time in the area, the Sandinistas were able

to seize the initiative after the first day of combat.

Assault on the 'La Laguna' Tank Battalion

The main objective of this operation was to position explosive charges over the fuel tanks of Soviet-built T-54 tanks and thus lower the morale of the EPS troops through the knowledge that an armored unit had been hit.

The first attempt occurred around June 1983, but was aborted by the commanding officer of the special unit since he could not determine whether the tanks were present. A reconnaissance mission carried out by the same officer was not very successful, and therefore the information available on the 'La Laguna' installation was not accurate.

The second attempt occurred around October 1983. The new commanding officer and his men had been much better trained than had the first unit; but when they reached the objective they were fired upon by the enemy, who were expecting them. The cause of the failure here may have been reliance on old information obtained four months before.

Occupation of the city of Ocotal

Operation Marathon was launched in September 1983, the largest operation in terms of manpower undertaken to that time. The main objective was the capture of the city of Ocotal and the conducting of a psychological warfare propaganda campaign there. Plans included the takeover of an Ocotal radio station and the broadcasting of a prerecorded cassette calling for a mass concentration in the town's central plaza.

The operational plan envisioned the cutting off of the four access roads to Ocotal by several Task Forces while another Task Force took the town itself. The military operation was well conceived, but it lacked precise and up-to-date information on the number and location of enemy troops, which engaged in heavy fighting with the Freedom Fighters on the outskirts of town and prevented them from seizing it. Another cause of the failure was the complete absence of coordination between the Operational Theater Field Commander and the various Task Forces.

Assault on Potosi

In October 1983 an assault on the Port of Potosi was to be executed by a Special Forces team. Though the operation was well conceived and well rehearsed, it failed in its objective of seizing Potosi and destroying its installations and pier. No reconnaissance mission had been sent out in advance to gather precise information, and our team was surprised when it landed on the beach.

The few failures of the Freedom Fighters, in sum, have resulted from one and the same error: they forget they are trained for guerrilla warfare and fall into conventional tactics.

COORDINATION OF POLITICAL PROPAGANDA WITH MILITARY ACTION

Communications Center

The Communications Center is headed by one of the seven members of the FDN National Directorate. The propaganda and publicity campaigns carried out by the Center are aimed at various population groups ranging from the Sandinistas most ideologically committed to international communism to the FDN's most fervent supporters. One of the most important objectives of the Center is to broadcast information about the various military operations which take place all over the country in order to create conditions for a popular insurrection against the Marxist regime in Nicaragua.

The Communications Center conducts what is known in modern parlance as "psychological warfare." For this purpose the Communications Center has been divided into several departments with specific tasks.

The Information Department keeps in close touch with the military area, as does the clandestine radio "15 de Septiembre," the official voice of the FDN. Created just a year ago, this department is in charge of writing the news and other information to be broadcast on the radio, using various propaganda approaches to appeal to the different sectors of the population as determined by the department's staff. These approaches change from time to time, and are also affected by the responses of the target audiences to the campaigns which have already been conducted. This department has the task of portraying military actions along with parallel psychological campaigns which vary along with the types of military operations planned by the FDN. Effective coordination between this department and the military section is of vital significance for the success of the overall effort.

Radio '15 de Septiembre"

From humble beginnings, when it was run by a few young university students with minimal resources, the "15 de Septeimbre" radio station has established itself as the first nationalistic insurgent voice against the communist occupation of Nicaragua. It is now the official voice of the FDN.

This radio station, operated clandestinely from within Nicaragua, fulfils two essential functions. Inside Nicaragua it is not only a source of information, but also a symbol of liberation: every day it penetrates the barrier of communist censorship. In the international area, the radio has steadily established itself as a reliable source of information, with excerpts from its broadcasts retransmitted on commercial radio stations of Central America. In short, this radio station serves as one of the principal channels for the distribution of the FDN political line.

Publications Department

The publications distributed by this department enable readers not only to understand the nature of the struggle, but to identify as well those in Nicaragua who have taken up arms against the Sandinista dictatorship.

The chief publications are a *News Bulletin* and the official monthly magazine *Comando.* The weekly *News Bulletin* contains details of the military confrontations within the country and denounces the crimes against the Nicaraguan people committed by the Sandinista Popular Army and State Security Forces. Inside Nicaragua these publications are distributed by the Freedom Fighters themselves; internationally they are circulated to diplomats, political leaders, unions, universities, and newspapers, as well as, of course, the Nicaraguan exile community.

The Publications Department also prints leaflets of which more than a million have been dropped all over the territory of Nicaragua, denouncing the atrocities of the Sandinista dictatorship, the presence of foreign troops within the country, and providing evidence of the support of the Nicaraguan people for the FDN.

Political Education

This department has the responsibility for "face-to-face" political education through personal communication between the Freedom Fighters and the population, which provides quicker and more lasting results. The Political Education Department is closely linked to all the other departments of the Communications Center, and especially to Publications, which sees to publishing small texts serving as guides for the FDN Freedom Fighters in their propaganda work. A text entitled *El Libro Azul y Blanco* (The Blue and White Book), after the colors of the national flag, has been issued to instruct FDN supporters on the principles of democracy and the objectives of their struggle in order to prepare them to transmit this knowledge to the Nicaraguan population at large.

Public Relations

The Public Relations Department has the responsibility of transmitting to the international press, diplomats, political leaders and others the true image of the movement. It handles public relations with governments, international organizations, humanitarian groups, political parties, etc., including groups carrying out active or passive civil resistance inside Nicaragua. It also has a parallel plan of penetration to create sympathy and support from these entities for the political objectives of the FDN. This department also includes several Regional Committees in the Central American area.●

REFORM OF THE SENATE

● Mr. QUAYLE. Mr. President, it was just 1 year ago today that the Senate passed a resolution establishing the Temporary Select Committee to Study the Senate Committee System. Such anniversaries are useful occasions. They enable us to congratulate ourselves on accomplishments and to examine the prospects for the future in the light of the past.

On one-half of that year I look back with a feeling of pride and accomplishment. I am proud that members of the committee selected me as their chairman; I am proud that we issued a unanimous report; and it is a true accomplishment that 12 Members of the Senate of diverse ideological backgrounds recognized that the needs of the institution must prevail over their individual interests and united in calling for meaningful reform both of the committees of the Senate and of its floor procedures. Let me add that the call for reform was not limited to members of the Select Committee; Senator after Senator expressed both publicly and in private the need to reform the institution of the Senate if it is to regain its rightful place as the world's greatest deliberative body.

My feelings about the second half of this year are somewhat different. On the first day of this Congress, I introduced, together with Senator FORD, the cochairman of the Select Committee, resolutions which would have amended the Senate rules in accordance with the report of the Select Committee. Those resolutions were referred to the Rules Committee and they are still pending there.

Let me hasten to add that the record of the last 6 months is not entirely

negative. We have made considerable progress in reversing the growth in the number of committee and subcommittee assignments and in the number of subcommittees. The number of "A" committee assignments has declined from 231 in the last Congress to 214 in this one—reversing a long-term growth rate. We all owe a debt of gratitude to the Senator from Georgia, Mr. MATTINGLY, who, as chairman of the Republican Committee on Committees, did yeoman work in implementing this reduction.

Just as significant, the total number of subcommittees of standing committees has been reduced to 88 from the 102 of the 98th Congress, the lowest number of such subcommittees since the early 1960's. Senators now serve on an average of 10.75 committees and subcommittees, a significant reduction from 11.95 of the last Congress. I ask that a series of tables prepared by the Congressional Research Service documenting these numbers be printed in the RECORD at the conclusion of my remarks.

I also hasten to add that the Committee on Rules has reported a resolution to establish a committee to study and report on a 2-year budget, as recommended by the Temporary Select Committee, and I particularly commend the Senator from Washington, Mr. EVANS, for his unremitting efforts to get action on this issue.

Despite these positive results, I must admit that the pace of progress has been glacial and that the prospects for meaningful action in this Congress becomes ever more remote. I remind my colleagues of the closing days of the last Congress, and I repeat the truism that the time to enact reforms is not when we are paralyzed by filibusters on nongermane amendments on the continuing resolution. The time for reform is before we tie ourselves in procedural knots—and that time is fast disappearing.

The tables follow:

TABLE 1.—U.S. SENATE, NUMBER OF COMMITTEES AND THEIR SUBCOMMITTEES: 1945–1986

Congress	Standing committees		Select and special committees		Joint committees		Total panels
	No.[1]	No. of subcommittees[1]	No.[2]	No. of subcommittees[2]	No.[2]	No. of subcommittees[2]	
79 (1945–46)	[3] 33	[3] 57	7	[3] 10	6	[4] NA	NA
80 (1947–48)	15	61	3	NA	6	NA	NA
81 (1949–50)	15	63	2	NA	10	NA	NA
82 (1951–52)	15	65	3	NA	9	NA	NA
83 (1953–54)	15	66	1	NA	10	NA	NA
84 (1955–56)	15	87	5	NA	11	11	NA
85 (1957–58)	16	85	4	4	9	12	130
86 (1959–60)	16	87	5	0	12	8	128
87 (1961–62)	16	88	2	6	11	6	129
88 (1963–64)	16	85	3	6	11	13	134
89 (1965–66)	16	92	3	6	11	14	142
90 (1967–68)	16	98	5	12	11	15	157
91 (1969–70)	16	101	5	12	10	15	159
92 (1971–72)	17	115	5	13	8	15	173
93 (1973–74)	18	127	7	13	9	16	190
94 (1975–76)	18	122	6	13	7	14	180
95 (1977–78)	15	96	6	[5] 12	4	5	138
96 (1979–80)	15	90	5	10	4	5	129
97 (1981–82)	16	101	5	4	4	6	136
98 (1983–84)	16	102	5	4	4	6	137
99 (1985–86)	16	88	5	4	4	6	123

[1] Source: Unless otherwise noted, data are compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.

[2] Sources: Unless otherwise noted, data are compiled from Brownson, Congressional Staff Directory; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

[3] U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13–June 29, 1945. Washington, U.S. Government Printing Office, 1945. p. 1041.

[4] This information is not readily available.

[5] Includes one three-member Ad Hoc Working Group of the Select Committee on Intelligence.

TABLE 2.—U.S. SENATE, COMMITTEE ASSIGNMENTS: 1945–1986

Congress	Total number of assignments					Mean number of committee assignments				
	Standing committees [1]	Subcommittees of standing committees [1]	Select, special and joint committees [2]	Subcommittees of select, special and joint committees [2]	Total	Standing committees	Subcommittees of standing committees	Select, special and joint committees	Subcommittees of select, special and joint committees	Total panels
79 (1945–46)	[2] 489	[3] 437	98	[4] NA	NA	5.09	4.55	1.02	NA	NA
80 (1947–48)	201	326	62	NA	NA	2.09	3.40	.65	NA	NA
81 (1949–50)	203	313	62	NA	NA	2.12	3.26	.62	NA	NA
82 (1951–52)	203	332	67	NA	NA	2.12	3.46	.70	NA	NA
83 (1953–54)	211	373	63	NA	NA	2.20	3.89	.66	NA	NA
84 (1955–56)	212	514	100	48	874	2.21	5.35	1.04	0.50	9.10
85 (1957–58)	228	530	98	36	892	2.38	5.52	1.02	.38	9.29
86 (1959–60)	250	631	116	66	1.063	2.50	6.31	1.16	.66	10.63
87 (1961–62)	240	636	95	59	1,030	2.40	6.36	.95	.59	10.30
88 (1963–64)	256	660	101	86	1,103	2.56	6.60	1.01	.86	11.03
89 (1965–66)	250	727	101	154	1,232	2.50	7.27	1.01	1.54	12.32
90 (1967–68)	252	752	120	165	1,289	2.52	7.52	1.20	1.65	12.89
91 (1969–70)	245	797	110	184	1,336	2.45	7.97	1.10	1.84	13.36
92 (1971–72)	247	895	124	197	1,463	2.47	8.95	1.24	1.97	14.63
93 (1973–74)	258	946	148	217	1,569	2.58	9.46	1.48	2.17	15.69
94 (1975–76)	240	969	120	228	1,557	2.40	9.69	1.20	2.28	15.57
95 (1977–78)	243	658	84	69	1,054	2.43	6.58	.84	.69	10.54
96 (1979–80)	252	668	78	76	1,074	2.52	6.68	.78	.76	10.74
97 (1981–82)	282	693	76	68	1,119	2.82	6.93	.76	.68	11.19
98 (1983–84)	[5] 295	771	80	49	1,195	2.95	7.71	.80	.49	11.95
99 (1985–86)	282	672	74	47	1,075	2.82	6.72	.74	.47	10.75

[1] Source: Unless otherwise noted, data is compiled from U.S. Library of Congress. Congressional Research Service. Standing Committee Structure and Assignments: House and Senate. Report No. 82–42 GOV, by Sula P. Richardson and Susan Schjelderup. Washington, 1982. p. 77.

[2] Sources: Unless otherwise noted, data is compiled from Brownson, Congressional Staff Director; Congressional Quarterly, Congressional Quarterly Almanac and CQ Weekly Report; and West Publishing Co., U.S. Code Congressional and Administrative News.

[3] U.S. Congress, Joint Committee on the Organization of Congress. Hearings, 79th Cong., 1st sess., March 13–June 29, 1945. Washington, U.S. Government Printing Office, 1945. pp. 1040–1041.

[4] This information is not readily available.

[5] U.S. Congress. Senate. United States Senate Telephone Directory, May, 1984. Senate Publication 98–21, 98th Cong., 2nd Sess. Washington, U.S. Government Printing Office, 1984. pp. 77–120.

TABLE 3.—AVERAGE SIZE OF SENATE STANDING COMMITTEES AND THEIR SUBCOMMITTEES: 1945–1986

Congress	Standing committees	Subcommittees of standing committees
79 (1945–46)	14.9	7.7
80 (1947–48)	13.4	5.3
81 (1949–50)	13.5	5.0
82 (1951–52)	13.5	5.1
83 (1953–54)	14.1	5.7
84 (1955–56)	14.1	5.9
85 (1957–58)	14.3	6.2
86 (1959–60)	15.6	7.3
87 (1961–62)	15.0	7.2
88 (1963–64)	16.0	7.8
89 (1965–66)	15.6	7.9
90 (1967–68)	15.8	7.7
91 (1969–70)	15.3	7.9
92 (1971–72)	14.5	7.8
93 (1973–74)	14.3	7.5
94 (1975–76)	14.2	7.9
95 (1977–78)	16.2	6.9
96 (1979–80)	16.8	7.4
97 (1981–82)	17.6	6.9
98 (1983–84)	18.4	7.6
99 (1985–86)	17.6	7.6

TABLE 4.—SENATE COMMITTEE MEMBERSHIP LEVELS

	98th	99th	Recommended
"A" committees:			
Agriculture	18	17	15
Appropriations	29	29	27
Armed Services	18	19	15
Banking	18	15	15
Commerce	17	17	17
Energy	21	18	17
Environment	18	15	15
Finance	20	20	19
Foreign Relations	18	17	15
Governmental Affairs	18	13	13
Judiciary	18	18	17
Labor	18	16	15
Totals	231	214	200
"B" committees:			
Budget	22	22	21
Rules	12	15	11
Small Business	19	19	13
Veterans' Affairs	12	12	11
Intelligence	15	15	11
Aging	19	19	13
Joint Economic	10	10	10
Totals	109	112	97

Note.—Indian Affairs is not considered among the committees. This committee had 7 members in the 98th Congress, and has 9 members in the 99th Congress. The recommended level was 7.●

SUGAR PRICE SUPPORTS AND IMPORTS—S. 1222

● Mr. MOYNIHAN. Mr. President, I rise today to cosponsor legislation—S. 1222—introduced by my colleagues, Senators BRADLEY and GORTON, to reduce sugar price supports. Three seemingly unrelated events have occurred over the past few weeks that point to the urgent need for legislation to reform the sugar price support program: the Coca-Cola Bottling Co., with much publicity, introduced the new Coke; one of the largest employers on the Brooklyn waterfront closed its doors; and U.S. Customs officials detained a shipment of Israeli frozen pizzas.

On April 23, 1985, the Coca-Cola Bottling Co. announced the reconcocting of its 99-year-old, secret formula. Coke has a new look and taste. What is new about the taste? Well, it is sweeter. Why? Because Coke now contains more fructose than it did before. High fructose corn syrup sweetens Coke now, not sucrose—sugar. Actually, Coca-Cola and other soda drink manufacturers quietly began substituting corn syrup for sugar early in 1980.

The reason is simple: corn syrup is considerably cheaper than real sugar, which is made from sugarbeets and sugarcane. Now, why is that? Because, for the past 3 years, the Federal Goverment has supported the domestic price of sugar at some three to six times the world market price, currently less than 4 cents per pound. And that is why a tremendous market for corn syrup and artificial sweeteners has developed—also at higher prices.

Let's us be clear about just how the Goverment props up sugar prices. The Department of Agriculture's Commodity Credit Corporation [CCC] administers a price support program. As with most commodities, the CCC loans money for planting and harvesting, the commodity to be planted and harvested serving as collateral. In this instance, the CCC extends nonrecourse, low-interest loans to sugar processors—those who process sugarbeets and sugarcane into raw sugar—and the raw sugar serves as collateral. Loans are made on the basis that the sugar will be sold at a certain price, called the loan rate. If domestic sugar prices exceed the loan rate, processors sell the sugar and repay the loans. If market prices fall below the loan rate, processors default on the loans and forfeit the sugar to the CCC.

The Agriculture and Food Act of 1981—Public Law 97-98—set the current loan rate for cane sugar at 17.75 cents per pound—the loan rate for beet sugar is set in relation to raw cane levels and is slightly higher. The Federal Government has a powerful incentive to see that domestic sugar prices do not fall below 17.75 cents per pound—that is, to prevent loan defaults. Indeed, the CCC has been so zealous in its efforts to prevent forfeitures on its loans, that it has set a market stabilization price of 21.57 cents per pound.

How can the Government maintain domestic sugar prices at several times the world price? The President has two tools at his disposal: tariffs and quotas.

The President has exercised his authority to assess fees and duties on imported sugar, raw and refined, to support the domestic sugar prices. The maximum fees and duties allowable, however, have not been sufficient to discourage foreign producers from flooding the domestic market with sugar, given the tremendous disparity between the world price and the domestic price. So for the past 3 years, the President has also exercised his authority to impose restrictive sugar quotas. In May 1982, the President imposed quotas of 2.583 million metric tons for crop—fiscal—year 1983, 2.916 million metric tons for crop year 1984, and 2.2 million metric tons for crop year 1985. In 1981, the last full year before quotas were imposed, the United States imported 5.957 million metric tons of raw sugar.

The fees, duties, and quotas have supported a domestic price 3 to 4 cents per pound over the loan rate, and more than six times the current world market price.

Might we not ask, Mr. President, who benefits from this sugar price support program?

Some 11,000 sugarbeet and sugarcane farmers. While it may be important to preserve some domestic capacity to produce sugar, the rate at which we subsidize our producers should be reasonable. Sugarbeets are supported at nearly four times the level of corn on a return-per-acre basis—$403 per acre versus $113 per acre. Sugarcane is supported at three times the level of corn on a return-per-acre basis—$353 per acre versus $113 per acre. I would suggest that such rates are unreasonable.

Moreover, there is another side to this issue, those who pay artificially high sugar prices.

First, consumers. The organization Public Voice for Food and Health Policy estimates that in 1983, consumers paid $3.6 billion in higher product costs as a result of our sugar price support program. Price supports added 60 cents to the cost of a 5-pound bag of refined sugar. Higher sugar prices also affect sugar-containing products such as candy, jams and jellies, and powdered drink mixes, all of which are more expensive as a result. And as the price of sugar goes up, so too does the price of all other sweetners, both nutritive and nonnutritive. Artificially high sugar prices cost the average family of four about $60 each year. This is a regressive tax of sorts that particularly hurts poorer people.

The refining industry is also adversely affected by sugar price supports. Seven cane sugar refineries have closed since 1981; 13 are still operating, but at reduced rates of capacity utilization. The refining industry is concentrated in the older port cities of the East and deep South—Boston, New York, Philadelphia, and New Orleans, many suffering from urban blight and the flight of industry. Additional plant closings will wreak havoc with the economies of these areas.

Which brings me to the second event I mentioned earlier. On March 22, the Revere Sugar Corp. closed its Red Hook sugar refinery on the Brooklyn waterfront. The plant had operated 24 hours a day, 5 days a week since the 1930's, converting 6,000 tons of raw sugar into refined products—such as syrup and sucrose—weekly. Revere

laid off 350 workers. It is unlikely to reopen the refinery.

Regions that would otherwise import more sugar are also hurt. Let me cite one example. In 1983, 891,358 long tons of sugar were imported into the New York and New Jersey area. This was the first full year in which imports were governed by quotas, and this level was 26 percent less than the previous year. Yet, the New York-New Jersey Port Authority, in an internal study, estimated that in a 17-county region, these sugar imports created 1,950 jobs; provided $41 million in personal income; and generated $127 million in regional activity—sales—$23 million in business income, $4 million in regional tax collections, and $12 million in Federal tax collections.

Domestic food manufacturers pay more for sugar, which is an essential ingredient in countless processed foods. The manufacturers must contend with rapidly increasing imports of less expensive, sugar-containing products such as candy, powdered drink mixes, and jams and jellies. Which brings me to the last event.

You see, Mr. President, not only candy, jam, and jello contain sugar. Even pizza contains sugar. The current 18-cents per-pound difference between the world price of sugar and the domestic price means that foreign manufacturers of processed foods, who can purchase sugar at the world price, enjoy a tremendous cost advantage for at least this one ingredient. This advantage could enable those manufacturers to undersell domestic producers of the same product, increasing their share of our market.

Domestic sugar producers and processors, seeing demand by domestic manufactures for American sugar decline, pressed for more protection. And so, in January of this year, the President imposed emergency quotas on "edible preparations." By the beginning of March, these restrictive quotas were filled—leading to the impoundment of the Israeli frozen pizza I mentioned earlier. I might also note that Customs similarly impounded Korean noodles and Japanese surimi—artificial crab legs. These incidents were reported in the Wall Street Journal on April 29, 1985, and the subject of a New York Times editorial published on April 23, 1985. Last month, the President lifted some of the quotas, but others remain in force.

These are serious matters, and are seen as such by our trading partners. They are viewed—correctly—as just the kind of market access barriers that we in the Congress spend so much time accusing our trading partners of erecting. Most recently, on March 28, 1985, the Senate unanimously passed a resolution calling on the President to negotiate elimination of Japanese trade barriers. Do not our own sugar product quotas, which are not necessary to protect the sugar price support program—let alone sugar producers—legitimize other countries' attempts to restrict access to our exports?

This is yet another instance of this administration's failure to consider the broad trade implications of its decisions. It did not do so in 1981, when it created huge budget deficits, sending interest rates soaring and precipitating the unparalleled rise in the U.S. dollar—making foreign imports cheaper and our own exports less competitive. It did not do so in 1983, when it gave foreign manufacturers of telecommunications equipment unrestricted access to our market following the breakup of ATT, without insisting that our own products be allowed free entry into their markets. And it has not done so with respect to the consequences of the sugar price support program, either.

Mr. President, the time has come for action to reform the sugar price support program, to reduce the unfair burden it places on our Nation's consumers, refiners, and food manufacturers and exporters. S. 1222 is a purposeful first step. It sets the loan rates for the 1985-88 sugarcane crops at 13 cents, 10 cents, 9 cents, and 8 cents, respectively. These rates are more than adequate to preserve a domestic sugar industry, guaranteeing producers a return on their crop still many times the prevailing world price. More importantly, S. 1222 would save consumers $1.5 billion in the first year alone. Likewise, importing regions, refiners, and food manufacturers and processors would benefit from reduced sugar prices. I urge my colleagues to join me in cosponsoring this important measure.●

REFERRAL OF INTELLIGENCE AUTHORIZATION

Mr. DOLE. Mr. President, I ask unanimous consent that once the Select Committee on Intelligence reports the Intelligence Authorization Act for fiscal year 1986, it be referred jointly to the Committees on Armed Services, the Judiciary, Governmental Affairs, and Foreign Relations for the 30-day time period provided in section 3(b) of Senate Resolution 400, 94th Congress, provided that the Committee on the Judiciary be restricted to the consideration of title V, the Committee on Governmental Affairs be restricted to the consideration of section 603, and the Committee on Foreign Relations be restricted to the consideration of section 604 of title VII; provided that if any of said committees fail to report said bill within the 30-day time limit, such committee shall be automatically discharged from further consideration of said bill in accordance with section 3(b) of Senate Resolution 400, 94th Congress.

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

THE CALENDAR

Mr. DOLE. Mr. President, I would like to inquire of the minority leader if he is in a position to pass or indefinitely postpone the following items:

Calendar No. 15, S. 413, pass; Calendar No. 91, S. 1029, indefinitely postpone; Calendar No. 128, S. 1141, pass; Calendar No. 158, Senate Resolution 156, indefinitely postpone; Calendar No. 161, S. 1080, pass; Calendar No. 166, Senate Resolution 162, indefinitely postpone.

Mr. BYRD. If the distinguished majority leader will yield, Mr. President, this side is ready to proceed as stated by the distinguished majority leader.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. 413; No. 128, S. 1141; and No. 161, S. 1080.

Mr. BYRD. Mr. President, there is no objection.

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

WAR RISK INSURANCE

The bill (S. 413) to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking "September 30, 1984" and inserting in lieu thereof "June 30, 1990".

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

CERTAIN TELEPHONE SERVICES FOR SENATORS

The bill (S. 1141) relating to certain telephone services for Senators, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (6) of section 506(a) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)) is amended to read as follows:

"(6) for telephone service charges officially incurred outside Washington, District of Columbia, which are based on the amount of time the service is used;".

(b) Section 1205(a) of the Supplemental Appropriations Act, 1984 (2 U.S.C. 58a) is

amended by inserting "and in such Senator's State (except services for which the charge is based on the amount of time the service is used)" after "Columbia,".

SEC. 2. The amendments made by this Act shall take effect on the first day of the first calendar month which begins more than sixty days after the date of enactment of this Act.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

FEDERAL RAILROAD SAFETY ACT AUTHORIZATION

The Senate proceeded to consider the bill (S. 1080) to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1080

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

TITLE I—RAILROAD SAFETY

ENFORCEMENT OF SUBPENAS AND ORDERS

SEC. 101. Section 208(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 437(a)) is amended by inserting the following immediately after the first sentence: "In case of contumacy or refusal to obey a subpena, order (other than an order directing compliance with this Act), or directive of the Secretary issued under the first sentence of this subsection by any individual, partnership, or corporation that resides, is found, or conducts business within the jurisdiction of any district court of the United States, such district court shall have jurisdiction, upon petition by the Attorney General, to issue to such individual, partnership, or corporation on order requiring immediate compliance with any such subpena, order, or directive. Failure to obey such court order may be punished by the court as a contempt of court.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended—

(1) in subsection (c)(2), by striking "and", and by inserting immediately before the period the following: ", not to exceed $3,200,000 for the fiscal year ending September 30, 1986, and not to exceed $3,328,000 for the fiscal year ending September 30, 1987";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting immediately after subsection (c) the following:

"(d) There are authorized to be appropriated to carry out the provisions of this Act, except section 206(d) of this title and except for conducting safety research and development activities under this Act, not to exceed $27,975,000 for the fiscal year ending September 30, 1986, and not to exceed $29,094,000 for the fiscal year ending September 30, 1987.".

TITLE II [RAILROAD ACCOUNTING PRINCIPLES BOARD] *AMENDMENTS TO TITLE 49, UNITED STATES CODE*

[AUTHORIZATION OF APPROPRIATIONS] *RAILROAD ACCOUNTING PRINCIPLES BOARD*

SEC. 201. *(a)* Section 11168 of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting immediately before the period the following: ", not to exceed $1,000,000 for the fiscal year ending September 30, 1986, and not to exceed $750,000 for the fiscal year ending September 30, 1987".

(b) Section 11161(f) of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under this section".

(c) Section 11162(a) of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title."

(d) Section 11167 of title 49, United States Code, is amended by striking "effective date of the Staggers Rail Act of 1980" and inserting in lieu thereof "members of the Board are appointed under section 11161 of this title".

The amendments were agreed to.

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

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

MEASURES INDEFINITELY POSTPONED

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar No. 91, S. 1029; Calendar No. 158, Senate Resolution 156; and Calendar No. 166, Senate Resolution 162 be indefinitely postponed.

Mr. BYRD. Mr. President, there is no objection.

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

REQUEST FOR COMMITTEE TO MEET

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate, Friday, June 7, to markup S. 616, the farm bill, and related issues.

Mr. BYRD. Mr. President, I am constrained to object because there are objections on this side. May I say to the distinguished majority leader that I believe, if the distinguished chairman of the Agriculture Committee would indicate what hours he wishes to meet on a given day, it might be that the request could be cleared.

The distinguished majority leader will remember the other day we had one clearance that the committee could meet until 1:30, and there was no objection. If the request would be clear as to the timeframe in which the committee wants to meet on a given day, I might be able to get that request cleared.

Mr. DOLE. I thank the distinguished minority leader, and I will discuss that with the chairman of the committee, Senator HELMS, and maybe renew that request then early in the morning.

ORDERS FOR FRIDAY

ORDERS FOR RECESS UNTIL 8:30 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. on Friday, June 7.

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

ORDER FOR RECOGNITION OF SENATORS MC CLURE AND PROXMIRE

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order tomorrow, there be special orders in favor of the following Senators for not to exceed 15 minutes each: Senator MCCLURE and Senator PROXMIRE.

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

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. If time permits after that, but it is doubtful, I aks unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9 a.m., with statements therein limited to 5 minutes each.

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

ORDER OF PROCEDURE

Mr. DOLE. Following morning business, the Senate will resume consideration of S. 1003, the State Department authorization bill. Rollcall votes are expected throughout the day and it is expected, as I indicated, they could come as early as 9:30 a.m.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until 8:30 a.m. Friday, June 7.

The motion was agreed to; and, the Senate, at 8:10 p.m., recessed until Friday, June 7, 1985, at 8:30 a.m.