HOUSE OF REPRESENTATIVES—*Monday, September 30, 1985*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 26, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, September 30, 1985.

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

PRAYER

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

We pray this day, O gracious God, for all members of our community and ask Your blessing upon them. We remember specially those who are ill and who desire healing and strength. May they know Your spirit that gives hope and comfort and may Your presence give them that peace that passes all human understanding. In Your holy name, we pray. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3414. An act to provide that the authority to establish and administer flexible and compressed work schedules for Federal Government employees be extended through October 31, 1985.

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

H.R. 2005. An act to amend title II of the Social Security Act and related provisions of law to make minor improvements and necessary technical changes.

H.R. 2409. An act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Research Institutes, and for other purposes.

A message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1712. An act to provide an extension of certain excise-tax rates.

JOINT CHIEFS OF STAFF REORGANIZATION ACT OF 1985

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

Mr. SKELTON. Mr. Speaker, earlier this month the House Armed Services Investigations Subcommittee put the finishing touches on a bill to strengthen the workings of the Joint Chiefs of Staff [JCS], the Nation's top military body. This bill follows closely one that I introduced. Over the next few days I will address the important changes made in the JCS Reorganization Act of 1985.

The bill approved by the Investigations Subcommittee makes the Chairman of the JCS the principal military adviser to the President, Secretary of Defense, and the National Security Council. As the only member of the JCS with no service responsibilities—unlike the other four members, who are heads of their respective services—the Chairman is uniquely qualified to speak for the broader military viewpoint. The purpose here is to provide military advice from a national perspective and diminish the parochial interests of the four services. This change will strengthen the Chairman's voice.

Another important feature of the bill requires that the Chairman or his deputy attend all National Security Council meetings. In his classic book about what we did wrong militarily in Vietnam "The 25-Year War: America's Military Role in Vietnam," General Bruce Palmer strongly argues for the inclusion of the Chairman in the deliberations of the National Security Council. General Palmer writes:

All too often he is excluded from the high councils of government, some of which, although more informal and smaller than the normal NSC meetings, carry much weight. When military advice is deliberately excluded from such councils, the nation is not well served.

It is this advice that we have taken to heart in this bill.

DESIGNATION OF THE HONORABLE JIM WRIGHT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL OCTOBER 2, 1985

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

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore to sign enrolled bills and joint resolutions until October 2, 1985.

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

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

THE PEOPLE OF GUATEMALA NEED OUR HELP

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

Mr. LIVINGSTON. Mr. Speaker, over recent years, the United States has declined to include Guatemala in our Central America assistance package—primarily because of the dismal record that that country has created with respect to the protection of human rights of its citizens.

Well, I'm here to declare that that record is substantially improved in recent months, particularly in view of the decision by the outgoing military government to lead its country toward democracy through free, open and fair elections of civilian leaders. By January 8, 1986, that process will be completed, and Guatemala will have joined the other fledgling democracies of Latin America.

But the critical financial picture facing Guatemala, one embodied with rampant inflation, unprecedented rates of unemployment, strangled international trade, and waning, almost nonexistent energy supplies—is one of devastating emergency proportions.

Mr. Speaker, the people of Guatemala need our help—not as badly as our devastated neighbors in Mexico—but just as certainly.

ARMS SALE TO JORDAN SHOULD BE REJECTED

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. SCHUMER. Mr. Speaker, as I speak, the President of our country sits with the President of Jordan, King Hussein, to discuss the proposed arms sale that we have been notified of.

The arms sale to Jordan is folly. It makes no sense from a policy point of view and should be rejected by this body and the other body. It is a dead-end policy to sell arms to the so-called moderate Arab nations when they merely feint their heads or give us a little wink that maybe they would begin to talk peace with Israel.

That is what has happened over the last few months. They have still refused to recognize Israel, as they have for the last 40 years. They have no intention, in my opinion, of using those arms to protect themselves. Rather, they have an intention of using the arms to attack Israel. Let me give my colleagues an example.

The Saudis recently bought arms from Britain. Where are they stationing those planes? Not near the Persian Gulf, which was the purported reason they wanted the arms, but in Tebuk, 120 miles from Israel's border, and 1,000 miles from the Persian Gulf.

If we wish to bolster King Hussein internally from terrorism, these weapons will not do it. These weapons are simply used as a way of building up the armed forces against Israel. We have the PLO. Supposedly, King Hussein is bringing the PLO over to the peace table. Look at this weekend's papers, ladies and gentlemen. It was the PLO that sponsored an attack and massacred three Israeli civilians in Cyrpus.

The arms sales should be rejected. It cannot produce peace.

FURTHER REPRESSION BY SANDINISTA GOVERNMENT AGAINST LABOR UNIONS

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

Mr. LAGOMARSINO. Mr. Speaker, reports continue of further repression by the Sandinista government in Nicaragua against labor unions. Trade union members have been attacked and jailed for exercising their right to join a union, according to the secretary of the CUS trade union confederation, Jose Espinoza.

According to a recent press report, one union member was shot in the foot and jailed, and two others were jailed because they had joined a labor union. Other trade confederation members have been jailed and have remained in prison since 1982 or 1983.

According to a report by the International Labor Organization, "freedom of association has not been respected in Nicaragua either in law, or, above all, in practice."

The AFL-CIO has worked unceasingly to protect the rights of labor in Nicaragua and is credited with securing the release of seven leaders of the CTN trade union confederation. According to Mr. Espinoza, the Sandinista campaign to force labor union members and boards of directors to register with the Government has seriously imperiled the labor movement in Nicaragua.

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MARGARET HECKLER AND GUILT BY ASSOCIATION

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, I do not rise to praise Margaret Heckler, but for that matter, I do not rise to bury her, either. It appears that she has stepped on the sensibility of some of the individuals, the unelected individuals down at the White House. She has been, according to them, unloyal or disloyal, and for this, she must be burned at the stake, or at the minimum, at least sent to Ireland.

It seems to me that this is a very serious situation. What is the cause of her disloyalty? What are the elements of this disloyalty?

Well, she sought counsel on advice first from ALAN SIMPSON, who I believe is the Republican whip of the U.S. Senate, clearly a threat to Republican principles; and second, she sought counsel from my own beloved TRENT LOTT, someone who obviously must be a threat to conservative concerns.

Really, to the people at the White House, I say, if we must return to guilt by association, let us delete from the list at least those Members of our party who lead our party in the two Houses of Congress.

TRADE POLICY

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

Mr. ROTH. Mr. Speaker, last week, the President released his trade policy action plan. We, in Congress, have been anxiously awaiting his views on concrete steps that need to be taken to ameliorate America's trade crisis.

Unfortunately, the President's statement falls far short of what is necessary. The President asks us to crack walnuts without teeth.

It is the responsibility of Congress to tackle the No. 1 cause of our huge trade deficit. And that is to reduce the budget deficit so as to reduce the value of the dollar.

But it is clearly the responsibility of the President to tackle head on an equally imposing obstacle to U.S. exports—that is, unfair trading practices. I commend the President for initiating and accelerating a few trade cases falling under the 301 provisions. But we need more action and results. The time has past for a "strike force" to "identify" unfair trade practices. There is no shortage of information or complaints from our exporters on the difficulties they encounter overseas. In fact, I'm sure every Member of Congress would be happy to ship their constituents' complaints to the strike force. We are spending way too much time identifying, monitoring, and reporting on unfair trade practices. Let's get a track record going so that this time next year, we will see results.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken on tomorrow, October 1, 1985.

FEDERAL EMPLOYEES BENEFITS IMPROVEMENT ACT OF 1985

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3384), to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the employees health benefits fund; to make miscellaneous amendments relating to the civil service retirement system and the Federal Employees Health Benefits Program; and for other purposes, as amended.

The Clerk read as follows:

H.R. 3384

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

SECTION 1. SHORT TITLE

This Act may be cited as the "Federal Employees Benefits Improvement Act of 1985".

SEC. 2. PROVISIONS RELATING TO FEDERAL EMPLOYEE HEALTH BENEFITS.

(a) AUTHORITY TO REFUND CERTAIN CONTRIBUTIONS TO ENROLLEES.—(1) The last sentence of section 8909(b) of title 5, United States Code, is amended by striking out "employees" and inserting in lieu thereof "enrollees".

(2) The amendment made by this subsection shall become effective on the date of the enactment of this Act.

(b) REPEAL OF 75 PERCENT MAXIMUM IN GOVERNMENT CONTRIBUTIONS.—(1) Section 8906(b)(2) of title 5, United States Code, is amended by striking out "75 percent" and inserting in lieu thereof "100 percent".

(2) The amendment made by this subsection shall be effective with respect to con-

tracts entered into or renewed for calendar years beginning after December 31, 1987.

(c) HEALTH SERVICES FOR MEDICALLY UNDERSERVED POPULATIONS.—(1) Section 3 of Public Law 95-368 (92 Stat. 606; 5 U.S.C. 8902 note) is amended by striking out "after December 31, 1984." and inserting in lieu thereof "after December 31, 1984, and before January 1, 1986.".

(2) Section 8902(m)(2)(A) of title 5, United States Code, is amended by adding at the end thereof the following: "This paragraph shall apply with respect to a health practitioner covered by subsection (k)(2) of this section irrespective of whether the contract involved contains the requirement described in clause (i) of such subsection (k)(2).".

(d) ELIMINATION OF REQUIREMENT OF THREE MEDICAL SPECIALTIES FOR GROUP-PRACTICE PREPAYMENT PLANS.—(1) The second sentence of section 8903(4)(A) of title 5, United States Code, is amended to read as follows: "The group shall include at least 3 physicians who receive all or a substantial part of their professional income from the prepaid funds and who represent 1 or more medical specialties appropriate and necessary for the population proposed to be served by the plan.".

(2) The amendment made by this subsection shall become effective on the date of the enactment of this Act.

(e) STUDY.—(1) The Office of Personnel Management shall study and, before March 1, 1986, submit a written report to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate with respect to—

(A) the adequacy of any sources or methods currently provided under chapter 89 of title 5, United States Code, to assist individuals in making informed decisions concerning the choice of a health benefits plan under such chapter and the use of benefits available under any such plan; and

(B) extending section 8902(k)(1) of title 5, United States Code, as amended by this Act, to cover health practitioners (such as nurse-midwives, nurse practitioners, and clinical social workers) not currently covered thereunder.

(2) Included under subparagraph (A) of paragraph (1) shall be—

(A) an assessment of the adequacy of the sources and methods referred to in such subparagraph in advising individuals with respect to the coordination of benefits under chapter 89 of title 5, United States Code, with benefits available under other health insurance programs established by or under Federal law, particularly title XVIII of the Social Security Act; and

(B) recommendations for any legislation or administrative action which the Office considers necessary in order to improve the effectiveness of any such sources or methods.

(f) ANNUAL OPEN SEASON.—(1) Section 8905(f) of title 5, United States Code, is amended to read as follows:

"(f)(1) The Office shall prescribe regulations under which, before the start of any contract term in which—

"(A) an adjustment is made in any of the rates charged or benefits provided under a health benefits plan described by section 8903 of this title;

"(B) a newly approved health benefits plan is offered; or

"(C) an existing plan is terminated;

a period of not less than 3 weeks shall be provided during which any employee, annuitant, or former spouse enrolled in a health benefits plan described by such section shall be permitted either to transfer that individual's enrollment to another such plan or to cancel such enrollment.

"(2) In addition to any opportunity afforded under paragraph (1) of this subsection, an employee, annuitant, or former spouse enrolled in a health benefits plan under this chapter shall be permitted to transfer that individual's enrollment to another such plan, or to cancel such enrollment, at such other times and subject to such conditions as the Office may by regulation prescribe.".

(2) The amendment made by this subsection shall be effective with respect to contracts entered into or renewed for calendar years beginning after December 31, 1986.

(g) PAYMENTS FOR CERTAIN HEALTH PRACTITIONERS.—(1) Section 8902(k) of title 5, United States Code, is amended—

(A) by striking out "(k)" and inserting in lieu thereof "(k)(1)";

(B) by striking out the last sentence; and

(C) by inserting at the end thereof the following:

"(2)(A) When a contract under this chapter requires payment or reimbursement for services which may be performed by a qualified clinical social worker, an employee, annuitant, family member, or former spouse coverted by the contract shall be entitled under the contract to have payment or reimbursement made to him or on his behalf for the services performed. As a condition for the payment or reimbursement, the contract—

"(i) may require that the services be performed pursuant to a referral by a psychiatrist; but

"(ii) may not require that the services be performed under the supervision of a psychiatrist or other health practitioner.

"(B) For the purpose of this paragraph, 'qualified clinical social worker' means an individual—

"(i) who is licensed or certified as a clinical social worker by the State in which such individual practices; or

"(ii) who, if such State does not provide for the licensing or certification of clinical social workers—

"(I) is certified by a national professional organization offering certification of clinical social workers; or

"(II) meets equivalent requirements (as prescribed by the Office).

"(3) The provisions of this subsection shall not apply to group practice prepayment plans.".

(2) The amendments made by this subsection shall be effective with respect to contracts entered into or renewed for calendar years beginning after December 31, 1986.

(h) SENSE OF CONGRESS.—(1) The Congress finds that—

(A) the treatment of mental illness, alcoholism, and drug addiction are basic health care services which are needed by approximately 40 million Americans each year;

(B) mental illness, alcoholism, and drug addiction are increasingly treatable;

(C) timely and appropriate treatment of mental illness, alcoholism, and drug addiction is cost-effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

(D) mental illness is a problem of grave concern in this country, though one which is widely but unnecessarily feared and misunderstood.

(2) It is the sense of the Congress—

(A) that participants in the Federal employees health benefits program should receive adequate insurance coverage for treatment of mental illness, alcoholism, and drug addiction; and

(B) that the Office of Personnel Management should encourage participating plans to provide adequate benefits relating to treatment of mental illness, alcoholism, and drug addiction (including benefits relating to coverage for inpatient and outpatient treatment and catastrophic protection benefits).

SEC. 3. PROVISIONS RELATING TO CIVIL SERVICE RETIREMENT.

(a) Section 4(a) of the Civil Service Retirement Spouse Equity Act of 1984 is amended—

(1) in paragraph (1), by inserting "paragraphs (3), (4), and (5) and" before "subsections (b) and (c),"; and

(2) by adding at the end thereof the following:

"(3) The amendments made by subparagraphs (B)(iii) and (C)(ii) of section 2(4) of this Act (relating to the termination of survivor benefits for a widow or widower who remarries before age 55) and the amendments made by subparagraph (F) of such section 2(4) (relating to the restoration of a survivor annuity upon the dissolution of such a remarriage) shall apply—

"(A) in the case of a remarriage occurring on or after the date of the enactment of this Act; and

"(B) with respect to periods beginning on or after such date.

"(4) The amendment made by section 2(3)(A) of this Act (but only to the extent that it amends title 5, United States Code, by adding a new section 8339(j)(5)(C)) and the amendment made by section 2(3)(C) of this Act (which relate to the election of a survivor annuity for a spouse in the case of a post-retirement marriage or remarriage) shall apply—

"(i) to an employee or Member who retires before, on, or after the 180th day after the date of the enactment of this Act;

"(ii) in the case of a marriage occurring after the 180th day after the date of the enactment of this Act.

Neither of the amendments referred to in the preceding sentence shall apply—

"(I) to an employee or Member retiring before May 7, 1985;

"(II) in the case of a marriage occurring after May 6, 1985, and before the date of the enactment of the Federal Employees Benefits Improvement Act of 1985.

Any election by an employee or Member described in subclause (I) to provide a survivor annuity for that individual's spouse by a marriage described in subclause (II) shall be effective if made in accordance with the applicable provisions of section 8339(j)(1) or 8339(k)(2) of title 5, United States Code, as the case may be, and as in effect on May 6, 1985.

"(5) The amendment made by section 2(4)(A) of this Act (relating to the definition of a widow or widower) and the amendment made by section 2(4)(G) of this Act (but only to the extent that it amends title 5, United States Code, by adding a new section 8341(i)) shall apply with respect to any marriage occurring on or after the 180 day after the date of the enactment of this Act.".

(b)(1) Section 4(b)(4) of the Civil Service Retirement Spouse Equity Act of 1984 is amended in the matter before subparagraph (A) by striking out "Member," and inserting in lieu thereof "Member (or of that portion of the annuity which such employee or Member may have designated for this pur-

pose under paragraph (1)(A) of this subsection),".

(2)(A) An election under subparagraph (A) of section 4(b)(1) of the Civil Service Retirement Spouse Equity Act of 1984 may be made before the expiration of the 12-month period beginning on the date as of which the regulations under subparagraph (C) of this paragraph first take effect, notwithstanding the time limitation set forth in such subparagraph (A).

(B) Any retired employee or Member who has made an election under section 4(b)(1)(A) of the Civil Service Retirement Spouse Equity Act of 1984 (as in effect at the time of such election) before the regulations under subparagraph (C) of this paragraph become effective may modify such election by designating, in writing, that only a portion of such employee or Member's annuity is to be used as the base for the survivor annuity for the former spouse for whom the election was made. A modification under this subparagraph shall be subject to the deadline under subparagraph (A) of this paragraph.

(C) The Office of Personnel Management shall prescribe regulations to carry out this subsection, including regulations under which an appropriate refund shall be made in the case of a modification under subparagraph (B) of this paragraph.

(c)(1) The first sentence of section 4(f) of the Civil Service Retirement Spouse Equity Act of 1984 is amended to read as follows: "Any individual—

"(1) who is entitled to a survivor annuity subsection (b) of this section,

"(2) as to whom a court order or decree referred to in section 8345(j) of title 5, United States Code (or similar provision of law under a retirement system for Government employees other than the Civil Service Retirement System) has been issued before the 180th day after the date of the enactment of this Act, or

"(3) who is entitled (other than as described in paragraph (2)) to an annuity or any portion of an annuity as a former spouse under a retirement system for Government employees as of such 180th day,

shall be considered to have satisfied section 8901(10)(C) of title 5, United States Code, as amended by this Act.".

(2) The second sentence of such section is amended by inserting ", within 12 months after the date of the enactment of the Federal Employees Benefits Improvement Act of 1985," before "enroll".

(d) Section 4(a)(1) of the Civil Service Retirement Spouse Equity Act of 1984 is further amended—

(1) by inserting "(A)" after "shall apply"; and

(2) by striking out "Code." and inserting in lieu thereof "Code, and (B) to any individual who, as of such effective date, is married to a retired employee or Member, unless (i) such employee or Member has waived, under the first sentence of section 8339(j)(1) of such title (or a similar prior provision of law), the right of that individual's spouse to receive a survivor annuity, or (ii) in the case of a post-retirement marriage or remarriage, an election has not been made before such effective date by such employee or Member with respect to such individual under the applicable provisions of section 8339(j)(1) or 8339(k)(2) of such title, as the case may be (or a similar prior provision of law).".

(e)(1) Section 8339(j)(5)(C) of title 5, United States Code, is amended by adding at the end thereof the following:

"(v) An election to provide a survivor annuity to a person under this subparagraph—

"(I) shall prospectively void any election made by the employee or Member under subsection (k)(1) of this section with respect to such person; or

"(II) shall, if an election was made by the employee or Member under such subsection (k)(1) with respect to a different person, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this subparagraph.

"(vi) The deposit provisions of clauses (ii) and (iii) of this subparagraph shall not apply if—

"(I) the employee or Member makes an election under this subparagraph after having made an election under subsection (k)(1) of this section; and

"(II) the election under such subsection (k)(1) becomes void under clause (v) of this subparagraph.".

(2)(A) Section 8339(k)(1) of title 5, United States Code, is amended by adding at the end thereof the following: "In the case of a married employee or Member, an election under this paragraph on behalf of the spouse may be made only if any right of such spouse to a survivor annuity based on the service of such employee or Member is waived in accordance with subsection (j)(1) of this section.".

(B)(i) Section 8339(k)(2)(B)(i) of such title is amended to read as follows:

"(B)(i) The election and reduction shall take effect the first day of the first month beginning after the expiration of the 9-month period beginning on the date of marriage. Any such election to provide a survivor annuity for a person—

"(I) shall prospectively void any election made by the employee or Member under paragraph (1) of this subsection with respect to such person; or

"(II) shall, if an election was made by the employee or Member under such paragraph with respect to a different person, prospectively void such election if appropriate written application is made by such employee or Member at the time of making the election under this paragraph.".

(ii)(I) Subparagraph (B)(ii) of section 8339(k)(2) of such title is amended by striking out "(other than an employee or Member who made a previous election under paragrpah (1) of this subsection)".

(II) Such section 8339(k)(2) is further amended by adding at the end thereof the following:

"(D) Subparagraphs (B)(ii) and (C) of this paragraph shall not apply if—

"(i) the employee or Member makes an election under this paragraph after having made an election under paragraph (1) of this subsection; and

"(ii) the election under such paragraph (1) becomes void under subparagraph (B)(i) of this paragraph.".

(3) The amendments made by this subsection shall take effect as of the 180th day after the date of the enactment of the Civil Service Retirement Spouse Equity Act of 1984.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

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

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

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

Mr. Speaker, today the House will consider H.R. 3384, "The Federal Employees Benefits Improvement Act of 1985." This legislation will amend and improve the Federal Employees Health Benefits Program [FEHBP] and the Civil Service Retirement System.

H.R. 3384 was reported September 26, 1985, by the Committee on Post Office and Civil Service by a unanimous vote of 20 to 0. The bill enjoys widespread, bipartisan support by my colleagues in Congress, Federal employee organizations, mental health advocacy groups, and health care providers.

I am gratified that all of the members of the Subcommittee on Compensation and Employee Benefits, which I chair, are cosponsors of H.R. 3384, as are Representatives BARNES, FAZIO, HORTON, HOYER, MOAKLEY, SCHROEDER, SIKORSKI, and WOLF. I am especially pleased with the cooperation and support in developing this legislation that I received from the members of the subcommittee, Mr. SOLARZ, Mr. LELAND, Mr. MYERS of Indiana, and Mr. YOUNG of Alaska. I firmly believe that the bipartisan support for H.R. 3384 is an indication of the important need for the reforms it mandates.

Over the past few years, the Subcommittee on Compensation and Employee Benefits has conducted extensive hearings on the FEHBP. Numerous provisions of H.R. 3384 to improve the FEHBP were the subject of much discussion and favorable testimony during those hearings. The remainder of the legislation sets forth a series of technical amendments to Public Law 98-615, which was enacted last year to provide retirement equity for former spouses of civil service retirees.

Eight provisions in the bill relate to the Federal Employees Health Benefits Program. The first provision will enable retired enrollees in the FEHBP to receive rebates which will be offered by 11 plans in the program. This change will benefit hundreds of thousands of Federal retirees, who, like active employees, are entitled to refunds on their health insurance premiums due to the excess reserves that have accumulated in the program. It is my hope that the refunds will be made to the enrollees as soon as possible, and that the plans will expedite the distribution of the rebates.

The second provision permanently repeals the 75-percent limitation on

the Government's contribution toward the FEHBP premium. Earlier this month, the Post Office and Civil Service Committee included a 2-year suspension of the 75-percent cap in its reconciliation recommendations. By allowing for the full Government contribution, this provision should lower the cost of health insurance for more than 1 million FEHBP subscribers. This reform has a history of strong support by the administration, the health insurance carriers, and Federal employee organizations.

The third provision in the bill reinstates the authority for FEHBP payments to nonmedical health providers in medically underserved areas. This authority expired on January 1 of this year, and is now badly needed in areas where there are insufficient physicians to meet Federal workers' health needs.

Fourth, this legislation eliminates the requirement that prepaid FEHBP plans, or health maintenance organizations [HMO's], employ physicians representing three medical specialties. Originally, this requirement was designed to assure the availability of a range of health services in each HMO. Today, however, it effectively precludes the development of family practice HMO's and other group providers who seek to serve their community's general health needs, instead of going into a narrower, more specialized practice. H.R. 3384 would replace this provision with a more realistic requirement that comprehensive plans include at least three physicians who represent one or more medical specialties appropriate and necessary for their enrollees.

The fifth provision of this bill requires the Office of Personnel Management to undertake a study of two aspects of the FEHBP. First, OPM will assess the adequacy of information services provided to FEHBP subscribers. With the numerous choices in FEHBP plans available to subscribers, it is essential that they have adequate information to make intelligent decisions. The flood of inquiries into congressional offices alone suggests that Federal workers and retirees would benefit greatly from improved information about their health plans, both before open season and during the contract year.

H.R. 3384 directs the OPM to examine specifically the coordination of coverage for individuals enrolled both in FEHBP and Medicare or other Federal health programs. In this area especially, adequate information is essential if enrollees are to take full advantage of the health coverage they buy. Second, OPM will study and make recommendations to the Congress on requiring direct reimbursement of nonphysician health practitioners, including clinical social workers, nurse midwives, nurse practitioners, chiropractors, and others, for health services covered under FEHBP plans. OPM must report its findings on both portions of the study to Congress by March 1, 1986.

The sixth provision requires the OPM to conduct an open season before the start of any contract year in which a new health benefits plan is offered or an existing plan changes its rates or coverage or terminates participation in the program. Such a requirement will protect FEHBP enrollees by ensuring that when there are changes in the program, they will have an opportunity to review their insurance needs and to make informed choices about their coverage.

The seventh section of H.R. 3384 provides that FEHBP plans may require referral by a psychiatrist as a condition for reimbursement of clinical social workers for covered services provided to enrollees. Plans may not, however, require physician supervision as a condition for reimbursement.

The final provision relating to the FEHBP expresses the sense of the Congress that sufficient coverage for mental health and substance abuse treatment be available to FEHBP subscribers. Our Federal workers deserve adequate insurance coverage for the treatment of these health conditions and should not have to suffer with less simply because mental illness is perceived to be "stigmatized."

In the area of civil service retirement, H.R. 3384 makes six technical changes in the "Civil Service Retirement Spouse Equity Act of 1984," Public Law 98-615, which provided for survivor retirement benefits to former spouses of Federal workers. Technical corrections in this bill will clarify congressional intent in that law.

A number of provisions apply to Federal employees, retirees, and surviving spouses who were unintentionally excluded from the provisions of Public Law 98-615. Another provision will clarify conditions for participation of former spouses in the Federal Employees Health Benefits Program. The bill also clarifies congressional intent with regard to electing an insurable interest for former spouses and others.

In summary, Mr. Speaker, I would like to thank once again the members of my subcommittee and the other cosponsors of this bill for their endorsement and their continuing, tireless efforts to assist Federal workers and retirees. H.R. 3384 incorporates positive changes to improve the Federal Health Insurance and Retirement Programs for the benefit of all Federal workers and retirees. I urge my colleagues to vote for this legislation.

□ 1225

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

Mr. Speaker, I rise in strong support of H.R. 3384, the Federal Employees Benefits Improvements Act of 1985, and urge that the House suspend the rules and approve this important legislation.

I am pleased to be a sponsor of this legislation, and want to point to the stropg support that it has received from both sides of the aisle.

This legislation is very timely, as we urgently need to enact legislation to facilitate health premium refunds for our retirees. Current law does not permit Federal retirees to participate in the rebates being offered to participants in 11 Federal health benefit plans. This legislation will allow retirees to receive these refunds.

The legislation contains a number of other important provisions.

I am especially pleased with the section which restores the use of nonphysician providers in medically underserved areas, such as Alaska. In many remote areas of my State, nurse practitioners and other nonphysician medical personnel are the only source of medical care. They provide vital services, and it is important that patients be able to employ them under the FEHBP.

The removal of the 75-percent cap on Government contribution to the FEHBP can act as a cost containment provision as well as a benefit improvement. The provision which mandates an annual open season for health benefit plans is also helpful.

With respect to former spouse benefits, the amendments in H.R. 3384 are consistent with the original intent of the legislation that the distinguished Chair of the subcommittee introduced last year and was enacted into law.

I want to acknowledge the hard work that has gone into this bill, both by the staff of the Post Office and Civil Service Committee, and that of the Office of Personnel Management. It is a pleasure to work in a legislative environment of compromise and concensus, where the goal of improving the operation of the Federal health benefit system is of primary importance.

Mr. Speaker, again I urge that the House suspend the rules and approve the Federal Employees Benefit Improvements Act of 1985.

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may use to conclude. What we are trying to do is offer an opportunity to reimburse the workers and the retirees because of the surplus in some of the reserve plans. We are also trying to add some reform at the same time to the health insurance plan.

We are going to take a look at who should be reimbursed which in the future I hope saves money for our Government, and at the same time provides the outstanding health care

that we hope is given to our workers, and we do also have some reform relative to spouse equity, and in making some changes that are more or less technical but will alleviate some of the burdens of some of the women.

Mr. VENTO. Will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman.

Mr. VENTO. I thank the gentlewoman for yielding to me and commend the subcommittee for the work that they are doing in terms of providing the rebates for retirees; as I understand by law they are not permitted to receive a rebate.

More importantly, to amplify the concerns with respect to providing adequate coverage for other types of health ailments; mental health and others, because often these can be very high cost to individuals that work in Federal employment, and certainly we ought to afford the best possible coverage that we can in these areas.

Just to point out in question form to the gentlewoman form Ohio [Ms. OAKAR], the able leader of the subcommittee: What is the cause of these rebates? My understanding was that a substantial amount of coverage to Federal employees was lost by administrative action in 1981. That is to say that benefits were cut.

The consequence, of course, also meant that the amount of coverage that the individual had therefore cost less, so that was a factor. The point is that these rebates will be a poor bargain for most Federal employees if, during this period of time over which the rebate might cover, for instance, they were subject to a coverage that was less if they had mental illness or for other types of coverage that was substantially reduced.

So I ask this more in the way of a question, but also to point out to the Members that these rebates may come at a significant cost to the individual Federal employees that now have less coverage than what they had prior to the 1981 administrative actions.

Ms. OAKAR. I think the gentleman is correct.

Mr. Speaker, we think there are several reasons for the cause of the reserves. One is certainly the fact that the benefits were cut and the premiums were raised in the last 3 years, and that is a factor.

Another factor is that it appears that Government workers are using their health insurance program somewhat more prudently, and there has been some cost containment that in my judgment, some of which did not hurt the Government workers, and that is a positive sign.

It is always helpful if we see that in fact we have more reserves than are necessary, and I think the only adequate, fair way to deal with the issue is to in fact reimburse people for the period of time, which will take place in 11 programs; some have different areas that they are going to deal with such as reducing the premium in the future, which will be a help to the Federal consumer.

The gentleman is correct, one of the difficulties was that, and of course the gentleman and I and others did fight those changes.

Mr. VENTO. Will the gentlewoman yield further?

Ms. OAKAR. I am happy to yield.

Mr. VENTO. I applaud the effects of competition. I applaud the fact that today Federal employees more than ever have more of a range of health care options, from group health care options to many others that are available and that there is more competition here, and that is good.

The fact is the policy path in terms of health care in the future that we should be following and that these insurance programs that we have at the national level should pursue, is that in which we deal with preventative health care, and to try to provide in fact to expand benefits so that more of the health care dollars will be spent on prevention and keeping people healthy rather than the catastrophic sort of events that often have been the focus of health care in the past.

That is to say the home health care type of treatment; preventative treatment such as flu shots and other things. In other words, by expanding coverage of these services, we become better consumers, and by doing so we hold down the overall cost and consequently there is not the sort of catastrophic events that have typified health insurance coverage in the past.

Again, I wanted to point this out, because especially the one element that you brought in, a large, expanding area of health coverage, mental health; and to go back on that in the end may cost us a lot more money.

I hope that they will seriously explore this good suggestion from the subcommittee with regard to that type of coverage.

I again thank the gentlewoman from Ohio [Ms. OAKAR] and thank her for her leadership.

Ms. OAKAR. I thank the gentleman, and suggest that he take a look at my Medicare reform bills that deal with prevention, because I believe strongly that that is one of the elements that can better serve consumers and at the same time save a lot of money.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3384, the Federal Employees' Benefits Improvement Act of 1985. This legislation would amend and improve the health insurance and retirement programs for Federal employees. In order to insure that our Government employees are given the opportunity to benefit from an affordable and stable health plan, H.R. 3384 must be made into law.

In May 1985, hearings before the House Subcommittee on compensation and Employee Benefits dealt extensively with the accumulated excess reserves in the Federal Employees Health Benefits Program [FEHBP]. At the close of 1984, $1.9 billion—or three times the amount considered necessary to assure program stability—had accumulated in program reserve accounts. To draw down excess reserves, 11 carriers will offer rebates to subscribers during the 1986 contract year. However, current law does not allow for such payments to be made to Federal retirees. H.R. 3384 would amend current law to enable all FEHBP enrollees to be eligible for rebates.

In addition, other changes are necessary to improve the FEHBP in order for enrollees to benefit from a more affordable, stable program with a greater variety of choice. H.R. 3384 includes seven additional provisions to accomplish these changes. These provisions were the subject of extensive hearings in the 98th Congress.

With respect to retirement benefits, H.R. 3384 amends several provisions in Public Law 98-615, a law passed last year to provide for survivor retirement benefits to former spouses of Federal workers. The bill makes technical changes in the law to clarify congressional intent.

Therefore, this bill incorporates positive changes to improve the Federal Health Insurance and Retirement Programs for the benefit of all Federal workers and retirees. Accordingly, I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I rise today to voice my strong support of H.R. 3384, the Federal Employees Benefits Improvement Act. This bill, unanimously passed out of the Post Office and Civil Service Subcommittee on Compensation and Employee Benefits, merits the support of the entire House.

For a variety of reasons, including shorter hospital stays, more outpatient care and more attention to preventive health care, revenues from Federal health care program premiums have outstripped health care expenditures. By the end of 1984 the Federal Employees Health Benefits Program [FEHBP] reserve accounts had accumulated a $1.9 billion surplus. Currently, 11 FEHBP providers are in the process of offering refunds to their subscribers. However, a technicality prevents payments to deserving Federal retirees. The law needs to be changed and a vote in favor of this bill will rectify this unfair situation by making all enrollees, including Federal retirees, eligible to receive refunds.

This legislation will also repeal the 75-percent cap on the Federal Government's contribution toward an enrollee's FEHBP premium. This adjustment, permitting up to a 100-percent contribution, would take effect beginning in 1988. The FEHBP would also be permitted to reimburse enrollees for health care they receive in medically underserved areas from nonphysicians.

As a member of the House Select Committee on Narcotics Abuse and Control, I

am well aware of the physical and mental health aspects of substance abuse. That is why I am especially pleased that the Federal Employees Health Benefits Improvement Act also expresses the sense of Congress that sufficient coverage for mental health and substance abuse be made available through the FEHBP.

I commend Representative OAKAR for her outstanding leadership in bringing this important legislation before the House of Representatives. I encourage all of my colleagues to support this important legislation.

Ms. OAKAR. Mr. Speaker, I have no further requests for time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 3384, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE AND JOHNSTOWN FLOOD NATIONAL MEMORIAL

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1963) to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania, as amended.

The Clerk read as follows:

H.R. 1963

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR HISTORIC SITE AND NATIONAL MEMORIAL.

Section 5 of the Act of August 31, 1964 (78 Stat. 752), is amended by inserting "(a)" after "SEC. 5." and adding the following new subsection at the end thereof:

"(b) In addition to such sums as may have been authorized for development prior to the enactment of this subsection, effective October 1, 1986, there is authorized to be appropriated not to exceed $9,800,000 for the purposes of development at both Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial.".

SEC. 2. JOHNSTOWN FLOOD MUSEUM AGREEMENT.

Section 4 of the Act of August 31, 1964 (78 Stat. 752), is amended by inserting "(a)" after "SEC. 4." and by adding the following new subsection at the end thereof:

"(b) In furtherane of the purposes of this Act, the Secretary of the Interior is authorized to enter into an agreement with the Johnstown Flood Museum Association, pursuant to which the Secretary may—

"(1) provide technical assistance to mark, restore, interpret, operate, and maintain the Johnstown Flood Museum, and

"(2) with funds appropriated specifically for the purpose, provide financial assistance to mark, restore, interpret, operate, and maintain the museum.

No Federal funds may be used to provide financial assistance to the Johnstown Flood Museum Association until the agreement referred to in this subsection has been executed. Financial assistance under paragraph (2) shall not cover more than 50 percent of the costs described in paragraph (2). The remaining share of such costs shall be provided from non-Federal funds, services, or materials, or any combination thereof. The Secretary may also accept the donation of the building and collection owned by the Johnstown Flood Museum Association and the parcel of land on which such building is situated. Following acceptance by the Secretary, such parcel shall be included within the boundary of the Johnstown Flood National Memorial without regard to any acreage limitations set forth in any other provision of law.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 1963 was introduced by our colleague JOHN MURTHA. The purpose of the legislation is to allow for a raise of $9,800,000 in the combined development ceiling of the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial. Additionally, the legislation authorizes the Secretary of the Interior to enter into a cooperative agreement with the Johnstown Flood Museum Association to provide technical and financial assistance to the Johnstown Flood Museum.

The Allegheny Portage and Johnstown flood sites, both located in Cambria County, PA, were authorized by Congress in 1964. While the sites are geographically close, they commemorate and interpret two distinct events in our American past.

The Allegheny Portage Railroad constructed between 1831 and 1834, was an engineering wonder of its day. To transport machines and freight up and over the 2,291 foot point in the Allegheny Mountains, the Portage system used a series of 10 inclined planes that functioned as stairs up the mountain. As the first railroad crossing of the Allegheny Mountains, the Portage system was important to early westward expansion.

The Johnstown Flood National Memorial is located at the remains of the South Fork earthen dam, which broke in May 1889 triggering the Johnstown flood. The flood destroyed the city of Johnstown and claimed some 2,200 lives. The Johnstown flood was the major news event of the period, rallying an outpouring of aid and humanitarian assistance unmatched since the Civil War.

The increase in development authority as authorized will permit the National Park Service to undertake park development projects contained in the 1980 general management plan for these two park units. These projects include construction of a visitor center for the Johnstown Memorial; rehabilitation of the historic Lemon House at Allegheny portage for visitor and administrative use; stabilization of historic structures; and trail and road upgrading. As reported by the committee, the new development ceiling is effective October 1, 1986.

H.R. 1963 also authorizes the Secretary of the Interior to enter into a cooperative agreement to provide technical and financial assistance to the Johnstown Flood Museum. Housed in the historic Cambria County Library Building, the nonprofit Johnstown Flood Museum has what is considered the most extensive collection in existence of photos and documents relating to the flood. The authorization for the cooperative agreement is designed to further the availability of the museum collection to the park visitor, so as to enhance the visitor's understanding of this tragic historical event. Financial assistance to the museum is subject to a specific appropriation. Further, the bill, as amended, limits any Federal contribution made to the museum to not more than 50 percent of the museum's operation and maintenance costs.

Mr. Speaker, I want to commend my colleague Representative MURTHA, for his initiative in introducing H.R. 1963 and for his help in moving the legislation forward. The gentleman from Pennsylvania is not only a strong supporter of the Allegheny portage and Johnstown flood sites, but of the entire National Park System as well.

H.R. 1963, as amended, is a worthy proposal to further the development and management of these two park units. I urge the legislation's adoption.

□ 1235

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

Mr. Speaker, I would like to briefly comment on H.R. 1963. As you know, this bill would authorize a $9.8 million increase in the development ceiling for the Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania.

As the ranking Republican of the National Parks and Recreation Subcommittee, I am in basic agreement with this legislation and believe it represents the intent of Congress when these Park Service units were authorized in 1964. At that time, the development ceiling was set at $2 million and has been subsequently increased to $6 million. Although only approximately $1.7 million has been appropriated and expended on these units—leaving a ceiling of about $4 million—it is my understanding that Representative MURTHA, the bill's author, intends to seek appropriations exceeding this level in fiscal year 1986 for the construction of a visitor's center and entrance road improvements. The projects proposed to be funded under the increased development ceiling are all contained in the 1980 general management plan by the National Park Service.

This bill also authorizes the Park Service to provide technical and financial assistance to the Johnstown Flood Museum Association for the purposes of interpretation, operation and maintenance of the museum. While, I am concerned about this provision in view of the current fiscal condition of our Nation, I want to commend the chairman of our subcommittee for his amendments which, I believe, make this provision more acceptable. The amendments require that no financial assistance may be provided to the museum until the cooperative agreement between the Park Service and the Johnstown Flood Museum Association is executed; Federal funds may not cover more than 50 percent of the costs; and the remaining share of the costs must be provided by the private sector. While passage of this legislation will result in the expenditure of future Federal funds for operation and maintenance of the museum, I believe the chairman's amendments will insure that the funding will be minimal.

Mr. Speaker, as you know, the Alleghency Portage Railroad National Historic Site and the Johnstown Flood National Memorial serve to commemorate two important historical events in our Nation's history—the first crossing of the Allegheny Mountains which connected the East with the West, and the tragic Johnstown flood of 1889 which, in providing aid to the victims, brought the North and South together in a spirit of unity for the first time since the Civil War. I think it is entirely appropriate that the Park Service develop and interpret these important historic sites which was the intent of Congress when the units were established 21 years ago. H.R. 1963 would assist in this effort by providing the necessary funding authorizations to implement the Park Service plans.

The National Parks and Recreation Subcommittee held a hearing on H.R. 1963 on July 16 and recommended the bill to the full committee, as amended, on September 12. The Interior Committee favorably reported the bill to the House, as amended, by voice vote on September 17. I urge all of my colleagues to support this legislation.

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

Mr. LAGOMARSINO. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman for his support and participation in developing the amendments to this bill. It is important, I think, too, to note that 20 years ago there was a commitment made in terms of the designation of these two distinct sites, and now we are down the road 20 years and it is time to move forward so that we fulfill the promise in terms of serving the public that might visit these sites. There are two distinct structures here. The authorization of the Johnstown area for the administration building is not adequate to complete that, much less to begin on the historic preservation of the Lemon House and other historic structures at the Allegheny Portage site. So it is fine to put these things into the park system, but I think at some point we have to move forward.

The gentleman from Pennsylvania [Mr. MURTHA] has been very cooperative in working with us in the National Park System. I am hopeful that he will be successful in winning approval of these funds so that they can finally realize the potential which existed when these sites were designated so many years ago.

Mr. Speaker, I appreciate the gentleman's support for this. I wanted to point out those facts.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1963, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2451

Mr. SMITH of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2451.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1409, MILITARY CONSTRUCTION AUTHORIZATION ACT, 1986

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1409) to authorize certain construction at military installations for fiscal year 1986, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto

to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of the bill H.R. 1409, it shall be in order to take from the Speaker's table the bill S. 1042 and to consider said bill in the House. It shall then be in order (1) to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 1409 as passed by the House, and (2) to move to insist on the House amendment to the said Senate bill and to request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA] for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 196 is an open rule providing for the consideration of H.R. 1409, the Military Construction Authorization Act for fiscal 1986.

The rule provides for two hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule makes in order the committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment under the 5-minute rule. To expedite consideration, the rule provides that the substitute shall be considered by titles, instead of by sections, and each title shall be considered as read.

There is also one motion to recommit with or without instructions.

After the passage of H.R. 1409, the rule provides for the consideration of S. 1042 in the House. It shall then be in order to move to strike the Senate language and to insert the provisions of H.R. 1409 as passed by the House. It shall further be in order to move to insist on the House amendment and to request a conference with the other body.

Mr. Speaker, H.R. 1409 authorizes about $9.5 billion for fiscal 1986 for construction activities at military facilities both in the United States and overseas. This amount is about $762 million below the requested level.

Included in the bill is $21.9 million in authorization for six projects at Wright-Patterson Air Force Base. The largest project is a $12.8 millon addition to the Air Force Institute of Technology [AFIT], which offers graduate and professional continuing education programs to over 11,000 students each year. AFIT students are being trained to become the designers of the next generation of weapons systems, the builders of future Air Force bases, and the managers of advanced logistics systems. AFIT's programs are specially designed to meet the unique educational requirements of tomorrow's Air Force, and are not offered at other institutions. It is no exaggeration to say that the ability of the Air Force to fulfill its mission in the future depends heavily upon the quality of education offered at AFIT today.

Mr. Speaker, I am not aware of any opposition to this open rule on H.R. 1409, and I would urge my colleagues to adopt it.

□ 1250

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

Mr. Speaker, there are no problems in this rule. It is a completely open rule. There are no waivers of points of order. The rule even provides 2 hours of general debate, which should be more than sufficient to discuss the bill.

Mr. Speaker, this bill authorizes $9.55 billion for military construction, which is $759 million less than originally requested by the administration.

However, at the time of the Rules Committee meeting, the Office of Management and Budget sent a policy statement supporting the levels in this bill. This bill is consistent with the compromise deficit reduction agreement approved by the other body.

I might say, Mr. Speaker, that the administration will, however, work in conference to have certain provisions of the bill modified to more closely conform to the details of its request.

Mr. Speaker, if we are going to have a military, then we have got to have the structures to support it. This bill provides that necessary support.

I have no requests for time, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1787, EXPORT-IMPORT BANK ACT OF 1945 AMENDMENTS

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1787) to amend the Export-Import Bank Act of 1945, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 192 is an open rule which provides for the consideration of H.R. 1787, the Export-Import Bank Act Amendments of 1985. The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. The rule also makes in order the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs as an original bill for the purpose of amendment. Finally, Mr. Speaker, the rule makes in order one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1787 authorizes appropriations for the Export-Import Bank through fiscal year 1987. The provisions of the bill will be fully detailed by the members of the Banking Committee. I would like to take this opportunity, however, to congratulate the members of the Committee on Banking, Finance and Urban Affairs for their work on this bill.

The Banking Committee took responsible fiscal action during their deliberations on this measure to lower the cap on the Direct Loan Program of the Export-Import Bank by some $1.5 billion. The new cap, $2.36 billion, is well below the level assumed in the House budget resolution and will result in a reduction of the deficit in fiscal year 1986 of some $100 million. I hope this responsible committee action will set a standard for subsequent action by the other authorizing committees of the House.

In conclusion, Mr. Speaker, I would also note that the Committee on Rules is aware of the interest on the part of some Members in offering amendments to the bill to either substitute the administration's interest subsidy "I-Match" Program in place of the existing Direct Loan Program, or implement some type of demonstration program along those lines. Any such amendments, assuming they comply with the rules of the House, will be in order when this bill is considered.

Mr. Speaker, this is a very simple, straightforward rule. It contains no waivers of points of order and will allow full and open consideration of this important legislation. I urge adoption of the rule.

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

Mr. Speaker, the gentleman from Ohio has already indicated, this is an open rule, providing for 1 hour of general debate.

The rule is very noncontroversial. But let me just say something about this bill, that there is some opposition to this legislation. The bill that this rule makes in order, H.R. 1787, extends the authority of the Export-Import Bank to enter into new loan and guarantee commitments from September 30, 1986, through September 30, 1987.

It prohibits the direct subsidy payments to commercial lenders and limits direct loans in fiscal year 1986 to $2.36 billion.

The bill would also permit an Export-Import Bank director whose term has expired to serve until a successor is named.

The minority filed minority views on this matter. They believe that the administration should be encouraged in its efforts to place greater constraints on the amounts and types of financing subsidies extended to U.S. exporters, since we are faced with some record budget deficits.

In this regard, they state that a majority of the minority members on the committee support the administration proposal to establish an interest subsidy program, which will enable the Eximbank to continue to meet foreign official subsidized competition.

They also support further reduction in the Exim direct credit loan ceiling.

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

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and if the gentleman from Ohio [Mr. LATTA] does not have any, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO AUTHORIZE THE SPEAKER PRO TEMPORE TO DECLARE RECESS UNTIL 1:30 P.M. TODAY

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker pro tempore to declare a recess until 1:30 p.m. today.

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

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I would ask the gentleman from Ohio to explain what is the nature of this request, which is somewhat unusual on a day when we have little legislative business.

Mr. HALL of Ohio. Apparently, Mr. Speaker, if the gentleman will yield so I may respond to the question, it is to give the Ways and Means Committee some time to get their report and their act together on the tobacco bill that is going to be before us.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, I see the chairman of the Ways and Means Committee, the gentleman from Illinois, present in the Chamber, and I would be happy to yield to him for an explanation of what bills he intends to bring to the floor without notice.

Mr. ROSTENKOWSKI. If the gentleman from Wisconsin will yield, as the gentleman is aware, there is going to be considered, I hope by unanimous consent, the Emergency Extension Act, which includes the extension of the cigarette tax, the borrowing authority on railroad retirement unemployment insurance, the trade adjustment assistance authority, and the Medicare hospital and physician reimbursement rule.

These are all measures that are expiring tonight. The bill was approved by unanimous vote of the members of the Ways and Means Committee. It is my hope to consider this measure extending the present law for 45 days. And the reason I have requested the recess is, the minority has not yet arrived, and I was under the impression that we would meet in the Committee on Ways and Means and then come over to deliberate on this. However, I understand that time to discuss this issue with the committee has elapsed.

Mr. SENSENBRENNER. Further reserving the right to object, is it the intention of the majority to bring up the bill extending the present dairy program as well?

Mr. ROSTENKOWSKI. I defer to the House leadership on that question. But it is my understanding that if they can, they will.

Mr. SENSENBRENNER. Further reserving the right to object, as the gentleman from Ohio knows, I would be very interested in that as well. I think with the adjustment of the schedule that seems to be developing here on the floor, the Members should have as much notice as possible on precisely what is to be brought up. I have no objection to the gentleman from Illinois bringing the Ways and Means bill up, but I am wondering if this is going to be a never-ending panoply of bills that have to be passed because some program expires at midnight tonight.

I would yield to the gentleman from Ohio if he could shed some further light on this subject.

Mr. HALL of Ohio. Mr. Speaker, on these days, on Monday, quite often there are a lot of things going on in various committees, and we had expected to be ready to go after these two rules had come up. This is an unusual circumstance when in fact we are waiting for Members to come to the floor and reports to be done and things to be considered. It is my understanding that with this recess we will be able to get things in order and come back to the floor and be more organized than what we appear to be right now.

Mr. SENSENBRENNER. Further reserving the right to object, I hesitate giving the majority party unanimous consent for a complete blank check on what to bring up. And unless the gentleman from Ohio, who propounded the unanimous consent request, is a little bit more specific and limits what the further program is going to be, I will be constrained to object.

I yield to the gentleman from Ohio, if he can give the body some kind of specific list of what is being brought up which will not be exceeded.

Mr. HALL of Ohio. If I may further respond to the gentleman, it is my understanding that there will only be two things considered today. It is this extension that is presently before us, as the gentleman from Illinois [Mr. ROSTENKOWSKI] mentioned, and the farm extension. Those are the only two matters.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, with the understanding that the Ways and Means Committee bill described by the gentleman from Illinois [Mr. ROSTENKOWSKI] and the farm extension bill just referred to by the gentleman from Ohio will be the only items on the agenda after we reconvene at 1:30, I withdraw my reservation of objection.

The SPEAKER pro tempore. If there is no further objection to the request of the gentleman from Ohio, it is agreed to, and the House is in recess——

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I see that the minority has arrived. If it is within the purview of the Chair, we would like to continue.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. HALL]

wish to withdraw his request for a recess?

Mr. HALL of Ohio. Mr. Speaker, I withdraw the request.

EMERGENCY EXTENSION ACT OF 1985

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3452) to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

The Clerk read the title of the bill.

□ 1305

The SPEAKER pro tempore (Mr. HALL) of Ohio. Is there objection to the request of the gentleman from Illinois?

Mr. FRANK. Mr. Speaker, reserving the right to object, I do so because I would like to ask the gentleman from Illinois, I had expected that the Superfund extension would also be in this legislation since the Superfund is expiring today.

I would ask the gentleman to tell me what the intention of the committee is with regard to Superfund.

I yield to the gentleman from Illinois for his response.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding to me.

Mr. Speaker, there was, originally, the intention of including Superfund in this extension legislation. However, there were certain objections that were going to be raised. The Committee on Ways and Means felt that the extension of the other provisions included in this legislation was important enough that the committee granted its chairman the opportunity to include or to exclude Superfund.

I would say to the gentleman that it is my intention, however, if the leadership agrees, to take up an extension of Superfund separately tomorrow on the Suspension Calendar. The Superfund legislation can be extended tomorrow without the detrimental effect that would occur in the case of a delayed extension of the cigarette excise tax.

Mr. FRANK. I thank the gentleman very much. I appreciate that the objection did not come from himself and that the gentleman's effort was to keep the Superfund going.

Do I correctly understand the gentleman from Illinois that Superfund will be on the Suspension Calendar tomorrow for a 45-day extension?

Mr. ROSTENKOWSKI. Accordingly, if the leadership agrees, we would consider Superfund tomorrow.

Mr. FRANK. In my experience, the gentleman's record of getting the leadership to agree is sufficiently good for me to have some assurances based on that. With the gentleman having made it clear that the Superfund extension will be on the Suspension Calendar tomorrow, I withdraw my reservation of objection.

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

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, and I shall not object, I just wanted to weigh in from the minority side to inform everyone that this was a unanimous decision in the Ways and Means Committee. It was agreed to. The chairman has been open about it. His problem with the Superfund was not his making, and he was given the latitude to try to deal with it with the general membership, and of course, he has done that.

Mr. Speaker, with that, I withdraw my reservation of objection.

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

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I further ask unanimous consent that the Committee on Energy and Commerce be discharged from consideration of this legislation. This is with their consent.

The SPEAKER pro tempore. The Chair will state that the gentleman's initial request for consideration of the bill will take care of that.

The Clerk read the bill, as follows:

H.R. 3452

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Extension Act of 1985".

SEC. 2. 45-DAY EXTENSION OF INCREASE IN TAX ON CIGARETTES.

Subsection (c) of section 283 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to increase in tax on cigarettes) is amended by striking out "October 1, 1985" and inserting in lieu thereof "November 15, 1985".

SEC. 3. 45-DAY EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Section 285 of the Trade Act of 1974 (19 U.S.C. note preceding section 2271) is amended by striking out "September 30, 1985" and inserting in lieu thereof "November 14, 1985".

SEC. 4. 45-DAY EXTENSION OF BORROWING AUTHORITY UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

Section 10(d) of the Railroad Unemployment Insurance Act is amended by striking out "September 30, 1985" each place it appears and inserting in lieu thereof "November 14, 1985".

SEC. 5. 45-DAY EXTENSION OF MEDICARE HOSPITAL AND PHYSICIAN PAYMENT PROVISIONS.

(a) MAINTAINING EXISTING HOSPITAL PAYMENT RATES.—Notwithstanding any other provision of law, the amount of payment under section 1886 of the Social Security Act for inpatient hospital services for discharges occurring (and cost reporting periods beginning) during the extension period (as defined in subsection (c)) shall be determined on the same basis as the amount of payment for such services for a discharge occurring on (or the cost reporting period beginning immediately on or before) September 30, 1985.

(b) MAINTAINING EXISTING PAYMENT RATES FOR PHYSICIANS' SERVICES.—Notwithstanding any other provision of law, the amount of payment under part B of title XVIII of the Social Security Act for physicians' services which are furnished during the extension period (as defined in subsection (c)) shall be determined on the same basis as the amount of payment for such services furnished on September 30, 1985, and the 15-month period, referred to in section 1842(j)(1) of such Act, shall be deemed to include the extension period.

(c) EXTENSION PERIOD DEFINED.—For purposes of this section, the term "extension period" means the period beginning on October 1, 1985, and ending on November 14, 1985.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

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

Mr. Speaker, H.R. 3452, the Emergency Extension Act of 1985 is extremely important legislation. It includes a short, 45-day extension of five issues that would otherwise expire at midnight tonight.

The items which would be extended through November 14, 1985, by H.R. 3452 are:

First, the 16 cents per pack cigarette excise tax;

Second, borrowing authority for the railroad unemployment insurance account;

Third, trade adjustment assistance authority; and

Fourth, Medicare hospital and physician remburement rules.

I want to exphasize that each of these extensions is simply an extension of current law. There are no policy changes in the 45-day extention in this bill.

Long-term extensions of these provisions, with or without modifications, will be considered by the House in the very near future in separate legislation. For example, four of the five provisions to be extended are addressed in the Deficit Reduction Act of 1985 (H.R. 3128) which has already been reported by the Committee on Ways and Means.

The Committee on Ways and Means has unanimously approved this 45-day emergency extension legislation. Its enactment will minimize confusion and administrative disruption. It will prevent the loss of revenue due to the expiring excise taxes and increased costs to Medicare. Also it will protect individuals, such as unemployed railroad workers, from bearing the costs of congressional delay.

I have attached to my statement a more detailed description of the provisions before us.

In the interest of avoiding unwarranted disruptions, I urge approval of H.R. 3452.

I. SUMMARY

1. Temporary extension of cigarette excise tax rates

The bill extends the present cigarette excise tax rates (i.e., 16 cents per pack for small cigarettes) from October 1, 1985 through November 14, 1985.

2. Temporary extension of trade adjustment assistance programs

The bill extends the trade adjustment assistance (TAA) programs from September 30, 1985 through November 14, 1985.

3. Temporary extension of the authority for the Railroad Unemployment Insurance Account to borrow from the Railroad Retirement Account

The bill extends for 45 days (through November 14, 1985) the authority for the Railroad Unemployment Insurance account to borrow from the Railroad Retirement account.

4. Temporary extension of Medicare hospital and physician payment provisions

a. Medicare Hospital Payment Program

Under the bill, medicare hospital payment rates remain at the current levels for a 45-day period, implementation of a new wage index would be deferred, and the proportions of hospital-specific and Federal DRG components in the prospective payment amounts would remain unchanged during the 45 days, October 1–November 14, 1985.

b. Medicare Physician Payment Program

Under the bill, medicare physician reimbursement amounts would remain at current levels for the 45-day period, October 1–November 14, 1985.

II. EXPLANATION OF THE BILL

1. Temporary extension of cigarette excise tax rates

Present law

An excise tax is imposed on cigarettes manufactured in or imported into the United States (Code sec. 5701(a)). The present tax rate on small cigarettes is $8 per thousand (i.e., 16 cents per pack of 20 cigarettes). The tax rate on large cigarettes generally is $16.80 per thousand; proportionately higher rates apply to large cigarettes that exceed 6.5 inches in length. Small cigarettes, which comprise most taxable cigarettes, are cigarettes weighing no more than 3 pounds per thousand.

The present cigarette excise tax rates are scheduled to decrease by one-half on October 1, 1985 (e.g., to 8 cents per pack of 20 for small cigarettes).

H.R. 3128, reported by the committee on July 31, 1985, would extend the present-law cigarette excise tax rates on a permanent basis. H.R. 3128 is scheduled for consideration as part of budget reconciliation.

Reasons for change

The committee believes that the present cigarette excise tax rates should be extended on a permanent basis, but that this permanent extension should be enacted only as part of budget reconciliation. The October 1, 1985, scheduled reduction in those rates is imminent. To permit cigarette tax rates to decline and then be increased again could cause economic distortions in the market for that product and hardship for the business involved, and would also lose revenue to the Government. The committee determined, therefore, that a temporary extension of the present tax rates is necessary to allow Congress adequate time to consider this issue as part of the budget process.

Explanation of provision

The bill extends the present cigarette excise tax rates for 45-days, through November 14, 1985.

Effective date

The cigarette excise tax rate extension applies to cigarettes removed after September 30, 1985, and before November 15, 1985.

Revenue effect

This provision is estimated to increase net fiscal year budget receipts by $210 million in 1986, and not affect future fiscal years.

2. Temporary extension of trade adjustment assistance programs

Present law

The trade adjustment assistance (TAA) programs under the Trade Act of 1974 for workers and firms adversely affected by increased import competition terminate by statute on September 30, 1985.

Reasons for change

Section 221 of H.R. 3128, "Deficit Reduction Amendments of 1985", as reported by the Committee on Ways and Means, reauthorizes the TAA programs for four years until September 30, 1989. The Senate Committee on Finance has also agreed to reauthorize TAA as part of its budget reconciliation legislation. The Continuing Resolution for FY 1986 (H.J. Res. 388) as passed by the House and Senate continues funding for worker and firm TAA at present fiscal year 1985 levels until November 14, 1985.

The purpose of the provision is to remove any possible question as to legislative intent and the legality of spending funds included in the Continuing Resolution for present TAA programs during the 45-day period following the expiration of current authority on September 30, 1985, pending completion of House and Senate consideration of the reauthorizing legislation.

Explanation of provision

The bill changes the TAA termination date under section 284 of the Trade Act of 1974 from September 30, 1985 to November 14, 1985.

3. Temporary extension of the authority for the Railroad Unemployment Insurance Account to borrow from the Railroad Retirement Account

Present law

The Railroad Unemployment Insurance account can borrow from the Railroad Retirement Account if there are insufficient funds in the unemployment account to pay benefits to unemployed rail workers. This authority expires on September 30, 1985.

The borrowing authority is permanently extended in both H.R. 3128, reported by the Committee on Ways and Means on July 31, 1985, and in the reconciliation bill approved on September 20, 1985, by the Senate Committee on Finance.

Reasons for change

About 40,000 unemployed rail workers are currently receiving unemployment and sickness benefits payable from the unemployment account. If the account were to be depleted, benefits to these workers would cease if the account could not borrow. The Railroad Retirement Board has developed a contingency plan to reduce unemployment benefits by $25 a week in the event that reserves in the unemployment account are substantially reduced. The Board initially intended to implement the reduction in benefits on October 1, 1985, but has suspended implementation of the plan because account balances appear sufficient to pay full benefits at the present time.

A temporary extension of the borrowing authority will provide certainty that full unemployment benefits will be paid to unemployed rail workers.

Explanation of provision

The bill extends the authority for the unemployment account to borrow from the retirement account through November 14, 1985.

4. Temporary extension of Medicare hospital and physician payment provisions

a. Maintaining Existing Hospital Payment

Present law

Present law provides that the medicare prospective payment rates should be updated annually by the Secretary of Health and Human Services. Regulations implementing the revised rates are required to be published September 1, for implementation October 1 of each year. The law states that the update should reflect increases in hospital input prices but, for FY 1986, may not exceed the rate of increase in the hospital market basket plus one quarter of a percentage point. These regulations also implement other adjustments to the prospective payment system such as wage index adjustments, revisions of the weights assigned to the diagnosis related groups (DRGs), etc.

Reasons for change

The Committee on Ways and Means has already approved legislation (H.R. 3128, the Deficit Reduction Amendments of 1985) that would make significant changes in the PPS and PPS-exempt hospital payment rates, as has the Senate Committee on Finance, which has approved different legislation. The Committee on Ways and Means believes that a temporary freeze on payment rates at the September 30, 1985 level, will minimize confusion and simplify the administration of the medicare program.

Explanation of provision

The bill retains, for an additional 45 days, the current medicare payment rates for hospitals under section 1886 of the Social Security Act. The provision applies both to prospective payment (PPS) hospitals and to PPS-exempt hospitals.

Regulations prepared pursuant to current law for implementation as of October 1, 1985, would not be implemented on that date. Thus, hospital payment rates would be frozen, at the September 30, 1985 levels, for the 45-day period. Implementation of a new wage index would be deferred, and the proportions of the hospital-specific and Federal DRG components in the prospective payments amounts would remain at the fiscal year 1985 levels during the 45-day period.

b. Maintaining Existing Payment Rates for Physicians' Services

Present law

Medicare pays for physician services on the basis of medicare-determined "reasonable charges." Reasonable charges are the lowest of: (1) a physician's billed charge; (2) the charge customarily made by an individual physician; or (3) the prevailing charge limit, derived from charges made by all physicians for services in a geographic area. The customary and prevailing charge screens are

generally updated annually, on October 1. Increases in the prevailing charge levels are limited by an economic index that reflects general inflation and changes in physicians' office practice costs.

Under the Deficit Reduction Act of 1984 (P.L. 98-369) the medicare customary and prevailing charges for all physicians' services provided during the 15-month period beginning July 1, 1984, are frozen at the levels that applied for the 12-month period ending June 30, 1984. The actual charges of nonparticipating physicians are also frozen during the 15-month period, at the levels they charged during April-June 1984.

The Deficit Reduction Act also instituted a medicare participating physician and supplier program. Participating physicians and suppliers voluntarily agree to accept assignment on all medicare claims for the 12-month period beginning on October 1 of a year. Nonparticipating physicians and suppliers can decide on a claim-by-claim basis whether or not to accept assignment.

Reasons for change

A continuation of the freeze on medicare payment rates for physicians' services is intended to prevent confusion that may ensue from lifting the freeze, given the likelihood that the Congress will pass legislation in the very near future to extend the freeze on medicare payments to nonparticipating physicians and on their actual charges to beneficiaries.

Without the extension, the freeze on nonparticipating physicians' actual charges would lapse on October 1, 1985, with the possible consequence that nonparticipating physicians would increase their charges to beneficiaries. The Committee is especially concerned that medicare beneficiaries be protected from such increases in out-of-pocket costs.

Explanation of provision

The bill extends provisions of law now in effect to provide for a 45-day extension period, during which medicare payments would be made at the levels in effect on September 30, 1985. The freeze on nonparticipating physicians' actual charges to beneficiaries is also extended for the 45-day period.

The bill does not alter the duration of the physician participating agreements. Rather, the participating decisions physicians make for the year beginning October 1, 1985 would determine whether they are participating or nonparticipating physicians for that year.

III. BUDGET EFFECTS

In compliance with clause 7 of Rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effect on the budget of the bill as reported.

From the Congressional Budget Office baseline budget assumption, the bill will reduce the fiscal year 1986 budget deficit by $440 million, as follows:

Fiscal year 1986 deficit reduction

	Millions
Cigarette excise tax extension (net revenue increase)	$210
Medicare provisions:	
(a) Hospital payments (outlay reduction)	175
(b) Physician payments (outlay reduction)	55
Total deficit reduction	440

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

Mr. ROSTENKOWSKI. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding to me.

Mr. Speaker, I want to thank the gentleman and make sure that we are absolutely clear that we are dealing strictly with an extension of expiring provisions. Should we not extend, that we will have a substantial loss of revenue and excise taxes, and it would create severe disruption in other programs, and that this is merely temporary until the legislation that has, in the instances of four of the items, cleared the Ways and Means Committee and had time to clear the Congress.

Mr. ROSTENKOWSKI. The gentleman is absolutely correct.

Mr. CAMPBELL. I thank the gentleman and I support the request and passage of this legislation.

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

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 3452, EMERGENCY EXTENSION ACT OF 1985

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight, Monday, September 30, to file its report to accompany the bill, H.R. 3452, to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the Railroad Unemployment Insurance Program.

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

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 1562, TO ACHIEVE OBJECTIVES OF THE MULTIFIBER ARRANGEMENT AND PROMOTE ECONOMIC RECOVERY OF TEXTILE AND APPAREL INDUSTRY AND ITS WORKERS

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight tonight, Monday, September 30, to file its report to accompany the bill, H.R. 1562, to achieve the objectives of the Multifiber Arrangement and to promote the economic recovery of the U.S. textile and apparel industry and its workers.

This request is made to accommodate minority views.

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

There was no objection.

The SPEAKER pro tempore. If the gentleman would remain at the microphone for 1 minute, with respect to the first request which he made, since the House has already passed that bill. The filing of the report is not in order, and distribution of a committee print would be a satisfactory alternative.

Mr. ROSTENKOWSKI. I thank the Chair.

AGRICULTURE ACT OF 1949 EXTENSIONS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute.)

Mr. DE LA GARZA. Mr. Speaker, I take this 1 minute to inform my colleagues that soon I will ask unanimous consent to bring up the bill, H.R. 3454, with which we have the same problem as the distinguished members of the Ways and Means Committee. There are several agriculture-related laws that expire at the end of this fiscal year. The legislation which we hope to bring up by unanimous consent is to extend them for 45 days. Both sides are agreed—the minority and the majority. We had expected to have a bill from the Senate, but unfortunately, they were somewhat delayed.

So we will endeavor to start on this side and approve the legislation and forward it to the Senate in order that it might be sent to the President today.

Mr. Speaker, it is our intention to do this, this afternoon. I cannot say anymore than that it is needed for technical reasons and very practical reasons in that a couple of those laws will entail a lot of money.

If they are not extended, they would end at the fiscal year and revert to permanent law which would be much more expensive. We are working on, H.R. 2100, the farm legislation we are trying now to modify and extend for several years.

AGRICULTURE ACT OF 1949 EXTENSION

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the bill (H.R. 3454) to extend temporarily certain provisions of law, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I take this time to have the gentleman from Texas [Mr. DE LA GARZA] explain the bill, and I yield to the gentleman for that purpose.

□ 1315

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

The bill as introduced extends the Food Stamp Program, all of the Food Stamp Program, and it includes also a special provision for Puerto Rico. The bill also extends the dairy program, which would expire at the end of the fiscal year.

This is very important, I might add, if the gentleman will allow me to proceed, because, if not extended, it will revert to permanent law, and the permanent law is much more expensive than what we are operating under now or what is expected from the legislation in the farm bill.

We also have a provision to extend a pilot program for the elderly in the food stamp SSI cash-out which is being studied. Then it has a technical provision for the cotton program, and this would entail the crop that has just been picked or is in the process of being picked. That is the extent of the legislation.

Mr. Speaker, if the gentleman will yield further and will allow me to proceed, I might add that we have been informed that the Senate is agreeable, and that this provision of 45 days is a compromise. I personally would have preferred 30 days. The Senate began with 60 days, and we have compromised at 45 days, and we have been assured that they will pick up the legislation when passed and then forward it on to the President.

Mr. SENSENBRENNER. Mr. Speaker, further reserving the right to object, would the gentleman from Texas kindly explain the amendment to the law that is made by section 3 of the bill? There are two paragraphs that insert some language that appears to be more than a simple extension of these programs for 45 days.

Mr. DE LA GARZA. Mr. Speaker, this is the cotton provision. It is basically technical in nature, and it is required because the 1986 cotton loan rate is tied to the 1986 upland cotton loan rate. That will not be finalized until we have finished with the farm legislation. So we are suspending it in order that this may go into effect when the farm legislation is approved. There was no controversy on this section in the farm legislation at all, but we are getting ahead of it. We have to suspend it pending the farm bill and reinstate it in the proper sequence in the legislation.

Mr. SENSENBRENNER. Mr. Speaker, I appreciate the explanations given by the gentleman from Texas, and I withdraw my reservation of objection.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman.

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

Mr. MADIGAN. Mr. Speaker, reserving the right to object, under my reservation I would quickly agree with the explanation that has been given by the gentleman from Texas. This does represent a compromise between the House and the Senate leadership which has been agreed to by everyone, and it is exactly as has been represented by the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(d)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1466(d)(1)(B) is amended by striking out "September 30, 1985" and inserting in lieu thereof "November 15, 1985".

SEC. 2. Effective for the period beginning October 1, 1985, and ending November 15, 1985, section 19(a)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)) is amended by striking out "noncash".

SEC. 3. Section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)) is amended by—

(1) inserting ", or within 10 days after the loan level for the related crop of upland cotton is announced, whichever is later," after "effective" in the last sentence of paragraph (2); and

(2) in paragraph (4)—

(A) inserting "and announce" after "establish" in the first sentence; and

(B) striking out the second sentence.

SEC. 4. The last sentence of 17(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended by striking out "until October 1, 1985" and inserting in lieu thereof "through November 15, 1985".

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

NICARAGUAN BORDER INCURSIONS INTO COSTA RICA

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

Mr. SENSENBRENNER. Mr. Speaker, between September 19 and 24, the gentleman from Ohio [Mr. DEWINE] and I visited Central America under the sponsorship of the National Defense Council Foundation. In all of the countries, it became painfully evident that the Sandinista government of Nicaragua has been committing aggression against its neighbors.

Most distressing are the numerous and repeated violations of the territorial sovereignty of Costa Rica. Costa Rica, we must remember, is a neutral nation, and a country which has no army. It has never posed a military threat to any other country in the region and can be proud of its democratic institutions. Yet, the Sandinistas have repeatedly violated the Costa Rican border.

Recently, Carlos Jose Gutierrez, Minister of Foreign Relations of Costa Rica, published a compendium of numerous Nicaraguan aggressions against Costa Rica from June 6, 1982, until August 16, 1985. What is remarkable about this paper is that it is not the typical one-sided propaganda piece such as those published in Managua, but an objective listing of all allegations of border and human rights violations by both sides, and the results of the diplomatic notes which have resulted from these incidents. By reading this document, one can easily see the Sandinistas have not stopped violating Costa Rica's border, but rather have increased their activities.

Perhaps the ultimate goal of the Sandinistas is to subjugate Costa Rica so it can no longer function as an independent and netural nation. However, it is clear the immediate goal is to create a buffer zone on the Costa Rica border, not in Nicaragua, however, but in Costa Rica.

I call upon my colleagues to express outrage at the Nicaraguan campaign to compromise the neutrality of Costa Rica. So that my colleagues can see the extent of the Sandinista violations of Costa Rica's border, I include the full text of Foreign Minister Gutierrez' document, "Aggressions Against Costa Rica Committed by the Government of Nicaragua, Period: 1982–85" for insertion in the RECORD at this point:

[Ministry of Foreign Relations]

AGGRESSIONS AGAINST COSTA RICA

[Committed by Government of Nicaragua—Period: 1982–85]

INTRODUCTION

This document presents in a chronological and summarized way the events that have taken place at the Nicaraguan border zone since May 8, 1982, when Luis Alberto Monge assumed power as President of the Republic of Costa Rica.

Throughout this document it is clear that during these years Costa Rica and its government has been the target of a constant and permanent aggression manifest in the open and treacherous attacks against Civil Guard patrols, such as the one keeping guard at the border place of Las Cructias last May 31st, and the veiled threats coming from the highest political and military authorities of Nicaragua.

This publication is made because of the need for diffusing not only the events and their implications but also the position held by Costa Rica in the face of repeated violations of the national sovereignty and the integrity of our territory by the Sandinista military forces. The need becomes evident especially since, during the last years, Central America has captured the world's attention on . . . two facts: the confrontation between the United States and Nicaragua, and the civil war in El Salvador.

The situation that Costa Rica is living is not known world-wide. The main purpose of this publication is precisely to allow people who read it to learn about Costa Rica's position and standing within the Central American crisis.

It is difficult to find a state with less aggressive attitudes towards its neighbors than Costa Rica. Unilateral disarmament was decreed in 1949, the date in which the army was abolished as a permanent institution and incorporated into our Constitution. Moreover it is even more significant that this was accomplished by a president who got to power by means of weapons.

Since then, Costa Rica depends on a modest police force subject to a civil jurisdiction not a military one, for the preservation of the internal order and the security of its citizens, as much for the defense of national sovereignty.

On November 17, 1983, President Monge made known his Proclamation of Permanent, Active and Non-Armed Neutrality, to ratify the country's position in warlike conflicts affecting the Central American area and the maximum interest in the face of internal peace and dedication all Government efforts to solve the social and economic problems inherited by his Government.

As is evident in the following pages, even before President Monge proclaimed Costa Rica's neutrality, a continued aggression in the border zone from the Government of Nicaragua has been a main problem. Since the victory of Sandinista revolution, Nicaragua has consistently been building an army, superior in number and equipment to all Central American Armed Forces. The National Guard of Somoza has 7800 men. Today, in its place, there is a 50,000 man army and a 100,000 man and woman militia. The Nicaraguan Army has no less than 100 Soviet medium tanks, T-54 and T-55, 20 PT-76 amphibian tanks, and other 120 armored vehicles. It also has 120 anti-aircraft guns, 700 SA-7 skyrocket launchers, 10 MI-8 helicopters and 6 AN-2 aircraft of armored transportation. The military service is compulsory for all men over 17 years old and it is used not only for military preparation but for ideological indoctrination. The military forces have directed their actions, not only inside Nicaraguan territory but have projected themselves, with no respect for our sovereignty, and bringing on internationally worry, fear and anguish to Costa Rica villages on the border zone.

The present situation has not been well understood internationally. Nicaragua, the aggressor and militarized country presents itself as the victim of U.S. aggression which, as stated, is always ready to invade a defenseless nation with the aid of other Central American countries.

On the other hand, Costa Rica's international claims have not found more than a tepid support that, far from having constituted a reliable warning to the aggressor State, seems to encourage it to continue its actions.

We hereby present the true facts. It is the history of a country that has never been an aggressor: that not needing it, abolished the army as a permanent institution, accomplished its commitments and that, thanks to its peace and its representative democracy, has been able to make important strides in the fields of education, health, social welfare and communications.

With this publication, we hope that people who read it will understand that we have patient, and have dedicated all our efforts to solving our internal problems and that we have had confidence in the International Law and its organisms. The opportunity for a peaceful arrangement in Central America can pass, the victims can change their attitude and seek other defense means. The action which was undertaken by the Contadora countries can evaporate itself as a beautiful dream that temporarily separated us from reality; reality to which we have to return when we open our eyes again: the Government of Costa Rica still trusts that the way to peace, justice and respect to the rights of people, will remain open. But at the same time, it considers necessary to make evident the aggressions that has suffered.

CARLOS JOSE GUTIÉRREZ,
Minister of Foreign Relations of Costa Rica.

A REPORT OF INCIDENTS BETWEEN THE GOVERNMENT OF COSTA RICA AND THE GOVERNMENT OF NICARAGUA

1. JUNE 6TH, 1982

On this day, a tourism ship belonging to "Swiss Travel Service, S.A.", when heading towards Puerto Viejo on the San Juan River, was stopped by Nicaraguan military authorities: passengers were forced to land and their belongings were searched.

The Government of Costa Rica presented its protests to the Nicaraguan Government on the same date for the happenings that attempted against the rights of free navigation on the San Juan River; rights which are guaranteed by the *Cañas-Jerez Treaty* and the *Cleveland Decision*. Moreover, these occurrences damage the economic interests of the Country by directly affecting the arrival of tourists.

The note of protest was answered per Note E.N. 789/82 from the Nicaraguan Embassy, dated August 2nd, 1982, in which it was stated that according to the Cañas-Jerez Treaty and the Cleveland Decision, Nicaragua does have a right of establishing regulations upon Costa Rican navigation on the San Juan River.

1. JUNE 7TH, 1982

On this date members of the *Ejército Popular Sandinista* (EPS), the Popular Sandinista Army, entered Costa Rican territory, more specifically the countries of Upala, Los Chiles and San Carlos and specially the area between the locations of Medio Queso and Poco Sol. The Costa Rican Government protested to the Government of Nicaragua on the same day as the violation of its national integrity and for the first time proposed the implementation of a Mixed Committee, created by the Treaty of Peace and Friendship, and signed by both countries in 1956.

The Note was responded per Note E.N. 607/82 dated June 9th, 1982, from the Nicaraguan Embassy in San Jose. The Note denied the aforementioned charges and rejected the notion that the Sandinista Army had penetrated into Costa Rican territory.

3. JULY 16TH 1982

Attempts against the Costa Rican right of free navigation of tourism ships on the San Juan River, again occurred. On this opportunity, the Costa Rican Government protested against Nicaragua and stated again that Costa Rica had always made pacific and adequate use of its inalienable and indispensable right of navigation on the San Juan River. This note was responded per Note E.N. 789/82 of the Embassy of Nicaragua mentioned above in paragraph 1.

4. JULY 20TH, 1982

The Government of Costa Rica denounced new violations to its right of free navigation of the San Juan River committed by Nicaraguan authorities. The said authorities, in the period of time from the 16th to the 22nd of July, halted and retained the traffic of all Costa Rican vessels in the river due to the celebration of the Sandinista Revolution anniversary.

The note of protest was answered by Note E.N. 789/82 from the Nicaraguan Embassy mentioned in Paragraph 1.

5. JULY 27TH, 1982

The Government of Costa Rica declared as persona *non-grata* the Nicaraguan diplomat German Altamirano and two other employees of the Nicaraguan Embassy in San Jose. The step was taken based upon their participation in a terrorist attack to the headquarters of the Honduran Airline "SAHSA". The Costa Rican Government also requested an excuse from the Nicaraguan Government, not only for Altamirano's participation in acts against the peace and security of Costa Rican people but also for the penetrations of the Sandinista Army into Costa Rican territory and the obstacles posed to free commercial navigation on the San Juan River, as well.

6. JULY 27TH, 1982

The Government of Nicaragua, as a reprisal and without presenting official excuses for the aforementioned facts, issued a declaration of persona *non-grata* upon the Costa Rican diplomats Euclides Sandoval and Luis De Anda. Likewise, the Government cancelled the *exequatur* of the Costa Rican Consul in that country, Mr. Henry Urcuyo.

7. DECEMBER 2ND, 1982

The Nicaraguan Government denounced before the Costa Rican Government the attack which took place on December 1st, against the village of Cardenas in Nicaraguan territory, allegedly carried out by the contra-revolutionary forces which came from the Costa Rican side of the border. The *contra* forces, supposedly, were fought back into Costa Rican territory.

The above mentioned protest was the first made by Nicaragua on the grounds of a supposed utilization of Costa Rican territory on behalf of elements which oppose the Government.

The Note was answered by Note DM-243-82, signed by Costa Rican Foreign Minister, Mr. Fernando Volio, who rejected the protest on the grounds of reports from both the Ministers of Public Security and the Interior, in which they refuted the fact that the attacks came from Costa Rican territory.

8. DECEMBER 14, 1982

The Government for National Reconstruction of Nicaragua issued a report attacking without justification the Costa Rican Government and President Luis Alberto Monge.

On Note DM-240-82 dated December 14, 1982, from Minister Volio to Nicaraguan Foreign Minister D'Escoto, the terms of such communication were refuted officially on the grounds that "the tone and the contents are outrageous and contrary to the truth". This note, however, was not answered by Nicaragua.

9. JANUARY 9TH, 1983

The Nicaraguan government protested to the Costa Rican government for the supposed interferences caused to Channel 2 of the official Sandinista television from Costa Rican territory on the 5th and 7th of January, as well as for the press conferences held in San Jose by representatives of the rebel group "Alianza Revolucionaria Democratica ARDE", formed by opposers to the Nicaraguan regime.

The note of protest was answered by Note DM-03-83, dated January 10th, 1983, in which Minister Volio denied its contents and repeated that Costa Rica's efforts were in favor of non-intervention and neutrality when facing Nicaraguan conflicts, despite the permanent hostility showed by the Nicaraguan government to Costa Rica.

The note was the first of the Costa Rican notes referring to its neutrality in what pertains to the internal conflicts of Nicaragua.

10. MARCH 8TH, 1983

The Costa Rican Government protest to the Nicaraguan Government because on February 23, 1983, two Costa Rican journalists were *bothered* by Sandinista soldiers, when the journalists were trying to cover occurrences of the previous days in the San Juan River.

11. APRIL 12TH, 1983

The Nicaraguan government denounced to the Costa Rican government the capture of Nicaraguan officials in the Tasbapauni region of the San Juan River area. The capture was allegedly carried out by rebels who took them to Puerto Limon. The Nicaraguan government demanded the consequent repatriation of the officials held hostage and the capture and expulsion of the kidnappers. There was not a note of protest for these facts.

The denunciation was responded per Note DM-CP-83-301 of May 2nd, 1983, by the Costa Rican Acting Minister for Foreign Affairs, Ekhart Peters, indicating that of the supposedly kidnapped persons, two of them did not want to return to their country of origin because they were under medical treatment in Costa Rica, and the third one had already returned to Nicaragua a few days before.

12. APRIL 15TH, 1983

The Costa Rican Government protested to the Nicaraguan Government that on this date three Costa Rican vessels with American tourists, who were sport fishing in Costa Rican waters in the Barra del Colorado area, were intercepted by a Nicaraguan patrol boat and taken to Nicaragua. Besides the formal protest, the Costa Rican government asked for the immediate return of the boats and their occupants with the corresponding satisfactions.

On the same date, the Nicaraguan Minister of Foreign Affairs Nora Astorga responded to the note of the Costa Rican Government concerning the captured boats; according to the Nicaraguan communication, the boats were in Nicaraguan and not in Costa Rican waters. Mrs. Astorga also informed the return of the people on board was being arranged.

13. APRIL 16TH, 1983

The Government of Nicaragua denounced to the Government of Costa Rica that on April 15th, Nicaraguan rebels, allegedly from Costa Rican territory, attacked the border delegation of Fatima de Sarapiqui in Nicaragua territory and afterwards returned to Costa Rica. With the denunciation. Nicaragua asked for Costa Rican collaboration in avoiding similar incidents.

14. APRIL 20, 1983

The Nicaraguan government asked the Government of Costa Rica for the return of a Nicaraguan aircraft brought to Costa Rica by a Nicaraguan pilot on April 18th.

15. APRIL 22, 1983

The Government of Costa Rica in response to the preceding note, informed the Government of Nicaragua that the aircraft, registered as Cessna-A.G.-Wagon, is ready to be returned at the Government's or the owner's request.

16. APRIL 22, 1983

The Government of Costa Rica protests to the Nicaraguan government that a Nicaraguan military aircraft allegedly flew over the Costa Rican location of Colorado, frightening inhabitants and provoking the Costa Rican authorities.

17. APRIL 25, 1983

The Costa Rican government protested to the Government of Nicaragua the penetration of Nicaraguan soldiers of the "Coro de los Angeles" division into Costa Rican territory at the location of the village of Balsamito.

18. MAY 2, 1983

The Government of Costa Rica rejected, on the grounds of a report from the Ministry of the Interior and the Police, the aforementioned Nicaraguan protest of a supposed attack on April 16th at the location of Fatima de Sarapiqui.

19. MAY 3, 1983

The government of Nicaragua denounced to the government of Costa Rica the attacks which occurred on May 2 and 3 against the villages of La Esperanza and Fatima, by Nicaraguan rebels, who allegedly came from Costa Rican territory.

20. MAY 4, 1983

The Government of Costa Rica took into account the protest presented by the Government of Nicaragua mentioned above, and reaffirmed its decision of deporting any person who abuses his status of refugee or who performs acts against the Government of Nicaragua, from or in Costa Rican territory. Likewise, the Government informs of the request presented to the Organization of American States (OAS) in order to authorize that a peace force, integrated by the countries of the Contadora Group, watch over the Costa Rica-Nicaragua border.

21. MAY 10, 1983

The Government of Nicaragua sends a note of protest to the Government of Costa Rica because rebel elements, supposedly coming from Costa Rican territory, attacked a Nicaragua vessel navigating on the San Juan River, and captured its occupants.

Also, there was another attack, this time on the border post of Pueblo Nuevo. The attack was alleged to be initiated from Costa Rican territory by forces opposing the Sandinista government.

22. MAY 25, 1983

The government of Nicaragua denounced to the government of Costa Rica that on this date, contra-revolutionaries attacked a Nicaraguan civilian boat which navigated on the San Juan River and captured its occupants, one of them a German, and afterwards penetrated Costa Rican territory.

23. MAY 26, 1983

The Government of Costa Rica as a response to the preceding note of protest, expressed the attack did not originate in Costa Rican territory. This was based precisely on the declarations of the German citizen who was on board the mentioned ship.

24. JULY 3, 1983

The government of Nicaragua denounced to the government of Costa Rica that on June 28th, anti-Sandinista rebels went into Nicaraguan territory, allegedly from Costa Rica, to attack the location of San Juan del Norte.

These charges were denied by the Government of Costa Rica.

25. JULY 4, 1983

The Government of Nicaragua informed the government of Costa Rica that three Costa Ricans illegally entered Nicaraguan territory at the heighth of El Papaturro.

26. JULY 5, 1983

The government of Costa Rica requested the Government of Nicaragua the return of the above mentioned individuals, having proved their Costa Rican citizenship.

27. JULY 7, 1983

The Nicaraguan government informed the Costa Rican government that the Costa Rican citizens mentioned above were being indicted in Nicaragua.

28. SEPTEMBER 9, 1983

The government of Nicaragua denounced to the Costa Rican government that an aircraft, allegedly coming from Costa Rican territory, penetrated into its territory and attacked various villages and, therefore, asked for an explanation of those incidents. The government of Costa Rica rejected the Nicaraguan version of those events.

29. SEPTEMBER 19, 1983

The government of Nicaragua communicated to the Costa Rican government its concern about a Sandinista army boat which was missing and which could be in Costa Rican waters.

The government of Costa Rica informed the Government of Nicaragua that members of the Sandinista Army had been discovered in Costa Rican territory carrying maps of the region with them. These men were taken to Puerto Limon.

30. SEPTEMBER 23, 1983

The government of Nicaragua denounces to the Costa Rican government the penetration into its air space of an aircraft, allegedly coming from Costa Rican territory, which attacked a hydroelectric plant at Nicarao, and afterwards returned to the Costa Rican territory.

The government of Costa Rica, in a Note dated August 26, 1983, denied such charges, as no poof of the event was presented.

31. SEPTEMBER 27TH, 1983

The Government of Costa Rica informed the Nicaraguan government that the members of the Sandinista Army who were supposedly lost, had been found by Costa Rican authorities, and had conciously penetrated Costa Rican territory. This serious event constituted a flagrant violation of Costa Rican sovereignty by the Sandinista Popular Army.

32. SEPTEMBER 27TH, 1983

The Government of Nicaragua denounced to the Costa Rican government that elements of the anti-Sandinista forces attacked, supposedly from Costa Rica, El Naranjo and Las Florecitas sectors in the Nicaraguan location of Rivas.

33. SEPTEMBER 28, 1983

The Government of Nicaragua protested to the Costa Rican government because on this date, allegedly from Costa Rican Territory, rebel groups attacked the Nicaraguan Custom buildings at Peñas Blancas, with land and air forces.

34. SEPTEMBER 30, 1983

The Costa Rican Government protests to the Nicaraguan Government that the events of Peñas Blancas constitute a serious assault upon Costa Rica's national territory and sovereignty, since the Sandinista Popular

Army carried out a heavy hostile attack upon Costa Rican soil. This unjustified agression caused serious danger to the lives of the people who were there at the time, and great damage to the Costa Rican customs installations on the border.

35. OCTOBER 3, 1983

The Costa Rican Government protested to the Nicaraguan Government about Commandant Humberto Ortega's Minister of Defense, unwonted declarations to the effect that the Sandinista Popular Army would pursue counterrevolutionaries as far as 500 meters inside Costa Rican territorial boundaries in the event that they should flee toward Costa Rica.

36. OCTOBER 4, 1983

The Nicaraguan Government protested to the Costa Rican Government that rebel forces, supposedly based within Costa Rican territory, attacked Port Benjamin Zeledon, on the Atlantic coast of Nicaragua, from their speed boats.

The Costa Rican Government denied on October 11, 1983, that the attackers originated from Costa Rica territory.

37. OCTOBER 6, 1983

The Nicaraguan Government denounces before the Costa Rican Government the activities that dissidents Eden Pastora and Alfonso Robelo carry out in Costa Rica and requests that appropriate measures be taken.

38. OCTOBER 7, 1983

The Nicaraguan Government protests to the Costa Rican Government that on this very day rebel forces, supposedly from inside Costa Rica, attacked with mortars the Nicaraguan position of El Naranjo, located a kilometer and a half inside Nicaraguan territory.

The Costa Rican Government, on October 11, 1983, rejects the protest and reaffirms that Costa Rica has taken the necessary measures to avoid the occurrence of incidents such as these.

39. OCTOBER 21, 1983

The Nicaraguan Government protested to the Costa Rican Government that "Negro" Chamorro, the famous rebel leader, would use Costa Rica as a base for his operations against the Sandinista regime.

The Costa Rican Government reaffirms by way of memorandum, on the same day, that it will not permit situations of this type.

40. NOVEMBER 18, 1983

The Nicaraguan Government protests that counter revolutionaries, supposedly from inside Costa Rica, attacked the town of Cardenas, in the Department of Rivas.

The charge was denied on November 19th by the Costa Rican Government, after Costa Rican authorities verified that the attack on Cardenas was not launched from inside national territory.

41. DECEMBER 5, 1983

The Nicaraguan Government informs the Costa Rican Government of a future attack by rebel group from inside Costa Rica in the Peñas Blancas region.

The Costa Rican Government expresses to the Nicaraguan Government that it has exercised effective control over the border region, despite its limited resources and lack of military forces.

42. DECEMBER 6, 1983

The Costa Rica Government protests to the Nicaraguan Government the treacherous attack by Nicaraguan aircraft of the Costa Rican ship "Lyon Heart", which was sailing in international waters.

December 7, the Nicaraguan Government denies that the attack upon the boat had been carried out by Nicaraguan aircraft.

December 9, 1983, the Costa Rican Government reiterates the terms of the protest formulated on December 6, having confirmed that the attacking aircraft belonged to the Sandinista Air Force.

43. JANUARY 5, 1984

The Nicaraguan Government denounces an act of cattle rustling affirming that the cattle had been taken into Costa Rica from inside Nicaragua, and requests that it be returned. The case is transferred to the Ministry of Public Security and the Ministry of the Interior and Police to be investigated.

44. JANUARY 5, 1984

The Nicaraguan Government proclaims that on December 27, 1983, elements of ARDE, supposedly from inside Costa Rican territory, attacked Sandinista Popular Army forces on Bartolo River in the Department of the San Juan River.

On January 13, 1984, the Costa Rican Government, in response to the preceding proclamation, demonstrates that the battle took place inside Nicaraguan territory although a large quantity of Sandinista Popular Army projectiles were found on Costa Rican soil, which Costa Rica protests in view of this new violation of Costa Rican sovereignty on the part of the Sandinista Popular Army.

January 23, 1984, the Nicaraguan Government rejects the Costa Rican protest, arguing that the Sandinista Popular Army had not penetrated nor attacked Costa Rican territory.

45. JANUARY 23, 1984

The Nicaragua Government protests to the Costa Rican Government that rebel forces originating from Costa Rica penetrated Nicaragua in the Loma Quesada region, abducting 14 Nicaraguans who were taken into Costa Rica territory.

46. FEBRUARY 23, 1984

The Costa Rican Government protests to the Nicaraguan Government the attack to Costa Rican territory in the Conventillos region, perpetrated by the Sandinista Popular Army.

The Nicaraguan Government, the same day, rejects the terms of the protest and proclaims that from the 16th to the 22nd of February, the counterrevolutionaries attacked Nicaragua supposedly from Conventillos. Costa Rica.

47. APRIL 11, 1984

The Nicaraguan Government protests to the Costa Rican Government that on the 6th, 8th, and 9th of April, counterrevolutionaries attacked San Juan del Norte, supposedly from inside Costa Rica.

On April 16, the Costa Rican Government rejects the Nicaraguan version since the attack took place within Nicaraguan territory controlled by insurgent ARDE forces.

48. APRIL 12, 1984

The Nicaraguan Government protests President Monge's declarations to the German newspaper "Die Welt", alleging that they pertain to Nicaraguan internal affairs.

49. APRIL 13, 1984

The Costa Rican Government protests to the Nicaraguan Government that two Costa Rican shrimp boats located within Costa Rican national waters at the same latitude as Port Soley, were sequestered, along with their crews, and taken into Nicaragua.

50. APRIL 16, 1984

The Nicaraguan Government protests to Costa Rican Government the supposed use by ARDE of Costa Rican territory for the purpose of launching attacks to the San Juan region. This proclamation was rejected by the Costa Rican Government since the attacks took place on Nicaraguan soil in areas under rebel control.

This protest was reiterated by the Nicaraguan Government on April 28, 1984, alleging that the Costa Rican authorities support the Nicaraguan counterrevolutionaries.

51. APRIL 23, 1984

The Costa Rican Government protests before the Nicaraguan Government the attacks made by the Sandinista Popular Army within Costa Rican territory in "La Pimienta" region of Peñas Blancas. The Nicaraguan Government rejected the terms of the protests, reaffirming that ARDE forces supposedly use Costa Rican territory as a base from which to launch their attacks on Nicaragua.

52. APRIL 30, 1984

The Nicaraguan Government protests to the Costa Rican Government the Democratic Revolutionary Alliance's incursions into the El Castillo region on the San Juan River, supposedly from inside Costa Rican territory.

53. MAY 2, 1984

The Costa Rican Government protests before the Nicaraguan Government the events which took place on the 29th of April in which in five instances. Two push-pull type aircraft of the Nicaraguan Air Force flew over Costa Rican territory firing no less than fifty 68mm "rocket" type missiles upon the civilian population of San Isidro de Pocosol.

The Nicaraguan Government answered the letter of protest on the same day and justified the incident as part of a series of attacks against Nicaragua by rebel forces established in Costa Rica territory; incidents which the Nicaraguan Government cannot avoid given the present circumstances.

54. MAY 2, 1984

The Costa Rican Government reiterates to the Nicaraguan Government that the attacks against Nicaragua are not originating from inside Costa Rican territory. Nor does it accept the supposed link between the Ministry of the Interior and Police and the Bureau of Intelligence and Security with Nicaraguan insurgents that oppose the Sandinista regime.

55. MAY 3, 1984

The Costa Rican Government protests to the Nicaraguan Government of the serious events of May 3, 1984, when members of the Sandinista Popular Army attacked the border post of Peñas Blancas with mortar, machine gun, and rifle fire, producing damage to Costa Rican Immigration and Customs installations and endangering the lives of Costa Ricans who were at the place at that moment peacefully going about their daily tasks.

56. MAY 3, 1984

The Nicaraguan Government protests to the Costa Rican Government the events of May 3, which it describes as a "self-attack" by the Costa Rican Rural Guard. In this way it releases itself from all responsibility for the aggression perpetrated by the Sandinista Popular Army at Peñas Blancas.

57. MAY 7, 1984

The Nicaraguan Government protests to the Costa Rican Government the events transpired on May 7, 1984, in which a group of insurgents attacked the border position of "Palo de Arce", alleging that they supposedly originated from inside Costa Rican territory, from a site located 500 meters from the Costa Rican Rural Guard post known as "El Cachito".

58. MAY 8, 1984

The Costa Rican Government presents its most emphatic protests to the Nicaraguan Government for the press release dated May 4, 1984, which it published in Costa Rica newspapers under the protection of the freedom of press which prevails in Costa Rica. These declarations are part of the misinformation compaign carried out by the Nicaraguan Government against the Costa Rican Government.

This press release is not only untruthful but also constitutes an insult to the people and the Government of Costa Rica, and reveals the agressive conduct of the regime in Managua towards Costa Rica and its people.

The Costa Rican Government, the same day, declares Francisco Gutierrez Solis, administrative official of the Nicaraguan Embassy in San Jose, persona non grata.

59. MAY 17, 1984

The Costa Rican Government answered the Nicaraguan Government's protest for the events taken place since April 24th in which mercenary forces had been launching attacks against Nicaraguan positions in the Castillo region, Department of San Juan River, reporting several confrontations with Sandinista Popular Army troops which defend the region.

Likewise, on April 28, it was denounced that a group of mercenaries attacked with gunfire from within Costa Rican territory. According to reports of the Ministry of Public Security, the Costa Rican border region is completely controlled by troops of the Los Chiles Command, which prevent the occurrence of incidents such as those mentioned earlier.

60. JUNE 12, 1984

The Nicaraguan Government protests to the Costa Rican Government that opposers of the Sandinista regime attacked the "El Castillo" region, supposedly from inside Costa Rica. This was rejected by the Costa Rican Government on June 13, 1984, indicating that on the contrary it was the Sandinista Popular Army which attacked Costa Rican territory with artillery fire.

61. JUNE 13, 1984

The Costa Rican Government protests the declarations made by officials of the Nicaraguan Government claiming that Costa Rican authorities support Nicaraguan counterrevolutionaries.

62. JULY 6, 1984

The Nicaraguan Government requests that the Costa Rican Government surrender a shipment of explosives belonging to it, which was found aboard the vessel "Freedom" and detained in Port Limon, Costa Rica.

The Nicaraguan Government alleged that the dynamite carried by said vessel would be used for industrial and not military purposes.

The Costa Rican Government on the same day, by Security Council resolution, declares that these incidents run against its position of neutrality.

63. AUGUST 24, 1984

The Costa Rica Government vigorously protests to the Nicaraguan Government the unfounded charges which Daniel Ortega, the Governmental Council for National Reconstruction, formulated during the celebration of the fourth anniversary of the National Literacy Crusade. Ortega spoke at that time of "hundreds of mercenaries under the control of the CIA, assembled in the region of Guanacaste, in order to launch an attack against the Nicaragua city of Rivas". He also assured that "they belong to the opposing Nicaraguan Democratic Force, which not only operates from within Honduran territory, but also from within Costa Rican territory.

64. SEPTEMBER 21, 1984

The Costa Rica Government protests the following incidents:

(a) September 11, 1984, the Costa Rican citizens Filiberto Urbina and Dionisio Miranda were abducted by Sandinista Popular Army troops from Finca Quinta Elena, in the "Las Tablillas" region, Country of Las Chiles, in Costa Rica territory and transferred to the barracks in the town of San Carlos inside Nicaraguan territory where they remained under arrest, and were interrogated until they were freed on September 12, and returned to Costa Rica.

(b) September 16, 1984, a group of ten members of the Sandinista Popular Army penetrated Costa Rican territory in the "Las Tablillas" region, landmark 13, opening fire on a small Civil Guard patrol which was carrying out a reconnaissance mission.

65. SEPTEMBER 30, 1984

The Nicaraguan Government addresses the Costa Rican Government in reference to the events of September 20, in which rebel forces attacked the border post of Penas Blancas, supposedly from the Costa Rican region called "El Valle".

The Costa Rican Government answers the note sent on October 1, 1984, and after detailed investigation of the alleged incidents concludes that there are no material grounds for such accusations.

66. OCTOBER 1, 1984

The Costa Rican Government protests to the Nicaraguan Government the events of September 27, 1984, in "La Trocha" region, county of Los Chiles, which was subjected to unwarranted bombing. The artillery attack originated from Nicaraguan territory, caused serious injuries to Costa Rican citizens who were about 1.500 meters from the border.

67. OCTOBER 2, 1984

The Government of Costa Rica answers the note sent by the Government of Nicaragua on September 25, 1984, concerning the establishment of a radio station in the North region of Costa Rica.

In its note, the Costa Rican government expressed that the foresaid radio station is exclusive property of Costa Rican citizens grouped in a legally constituted association, according to Costa Rican law juridical ordinance, under the protection of the liberty of information that is guaranteed by the Politic Constitution of Costa Rica.

The Government of Costa Rica can not forbid the existence of the said association, nor the legitimate right that assists the Costa Rican citizens in order to freely express their opinions, because it will exceed in its functions.

68. OCTOBER 11, 1984

The Government of Costa Rica protests to the Government of Nicaragua on the declarations made by the Commandant Daniel Ortega, Coordinator of the Board of Government of National Reconstruction of Nicaragua, at the General Assembly of the United Nations, and at his return to the Augusto Sandino International Airport in Managua.

The Government of Costa Rica considers that declarations of this nature, that do not respond to the truth, have the clear purpose to confuse the correct relationships between both Governments.

69. OCTOBER 18, 1984

The Government of Costa Rica desauthorized the declarations given by an American citizen, John Hull, who made a public recognition of his consent for the utilization of his farm in Costa Rica, at Muelle San Carlos, at some 80 Kilometers of the Border with Nicaragua, for the landing of airplanes of the anti-Sandinista rebel forces.

70. OCTOBER 18, 1984

The Government of Nicaragua protests to the Government of Costa Rica, about the events that occurred the 15th day of October of 1984, claiming that a group of mercenaries attacked with 81 mm. mortars and rifle firing, allegedly from Costa Rican territory, the frontier post of San Pancho, located 11 kilometers towards the East of San Carlos in the Nicaraguan Department of San Juan River. At the same time, two helicopters were flying over the area.

The 16th day of October a fast airplane penetrated the Nicaraguan air space by the sector of Montelimar in the Department of Managua. Subsequently the airplane withdrew "to Costa Rican territory", alleged the complaining Government.

The Government of Costa Rica answered the same day to the Government of Nicaragua in order to reject the arised accusations, because they lack truth, according to reports presented by the Costa Rican Ministry of Public Security. The attack to the post of San Pancho, did not start from Costa Rican territory and also there was no evidence that an airplane of such characteristics had come in by the North sector into the Costa Rican territory.

71. OCTOBER 20, 1984

The Government of Nicaragua protests to the Government of Costa Rica for the events which occurred on October 20, 1984, when the Nicaraguan border of Peñas Blancas was attacked with rifle fire, allegedly from the Costa Rican territory, according with the Sandinista version.

The Government of Costa Rica answered the accusation made by the Government of Nicaragua about the events of October 20th in the frontier zone. The investigations made by the Costa Rican Ministry of Public Security had demonstrated the attack of rifle firing against the Nicaraguan frontier post did not come from Costa Rican territory, and such was informed to the Government of Nicaragua.

72. NOVEMBER 1, 1984

The Government of Nicaragua protested to the Government of Costa Rica, for the events occurred on November 1, 1984, by attributing to a group of supposed mercenaries at the service of the Government of the United States, an alleged attack from the territory of Costa Rica, with fire of mortars, directed against the observation post in the frontier post of San Pancho, situated at 11 kilometers South East of San Carlos, nearby the Landmark number 12.

73. DECEMBER 3, 1984

The Government of Costa Rica protests to the Government of Nicaragua for the following events:

(a) On November 29, 1984, Push and Pull airplanes, belonging to the Air Force of Nicaragua, violated Costa Rican air space in the region of Agua Dulce, up to 3 Kilometers inside the national territory.

(b) Again, the next day, a Push and Pull type airplane of the Air Force of Nicaragua, violated the Costa Rican air space in the region of Agua Dulce, up to 3 Kilometers inside the national territory.

(c) The same day, three military boats armed with artillery, with signs belonging to the Army of Nicaragua, penetrated 6 Kilometers inside the Costa Rican territorial waters.

74. DECEMBER 24, 1984

Approximately at eleven o'clock at night, a Nicaraguan student, Jose Manuel Urbina Lara, to whom it was granted political assylum by the Costa Rican Embassy in Managua since August 20, 1984, was forced against his will to abandon the Costa Rican Mission building. Immediately he was arrested by the Sandinista Police.

75. DECEMBER 26, 1984

The Ministry of Foreign Affairs of Nicaragua communicated to the Costa Rican Embassy in Managua its version of the December 24 events.

76. DECEMBER 27, 1984

At 10 a.m. Costa Rican Ambassador in Nicaragua, Mr. Jesus Fernandez Morales went to the Military Hospital "Alejandro Davila Bolanos" of Managua with other Costa Rican diplomats and employees of the Government of Nicaragua, in order to have an interview with Jose Manuel Urbina Lara, to know his version about what had happened the 24th. In this meeting the refugee Urbina said that he was forced to get out when he opened the door of the Embassy and was pushed by a woman, while he was threatened with a gun by the Sandinista Policeman of the Embassy. When he got out, he was forced to get into a vehicle in the seat of the driver, and just after the vigilante gave him the keys of the car, Urbina started it and put it in movement immediately and drove it to the fence of the Embassy, knocking it down; but when he tried to jump over it, he was arrested and taken to a Lada vehicle. Since that moment, he said, he does not remember anything. He also told the Ambassador that in the Hospital he is registered under the name of Rosendo Munguia Zapata.

77. DECEMBER 27, 1984

The Costa Rican Minister of Foreign Affairs, Lic. Carlos Jose Gutierrez, sent a note to the Minister of Foreign Affairs of Nicaragua, Miguel D'Escoto, requesting the immediate delivery of Mr. Urbina Lara to the Costa Rican Embassy in order to "receive medical attention, under the protection of our Embassy, or authorization for him to leave Nicaragua, towards our country". Minister Gutiérrez also informed Nicaragua that the acceptance of the said request was the only way of observance of its obligations that the Government of Costa Rica can accept from the Nicaraguan Government.

78. JANUARY 2, 1984

The Nicaraguan Acting Foreign Minister, Nora Astorga, answered the note of the Costa Rican Foreign Minister, dated December 27, 1984, rejecting its terms, and at the same time stating that Mr. Urbina Lara, was not forced to get out of the Costa Rican Diplomatic headquarters. He did it by his own will, said Mrs. Astorga. In like manner, she states that Mr. Urbina is a "Deserter of the patriotic military service", and therefore, according to the Conventions of La Habana (1928) and Montevideo (1933), he has no right to obtain the diplomatic asylum.

79. JANUARY 4, 1985

The Costa Rican Minister of Foreign Affairs, Carlos Jose Gutierrez, in note sent to Mrs. Astorga, rejects her previous note of January 2, and urges Nicaragua to sign the Convention of Caracas about the Right of Diplomatic Asylum of 1954. In this note Minister Gutierrez reiterates that Jose Manuel Urbina Lara had been persecuted for political reasons, and so he obtained the Diplomatic Asylum.

Minister Gutierrez also reminds Mrs. Astorga that according to the Convention of Montevideo of 1933, it is a right of the Nation that grants the asylum "the qualification of the political delinquency." Finally he indicates to Mrs. Astorga, concerning some information about Urbina Lara's supposed renouncing of the asylum that Costa Rica will be satisfied if that supposed renunciation was ratified by Urbina Lara in a meeting with Ambassador Fernandez at the Costa Rican Mission or at the Apostolic Nunciature in Managua.

80. JANUARY 8, 1985

Mr. Fernando Zumbado, Ambassador of Costa Rica before the Organization of the American States, Permanent Council of the Organization, presented the situation of Mr. Urbina Lara, at the same time he requested the initiation of a Special Investigative Commission to verify the facts.

The Nicaraguan representative, Juan Gazol, rejected the possibility that OAS could hear this case, because it was an internal matter that was finished, he said.

81. JANUARY 9, 1985

The Foreign Ministry of Nicaragua informs to all the Diplomatic Missions accredited in Managua, that the Government of Nicaragua will not accept the granting of Diplomatic Asylum to Nicaraguan citizens under the "Patriotic Military Service".

82. JANUARY 11, 1985

Mr. Jose Luis Urbina Chaves, father of Jose Manuel Urbina Lara, declares before the Costa Rican Ambassador Fernandez Morales that he had visited his son at the Offices of the State Security. Jose Manuel told him that he was very sick and that he had not renounced the Asylum granted by Costa Rica. He also told his father that he wished to return to the Costa Rica Embassy.

83. JANUARY 14, 1985

The Ambassador Fernandez Morales, pertaining the circular note of the Nicaraguan Foreign Ministry, informed the Ministry that Costa Rica cannot accept the instructions that are contained in such note and that Costa Rica intended to continue to exercise its "inalienable right to grant diplomatic asylum at its Mission in Managua", in accordance with the Treaties and Conventions.

84. JANUARY 14, 1985

The Costa Rican Minister of Foreign Affairs, Carlos Jose Gutierrez, denounces and protests to the Government of Nicaragua, because on January 8, 1985, members of the Sandinista Popular Army landed in Costa Rican territory at the lagoon of Agua Dulce. The Nicaraguan soldiers were expelled by the Civil Guard of Costa Rica.

85. JANUARY 14, 1985

The Nicaraguan Foreign Minister, Miguel D'Escoto Brockman, in a note of the same day addressed to the Costa Rican Minister of Foreign Affairs Mr. Gutierrez, rejects the denunciation and argues that the intrusions to the Costa Rican territory were made by Antisandinista groups.

86. JANUARY 19, 1985

The Permanent Council of the OAS decides to urge the Governments of Costa Rica and Nicaragua to solve in a friendly and peaceful way the Urbina case and asked for the mediation of the Contadora Group.

87. JANUARY 19, 1985

The Minister of the Interior of Nicaragua, Tomas Borge, declares in Managua that the government of Costa Rica allows enemies of the Government of Nicaragua to concentrate in the Costa Rica region of Peñas Blancas in order to attack Nicaraguan posts.

88. JANUARY 22, 1985

The previous statement of the Minister Borge was rejected by the Costa Rican Minister of Foreign Affairs of Costa Rica, Carols Jose Gutiérrez, who declared it was false. Minister Gutierrez requested the Nicaraguan Government to explain if such declaration constituted an opinion of the Government of Nicaragua. The Costa Rican Minister also asked for a retraction from Mr. Borge.

89. FEBRUARY 3, 1985

The Nicaraguan Foreign Minister Miguel D'Escoto sent a note to the Costa Rican Minister of Foreign Affairs Mr. Gutiérrez, in which he protests a press conference that was held in the Ambassador Hotel in San Jose, in which participated the leading members of the "Alianza Revolucionaria Democrática—ARDE", Adolfo Chamorro, Carol Prado, Donal Castillo and Jose Davila, who spoke of the armed struggle that the opposite rebel groups maintain against the Government of Nicaragua.

90. FEBRUARY 5, 1985

The General Sub-Director of the Civil Guard of Costa Rica, in a note sent to the Costa Rican Minister of Foreign Affairs, explained to him the events which happened with three Nicaraguan kidnapped citizens and informed him that said Nicaraguan citizens were found tied to a tree near the "La Pimienta", hill by the Civil Guard. As they said, they were captured by the men of Eden Pastora and it is their wish to ask for Political Asylum in Costa Rica.

91. FEBRUARY 7, 1985

The Costa Rican Minister of Foreign Affairs, in a note sent to the Nicaraguan Foreign Minister with regard to the situation laid out in the Press Conference that was celebrated in San Jose on January 31, stated that the expressions that were said there violated in an absolute and unyielding manner the neutrality Costa Rica maintains and it also constituted a violation against the Right of Territorial Asylum.

92. FEBRUARY 9, 1985

The Nicaraguan Foreign Minister protested to the Costa Rican Minister of Foreign Affairs that on February 8, the leading man of ARDE, Jose Davila at a press conference held in San Jose, announced the felling in Nicaraguan territory of helicopter given to his Organization by the U.S. Government.

The Nicaraguan Foreign Minister used those facts to confirm the use of the Costa Rican territory by the insurgent military or-

ganization ARDE, in violation of Costa Rican neutrality.

93. FEBRUARY 18, 1985

The Government of Nicaragua protests, because this same day, counterrevolutionaries, supposedly from Costa Rican territory, attacked the Peñas Blancas border post. The Government of Costa Rica, the 20th of February of 1985, rejected the terms of the Nicaraguan protest because the facts denounced happened in Nicaragua and that the attackers came from their bases in Nicaraguan territory.

94. FEBRUARY 18, 1985

The Government of Nicaragua requested the aid of the Costa Rican Government for the return of Nicaraguan citizens supposedly kidnapped in Zelaya, Nicaragua, and transferred by the counterrevolutionary forces to Costa Rica. The Government of Costa Rica, on February 20, 1985, expressed to the Sandinista Government that the presumed kidnapped victims were not in Costa Rican territory, and urged him to exercise control over his territory and suggested to him to stop the presence of civilians in the war zones in Nicaraguan territory.

95. FEBRUARY 19, 1985

The Government of Nicaragua protested to the Costa Rican Government and assumed that a group of counterrevolutionaries, supposedly from Costa Rican territory, attacked the frontier post of El Naranjo, located 17 Kilometers South-East of Peñas Blancas.

The Government of Costa Rica, on February 20, 1985, rejected the Nicaraguan protest, because the fact happened in Nicaraguan soil and the attack did not come from Costa Rica, but from Nicaragua.

96. FEBRUARY 20, 1985

The Government of Costa Rica protested to the Nicaragua Government about the events which happened the 10th and 11th of February 1985, in which the Sandinista Popular Army attacked patrols of the Costa Rica Civil Guard, who were in a surveillance mission at "Los Jocotes" hill in Guanacaste.

The Government of Nicaragua, by note of February 25, 1985, rejected the denunciation.

97. MARCH 1, 1985

According to the Government of Nicaragua, this day at 7:45 a.m., a group of rebels, enemies of the Sandinista Government, supposedly attacked the Nicaraguan frontier post of Peñas Blancas, allegedly coming from Costa Rica.

The 27th of the same month, the Government of Costa Rica answered the Nicaraguan denunciation, stating that according to investigations made, the attack did not come from Costa Rican territory.

98. MARCH 1, 1985

The Government of Nicaragua protested because a group of the frontier post of San Juan del Norte had been attacked by an Antisandinista group, allegedly coming from Costa Rica.

The Government of Costa Rica, by note of March 27, 1985, rejected the charges made by the Sandinista Government, because the Nicaraguan Department of the River San Juan is under the control of the Antisandinista and the Nicaraguan Government does not exercise its sovereignty (as it should do) over that region.

99. APRIL 12, 1985

The Government of Costa Rica protested to the Nicaraguan Government that on April 3, 1985, soldiers of the Sandinista Popular Army attacked with artillery fire the Costa Rican zone of Las Tiricias, county of Los Chiles. It also warned Nicaragua that the Costa Rican Public Force will proceed to repel any attack against national territory.

100. APRIL 16, 1985

In another note of protest, the Government of Nicaragua denounced on April 14, 1985, that armed groups of rebels, supposedly proceeding from Costa Rica, attacked the Nicaraguan Frontier Post of La Esperanza, in the Department of River San Juan.

101. APRIL 12, 1985

The Government of Costa Rica protested to the Government of Nicaragua that the Sandinista Popular Army's attack on the sector of Las Tiricias, in Costa Rican territory was done, with heavy artillery. The Government of Nicaragua, by means of note DAJ No. 085, of April 20th, answered the Costa Rican protest, denying that the Sandinista Popular Army was the perpetrator of such acts, although they did not deny the attack.

102. APRIL 16, 1985

The Government of Nicaragua protested to the Government of Costa Rica that on April 14, 1985, a group of counterrevolutionaries harassed the Nicaraguan border post of La Esperanza, 7 km southeast from the city of San Carlos: apparently doing it from Costa Rican territory.

103. APRIL 30, 1985

The Government of Nicaragua protested to the Government of Costa Rica, that a group of mercenaries again harassed the border post of La Esperanza from Costa Rican territory, on April 27th.

104. MAY 31, 1985

The Government of Costa Rica protested to Nicaragua, that on May 26th, the Sandinista Popular Army bombed Costa Rican territory in the region of Las Tiricias, County of Los Chiles, endangering the life of Costa Rican Civilians.

105. JUNE 3, 1985

The Government of Costa Rica protested to the Government of Nicaragua for the criminal attack the Sandinista Popular Army perpetrated against Costa Rican territory in the region of Las Crucitas, causing the death of two Civil Guards and seriously wounding seven people.

106. JUNE 3, 1985

The Government of Nicaragua denied that the Sandinista Popular Army was responsible for the deplorable happenings of Las Crucitas, and charged the counter-revolutionary groups the responsibility for these events.

107. JUNE 19, 1985

The Government of Nicaragua protested to the Government of Costa Rica for the deportation of the ARDE leader Roberto "Tito Chamorro", arrested in Costa Rican territory.

108. JUNE 20, 1985

The Government of Costa Rica answered the protest presented by Nicaragua the day before, informing the Nicaraguan authorities that the deportion of Chamorro took place because he could stay in Costa Rica because of an Executive Mandate. This is the best example of the neutrality policy held by the Government of President Luis Alberto Monge.

109. JUNE 21, 1985

The Government of Nicaragua protested to the Government of Costa Rica that on June 20, 1985, a counter-revolutionary group attacked the sector of La Penca, apparently from Costa Rican territory.

110. JULY 1, 1985

The Government of Costa Rica addressed the Government of Nicaragua after having viewed the Report of the Investigative Commission of the Organization of American States, reiterating the request made on June, 3rd and also indemnization and reparations for Nicaragua's responsibility in the happenings of Las Crucitas.

111. JULY 2, 1985

The Government of Nicaragua protests to the Government of Costa Rica that counterrevolutionaries, apparently from Costa Rican territory attacked the Nicaraguan Border post of La Penca, causing two casualties to the Sandinista Popular Army.

112. JULY 3, 1985

The Government of Nicaragua protested to the Government of Costa Rica for the declarations of five foreigners that are kept under arrest in Costa Rican prisons, asserting that the Costa Rican authorities materially support the counter-revolutionary groups.

Costa Rica answered on July 9th, rejecting the Nicaraguan protest and adducing the arrested men only used the unrestricted freedom of expression they enjoy in Costa Rica and that the best proof of the deceit of their statements is that they were arrested and indicted by the Costa Rican Judicial Power.

113. JULY 4, 1985

The Government of Nicaragua extended the preceding protest, stating that the alleged attack to La Penca caused another casualty.

114, JULY 8, 1985

The Government of Costa Rica rejected the Nicaraguan protests of June 1st, pertaining to the attack against La Penca, as there were enough elements demonstrating that such action took place in Nicaraguan territory and never started from Costa Rica.

The Government of Costa Rica protested in the same note that on June 20th the Sandinista Popular Army bombed Costa Rican territory in the region of the San Carlos River.

115. JULY 16, 1985

The Government of Costa Rica protested to the Government of Nicaragua that men from the Sandinista Popular Army broke into Costa Rican territory and kidnapped a person, carrying him back to Nicaragua.

The Government of Costa Rica requested in said note the immediate return of the kidnapped man.

116. JULY 19, 1985

The Government of Costa Rica addressed a note to the Government of Nicaragua reporting that the very same day at five o'clock, a group of Nicaraguans broke into Costa Rican territory, in the region of Monte Plata, and killed a Nicaraguan of Costa Rica, and immediately returned to Nicaragua. The Government of Costa Rica requested the immediate arrest of those responsible.

117. JULY 22, 1985

The Government of Nicaragua protested to the Government of Costa Rica on July 17, a group of opposers of the Nicaraguan Government apparently attacked the post of the Nicaraguan Armed Forces at the zone of San Rafael, 20 km East from Boca San Carlos, from Costa Rican territory.

118. JULY 24, 1985

The Government of Nicaragua protested that on the same day a helicopter fell in Pital of San Carlos, Costa Rican territory, and denounced that Eden Pastora who traveled in the aircraft, was injured in the accident.

119. JULY 25, 1985

The Government of Nicaragua completed the protest of the day before and denounced that Mr. Pastora Gomez apparently received help and attention from Costa Rican Rural Guard members.

120. JULY 26, 1985

The Government of Nicaragua denounced that three airplanes apparently from Costa Rica entered Nicaraguan territory at the sector of La Penca that day.

121. AUGUST 2, 1985

The Government of Nicaragua protested that that day the Sandinista Popular Army had dismantled ARDE bases in the Nicaraguan sector of Sarapiqui, Department of San Juan River, the displaced men, according to the Nicaraguan version, passed to Costa Rican territory, where they kept attacking the Sandinista Army post.

122. AUGUST 13, 1985

The Government of Costa Rica answered the preceding protest rejecting the Nicaraguan versions. On the contrary, it denounced that on July 25, Sandinista airplanes broke into Costa Rican territory and bombed the civilian population of Barra del Colorado. It also denounced that on August 12, men from the Sandinista Popular Army attacked Costa Rican territory at the region of Guestomate, with mortar fire. The Government of Costa Rica protested and requested a constructive attitude from the Nicaraguan Government and that it meet its responsibility before the International Community.

123. AUGUST 16, 1985

The Government of Costa Rica made manifest to the Nicaraguan Government that it is open to dialogue to solve bilateral problems, but only if the Sandinista Government apologizes for the happenings at Las Crucitas on May 31, and at Boca de Tortuguero on July 25.

PERSONAL EXPLANATION

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

Mr. PEPPER. Mr. Speaker, I was on leave of absence, by unanimous consent, Thursday, September 26, 1985. Had I been present, I would have voted "aye" for roll No. 317 on the passage of the interstate compact bill Senate Joint Resolution 127, and "no" for the amendments to the 1985 farm bill, roll Nos. 318, 319, and 320.

MRS. AMERICA

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

Mr. MONTGOMERY. Mr. Speaker, in addition to having Miss America as a constituent, I am also very fortunate to serve as Congressman for the 1985 Mrs. America. She is Donna Russell of Brandon, MS.

Two weekends ago, Donna went to Honolulu, HI, to compete in the Mrs. World 1986 contest. I am proud to say that she was chosen third alternate from a field of 31 women, representing five continents. Donna won the Mrs. Congeniality Award.

Donna is the first Mississippian to win the Mrs. America title. In fact, she is the first from our State to place in the top 10. Since winning the Mrs. America title this summer, Donna has been very busy with personal appearances and modeling assignments all over the United States.

She and her husband, Richard, are both graduates of the University of Mississippi. They have two children, Jason and Heather.

Mr. Speaker, the folks around Brandon are proud of Donna and her accomplishments. I wanted to share them with my colleagues.

SPECIAL ORDERS GRANTED

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

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

Mr. CRAIG, for 60 minutes, on October 2.

Mr. CRAIG, for 60 minutes, on October 9.

Mr. CRAIG, for 60 minutes, on October 16.

Mr. CRAIG, for 60 minutes, on October 23.

Mr. CRAIG, for 60 minutes, on October 30.

Mr. CRAIG, for 60 minutes, on November 6.

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

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, on October 1.

EXTENSION OF REMARKS

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

Mr. SENSENBRENNER, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,476.25.

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

Mr. COURTER.

Mr. BEREUTER.

Mr. LAGOMARSINO.

Mr. MCEWEN.

Mr. LEACH of Iowa.

Mr. GILMAN.

Mr. CRAIG.

Mr. PORTER.

Mr. BROOMFIELD in three instances.

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

Mr. FROST in five instances.

Mr. FAZIO.

Mr. KASTENMEIER.

Mr. RICHARDSON.

Mrs. LLOYD.

Mr. LANTOS in two instances.

Mr. MARTINEZ.

Mr. FLORIO.

Mr. HALL of Ohio.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in 10 instances.

Mr. COELHO.

Mr. RAY.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore:

H.R. 3414. An act to provide that the authority to establish and administer flexible and compressed work schedules for Federal Government employees be extended through October 31, 1985.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 1671. An act to amend title 38, United States Code, to provide interim extension of the authority of the Veterans' Administration to operate a regional office in the Republic of the Philippines, to contract for hospital care and outpatient services in Puerto Rico and the Virgin Islands, and to contract for treatment and rehabilitation services for alcohol and drug dependence and abuse disabilities; and to amend the Emergency Veterans' Job Training Act of 1983 to extend the period for entering into training under such act.

ADJOURNMENT

Mr. DE LA GARZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Tuesday, October 1, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2056. A communication from the President of the United States, transmitting proposed amendments to the request for appropriations for fiscal year 1986, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-109); to the Committee on Appropriations and ordered to be printed.

2057. A letter from the General Counsel of the Treasury, transmitting a draft of proposed legislation to eliminate foreign predatory export credit practice, establish a tied aid credit facility, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

2058. A letter from the Auditor, District of Columbia, transmitting a letter report entitled, "Comparative Analyses of Reports by Coopers and Lybrand and the District of Columbia Auditor Regarding the UDC President's Representation Fund for Fiscal Year 1984," pursuant to Public Law, 93-198, section 455(d); to the Committee on the District of Columbia.

2059. A letter from the Secretary, Council of the District of Columbia, transmitting a copy of council resolution 6-284, entitled, "Transfer of Jurisdiction over Georgetown Waterfront Park for Public Park and Recreational Purposes, S.O. 84-230, Resolution of 1985," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2060. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft bill entitled, "The Central American Counterterrorism Act of 1985"; to the Committee on Foreign Affairs.

2061. A communication from the President of the United States, transmitting information with respect to his intention to authorize the sale of a limited quantity of defensive arms to Jordan. (H. Doc. No. 99-110); to the Committee on Foreign Affairs and ordered to be printed. September 30, 1985.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1963. A bill to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purpose and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania; with amendments (Rept. 99-291). Referred to the Committee of the Whole House on the State of the Union.

Ms. OAKAR: Committee on Post Office and Civil Service. H.R. 3384. A bill to amend title 5, United States Code, to expand the class of individuals eligible for refunds or other returns of contributions from contingency reserves in the employees health benefits fund; to make miscellaneous amendments relating to the civil service retirement system and the Federal Employees Health Benefits Program: and for other purposes (Rept. 99-292). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1562. A bill to achieve the objectives of the Multi-Fiber Arrangement and to promote the economic recovery of the United States textile and apparel industry and its workers (Rept. 99-293). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ROSTENKOWSKI (for himself and Mr. DUNCAN):

H.R. 3451. A bill to extend for 45 days the application of tobacco and Superfund excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the Railroad Unemployment Insurance Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3452. A bill to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the Railroad Unemployment Insurance Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3453. A bill to amend the Internal Revenue Code of 1954 to extend the Superfund taxes for 45 days; to the Committee on Ways and Means.

By Mr. DE LA GARZA.

H.R. 3454. A bill to extend temporarily certain provisions of law; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.R. 3455. A bill to amend title 18, United States Code, to prohibit certain forms of video surveillance, and to modify certain prohibitions with respect to other surveillance; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. SHELBY, Mr. WYDEN, Mr. LUKEN, and Mr. BROYHILL):

H.R. 3456. A bill to amend the Consumer Product Safety Act to extend it for 3 fiscal years, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

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

254. By the SPEAKER: Memorial of the Legislature of the State of California, relative to substance abuse in professional sports; to the Committee on Energy and Commerce.

255. Also, memorial of the Legislature of the State of California, relative to the National Railroad Passenger Corporation; to the Committee on Energy and Commerce.

256. Also, memorial of the Legislature of the State of California, relative to daylight saving time; to the Committee on Energy and Commerce.

257. Also, memorial of the Legislature of the State of California, relative to methanol-powered vehicles; to the Committee on Energy and Commerce.

258. Also, memorial of the Legislature of the State of California, relative to Turkey; to the Committee on Foreign Affairs.

259. Also, memorial of the Legislature of the State of California, relative to Federal mineral leasing; to the Committee on Interior and Insular Affairs.

260. Also, memorial of the Legislature of the State of California, relative to persons of Japanese ancestry interned during World War II; to the Committee on the Judiciary.

261. Also, memorial of the Legislature of the State of California, relative to immigration quotas; to the Committee on the Judiciary.

262. Also, memorial of the Legislature of the State of California, relative to the Coast Guard vessel traffic service; to the Committee on Merchant Marine and Fisheries.

263. Also, memorial of the Legislature of the State of California, relative to fire emergencies; to the Committee on Public Works and Transportation.

264. Also, memorial of the Legislature of the State of California, relative to a new national veteran's cemetery; to the Committee on Veterans' Affairs.

265. Also, memorial of the Legislature of the State of California, relative to Federal income taxation; to the Committee on Ways and Means.

266. Also, memorial of the Legislature of the State of California, relative to national forest revenue sharing; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

267. Also, memorial of the Legislature of the State of California, relative to boxing; jointly, to the Committees on Energy and Commerce and Education and Labor.

ADDITIONAL SPONSORS

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

H.R. 237: Mr. FRANKLIN and Mr. TRAFICANT.

H.R. 1145: Mr. WEAVER.

H.R. 1769: Mr. SNOWE.

H.R. 2578: Mr. FEIGHAN, Mr. MOAKLEY, Mr. NATCHER, Mr. PANETTA, Mr. REID, Mr. SMITH of Florida, Mr. TORRICELLI, and Mr. WEBER.

H.R. 2689: Mr. SKEEN.

H.R. 2866: Mr. HUGHES, Mr. ZSCHAU, and Mr. VISCLOSKY.

H.R. 3006: Mr. BLAZ and Mr. PRICE.

H.R. 3189: Mr. BATES.

H.J. Res. 122: Mr. MAZZOLI, Mr. WYDEN, Mr. NELSON of Florida, Mr. MOODY, and Mr. GRAY of Illinois.

H.J. Res. 313: Mr. YATRON, Mr. MCDADE, Mr. ORTIZ, Mr. JONES of Tennessee, Mr. LEATH of Texas, Mr. HENRY, Mr. GRAY of Illinois, Mr. LEWIS of Florida, Mr. ANNUNZIO, Mr. QUILLEN, Mr. GROTBERG, Mr. CHAPPIE, and Mr. HUBBARD.

H. Con. Res. 24: Mr. SOLARZ, Mr. BADHAM, Mr. COUGHLIN, and Mr. COURTER.

H. Con. Res. 169: Mr. WOLPE.

H. Con. Res. 196: Mr. HAWKINS, Mr. WAXMAN, Mr. LIVINGSTON, Mr. GUARINI, Mr. BRYANT, Mr. FUSTER, Mr. MITCHELL, Mr. BEDELL, Mr. MCCAIN, Mr. ANDREWS, Mr. FRANK, Mrs. BOXER, Mr. MRAZEK, Mr. MARTINEZ, Mr. RICHARDSON, Mr. MORRISON of Connecticut, Mr. ROE, and Mr. LELAND.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 2451: Mr. SMITH of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 3

By Mrs. BYRON:

—Page 3, strike out line 3 and all that follows through line 3 on page 4 and insert in lieu thereof the following: "That it is the sense of the Congress that at the earliest appropriate date, following certification by the President that, in the context of the requirement to maintain a viable nuclear deterrent, of assuring Soviet compliance, and of achieving deep reductions in nuclear arms, substantial progress has been made on the verification of nuclear weapons testing, to include onsite monitoring, the President should propose to the Soviet Union the timely resumption of negotiations with the objective of concluding a verifiable comprehensive test ban treaty.".

—Amend the preamble to read as follows:

Whereas August 6, 1985, marked the 40th anniversary of the detonation of the nuclear bomb at Hiroshima;

Whereas the Soviet Union announced its intention to begin a five-month moratorium on nuclear testing on August 6, 1985;

Whereas a complete cessation of nuclear test explosions must be related to the ability of the United States to maintain credible deterrent forces;

Whereas any test ban agreement must be verifiable and must be made in the context of deep and verifiable arms reductions;

Whereas the United States has concluded, based upon a thorough evaluation of the evidence, that the Soviet Union has repeatedly violated the Limited Test Ban Treaty and likely violated the Threshold Test Ban Treaty; and

Whereas the President has now invited a Soviet team to observe and measure a nuclear test at the Nevada Test Site, without a requirement of reciprocity, or any other conditions: Now, therefore, be it

SENATE—*Monday, September 30, 1985*

The Senate met at 12 noon and was called to order by the Honorable SLADE GORTON, a Senator from the State of Washington.

PRAYER

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

Let us pray.

Blessed be the name of God forever and ever; for wisdom and might are His; He changeth the times and the seasons; He removeth kings, and setteth up kings; He giveth wisdom to the wise; and knowledge to them that know understanding.—Daniel 2:20, 21.

Almighty God, worthy art Thou to receive our praise and honor and adoration. Thou art more willing to bless than we to be blessed—more willing to forgive, than we to be forgiven. Thou art more willing to guide, than we to be guided—to give wisdom and strength for the day, than we to receive. Help us Lord, not to deprive ourselves of Your infinite resources. Help us to realize that when we depend upon everything but God, we have nothing—and when we depend upon God and nothing else, we have everything. Help us to see that we are truly independent when we depend upon Thee—truly free when we submit to Thee. Be God in our lives, individually and collectively, to the glory of Thy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 1985.

To the Senate:

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

STROM THURMOND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the two leaders have 10 minutes each. I will ask that any time I have remaining be reserved. I believe the distinguished Senator from West Virginia will make the same request.

The two leaders are to be followed by a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

Following the execution of the special order, there will be a period for the transaction of routine morning business, not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not more than 10 minutes each.

Following routine morning business, the Senate could turn to any of the following items:

S. 1961, dairy price supports extension, with the food stamp extension included. I will point out that that is very minor legislation, but it is important we pass it today. We hope we do not have a long discussion about it. We would like to get it over to the House if we can take action. Otherwise, it will start running up a bill of about $7 million a day in extra expenditures. So I hope we can act on that very quickly.

Then, we would like to at least bring up today any appropriations bills which have been cleared for action.

I know the distinguished Senator from Ohio stated we could probably take up the imputed interest conference report tomorrow. We would like to take care of it today, if possible. We would like to do the debate today, with maybe a rollcall vote later today or tomorrow.

The Compact of Free Association is something the administration would like to have considered. We have attempted to solve some of the problems. But, again, there is a textile amendment. There is some indication however that if we can reach a time agreement on the textile amendment, the compact would not be controversial.

I would indicate that if there are any rollcall votes today, they will not occur prior to the hour of 4 p.m.

Mr. President, for the remainder of the week, I have indicated that we may be required to have a Saturday session because of the debt limit. I understand that should pass this week if at all possible.

We do have a number of appropriations bills this week—Interior, Agriculture, D.C., and others that may be available for consideration. I understand the distinguished chairman of the Appropriations Committee, Senator HATFIELD, is meeting with the chairman of the Budget Committee, Senator DOMENICI, to see if they can work out any differences in those bills.

Mr. President, we do hope to take up the debt limit extension if not on Thursday, then on Friday of this week.

Of course, next week we hope to conclude business on Thursday and be out Friday, Saturday, Sunday, and Monday, with no votes on Tuesday. The purpose of that is to accommodate about a dozen Senators who will be on official business in San Francisco attending an important conference. So we really need to move a number of pieces of legislation this week and in the 4 days of next week, the most important, of course, being the debt ceiling extension.

ARMS SALES TO JORDAN

Mr. DOLE. Mr. President, through the notification just filed by the distinguished chairman of the Foreign Relations Committee, we set in train the process of considering the sale of sophisticated weapons to Jordan.

Jordan is central to the Middle East process. It plays the pivotal role in President Reagan's September 1982 proposal which envisaged self-government by the Palestinians of the West Bank and the Gaza in association with Jordan.

In recent months, Jordan, under the courageous leadership of King Hussein, has made some forward looking proposals toward the goal of settling historic differences between his country and Israel. The question remains, however, whether the sale of this sophisticated weaponry to Jordan at this time will promote peace in the region.

Jordan does have very legitimate military needs. Syria, which poses a potential threat to Jordan, has been well armed and massively supplied by the Soviets. King Hussein has assumed high risk by offering to deal with the Israelis.

King Hussein's commitment to enter in negotiations with Israel under certain conditions on questions such as the future of the Israeli-occupied West Bank is an encouraging step forward. But there are still major, unanswered questions whether meaningful peace talks can begin. One key issue is who will represent the Palestinians, and we and the Israelis have the right to examine that matter very carefully. Another hurdle is King Hussein's prescription for an international structure to the negotiations, which would

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

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seem to include a role for the Soviets, something both we and the Israelis oppose.

The President is correct that, "we must be prepared to support those who take risks for peace." That is why the Congress has approved large sums of economic assistance for Jordan. And we hope that King Hussein's visit to Washington will provide some of the answers we seek on the status of the peace process.

But it remains unclear whether the actions taken so far by the King will bear tangible results. Until we have a clearer picture of the true prospects for direct Israeli-Jordanian negotiations, I would urge my colleagues—as the distinguished chairman of the Foreign Relations Committee did—to reserve judgment on this request.

A TRIBUTE TO GEN. JOHN W. VESSEY, JR., CHAIRMAN, JOINT CHIEFS OF STAFF

Mr. DOLE. Mr. President, today marks the end of a distinguished career of one of the noblest soldiers that has ever served his country. As my colleagues know, Gen. John W. Vessey, Jr., is retiring after serving 46 years in the U.S. Army.

I agree with President Reagan when he praised John Vessey as a "soldier's general." However, I must also add that John Vessey is a "general's general" as well. While he never forgot the GI, he was always respected by his many colleagues as a true professional.

Today's world has changed greatly since John Vessey enlisted in the Army 46 years ago—it is a more dangerous and complicated one. We will miss his wise counsel and will undoubtedly seek his views in the future on the many issues affecting national security. To his successor, Admiral Crowe, General Vessey leaves a military that has made significant progress in the last 4 years. He has helped guide a military where morale is high, where the soldier is held in high esteem by the American public, and by our friends and adversaries abroad.

With great conviction, General Vessey fought hard for the MX missile, the strategic defense initiative, and some of the many pressing national defense issues facing this country. For that we are all appreciative.

General Vessey, an infantryman who won a battlefield commission in 1944, has completed his last assignment as he has all his previous ones—with distinction, dedication, and professionalism.

General Vessey—thank you for your service. Job well done.

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

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time until later in the day.

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

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

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes.

THE TEST BAN—THE MOST FATEFUL ARGUMENT FACING MANKIND TODAY

Mr. PROXMIRE. Mr. President, in a recent open letter in the Chemical & Engineering News, Michael Heylin, the editor of that publication, states the case simply and briefly for and against the United States negotiating a comprehensive test ban treaty. In support of the treaty, Mr. Heylin quotes a recent statement by Glenn Seaborg who headed the Atomic Energy Commission from 1961 to 1971. That agency was responsible for developing and producing nuclear weapons in that period. Here is Seaborg writing in favor of the test ban:

> A comprehensive test ban would have great benefits to the U.S. in slowing and reversing the nuclear arms race, in strengthening international efforts to prevent further proliferation of nuclear weapons, and in providing new momentum in arms control negotiations.

Now, how about the Reagan administration? Where do they stand? Editor Heylin reports that the administration made it clear at the annual meeting of the American Association for the Advancement of Science in Los Angeles last spring that it does not want a test ban even if it could be negotiated with the Soviets and even if compliance could be assured.

Why does the administration oppose the test ban? George Miller of the Livermore Lab puts the case squarely:

> A test ban that hampers maintenance of the current nuclear weapons stockpile and development of new, improved warheads is undesirable. Such restraints would tend to undermine the credibility of the U.S. deterrent force and so be a threat to peace. Nuclear weapons are a calming and stabilizing influence on the world scene.

As Heylin rightly put it, this is the position that needs to be challenged openly and vigorously in our democratic society. If ever it could be said that the fate of mankind hinges on the right judgment, it is on this issue. Of course, the rebuttal to the administration is that 40 years of testing of new nuclear weapons have given each superpower a colossal arsenal of constantly more accurate, devastating, and lethal nuclear weapons, that has brought the world to the verge of annihilation.

But the case against the test ban treaty does not rest on the argument that such a treaty would enfeeble the credibility of the U.S. deterrent. The test ban treaty would not reach to new delivery systems that could greatly enhance the deadly efficiency of the nuclear stockpile. As we are increasingly aware, a new defensive system like SDI the so-called star wars, could also undermine the nuclear deterrent, especially if it were developed in concert with a ban on testing. How? Here is how: The ban on testing would prevent the development of new offensive missiles that could penetrate the defense. So the offensive deterrent would lose credibility.

Heylin dismisses the argument that the established nuclear arsenal—our prime deterrent—could not remain reliable without regular testing. He contends that we have certainly developed procedures—or swifty would do so—if we negotiated a test ban treaty to assure adequate reliability without testing.

Mr. President, this issue of the test ban treaty challenges each of the basic and conflicting philosophies. There are those like the administration who see the world's salvation and peace as depending on technology. Constant, unremitting weapons development, in this view, can steadily keep the United States far enough ahead of the Russians, and our deterrent so forbidding that they would not dare attack. On the other hand, the true believer in arms control will argue that technological development is precisely what has brought us to the present appalling dilemma, where the fate of the world can hang on a defective computer chip, a misunderstood communication, the accession of a megalomaniac to top power in a superpower state.

And there is a bigger threat from the unrestricted nuclear arms race. As we have learned to our sorrow, technology knows no boundaries. Not only do the Russians swiftly pick up our nuclear weapons breakthroughs that massively increase the destructive capability of our nuclear arsenals, other countries can, too, if they wish to do so. To date, our new nuclear weapons are too costly for the great majority of countries to consider, but that is changing, and changing rapidly. Some of our newest potential nuclear weapons require only modest economic capability. Nuclear developments in areas like antimatter bombs will bring new weapons of increasingly greater

power that are far cheaper because the delivery system costs so much less.

Editor Heylin calls this issue "the most fateful argument facing mankind today." Unfortunately there has been very little debate on the issue itself. The administration has succeeded brilliantly in confusing the situation. How? They have confused it by contending that there is no conflict between the arms race and arms control; we can have both. The administration claims that it favors arms control. And yet, more than any other administration, Democratic or Republican, since the dawn of the nuclear age, this administration has pushed the nuclear arms race feverishly. It shouts that the only reason we have made no progress with arms control is because the Russians will not negotiate reasonably.

How about it? The Soviet Union has made it absolutely clear that it wants to negotiate an end to nuclear weapons testing. The administration says no. The Soviet Union has declared that they will not agree to a significant reduction in their offensive nuclear arsenal as long as we persist in our plans to test, produce, and deploy an antiballistic missile system that, in all likelihood, can only succeed if the Soviets agree to reduce the numbers of their offensive missiles. What an irony, Mr. President, that this great democracy of ours, representing a people that yearns for peace, has elected a leadership that insists on continuing an arms race which can have no winners—only losers and may lead to the most terrible war in human history.

Mr. President, I ask unanimous consent that the editorial to which I have referred in the Chemical & Engineering News, entitled "The Philosophy of the Test Ban" be printed at this point in the RECORD.

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

THE PHILOSOPHY OF THE TEST BAN

The presidential plenary session slated for the fall ACS national meeting in Chicago on the pros and cons of a ban on all nuclear weapons test explosions might well have been previewed last month at a symposium on the same topic at the annual meeting of the American Association for the Advancement of Science in Los Angeles. Such a comprehensive ban would be an extension of a 1963 multilateral agreement that still permits testing underground.

ACS interest in this issue was triggered by a 1983 letter to C&EN from Glenn T. Seaborg, a former ACS president and the head from 1961 to 1971 of the Atomic Energy Commission, the agency then responsible for developing and producing nuclear weapons. According to Seaborg, "A CTB [comprehensive test ban] would have great benefits to the U.S. in slowing and reversing the nuclear arms race, in strengthening international efforts to prevent further proliferation of nuclear weapons, and in providing new momentum in arms control negotiations."

The message from Los Angeles was not very clear. The present Administration does not want a CTB treaty, even if it could be negotiated with the Soviets—which it possibly could—and even if compliance could be guaranteed—something that almost certainly could be done.

As explained in Los Angeles by George H. Miller of Lawrence Livermore National Laboratory, anything, such as a test ban, that hampers maintenance of the current nuclear weapons stockpile and development of new, improved warheads is undesirable. Such restraints would tend to undermine the credibility of the U.S. deterrent force and so be a threat to world peace. According to Miller, nuclear weapons are a calming and stabilizing influence on the world scene. He implies we must learn to love—or, as least, understand—them and continue to nurture them by the unfettered application of science and technology.

This is certainly a position that in a democratic society needs to be thoroughly examined and pitted openly against the counterargument that 40 years of unrestrained nuclear weapons development has triggered an unprecedented arms race, failed to bring real security, and brought the world to the brink of annihilation.

Those who do not look kindly on a CTB make some good points. For instance, what would be the long-term impact of a ban on warhead testing if other weapon developments were left unrestrained? Would continued development of new delivery and defensive systems become increasingly destabilizing?

But a deeply disturbing aspect of the Livermore position presented at the AAAS meeting was the use of misleading and pseudoscientific arguments in its support. One such argument was that a CTB would open up a weapons reliability gap that would be to the advantage of the Soviets who have built large, robust weapons that don't need much testing to assure their reliability. On the other hand the U.S. has built smaller, more sophisticated weapons that must be tested constantly. However, U.S. weapons makers have known for the past 30 years that there might eventually be a total test ban—in fact, they worked under such a ban between 1958 and 1961. Is it credible that they have produced a stockpile the reliability of which cannot be maintained under such a constraint? There is something terribly wrong if after 40 years of experience U.S. weapons makers have not developed procedures that assure adequate weapons reliability without testing.

Attitude toward a CTB is one of philosophy. To those who believe the only route to world peace is a technological one, it is anathema. To those who believe that unrestrained weapons development is the assured route to world destruction, such a ban would be a significant first step toward genuinely useful arms control. This difference reflects the most fateful political argument facing mankind today. Let it be discussed on its merits.

MICHAEL HEYLIN,
Editor.

TRIBE'S CHALLENGE TO THE SENATE ON JUDICIAL CONFIRMATION

Mr. PROXMIRE. Mr. President, one of the unique and profound responsibilities of the U.S. Senate is to advise and consent or deny the President's appointment of the top policymaking officers of our Government. The Senate has a specially heavy responsibility in its participation with the President in the appointment of the judiciary. Of course, the Senate has a right under the Constitution to affirm or deny the President's appointment of the chief movers and shakers in the executive branch. The Senate should not, as we too often have, neglect the responsibility to approve or reject executive branch appointees, but in the judicial branch, the President's power to secure the approval of his choices for appointment should be specially subject to senatorial participation. After all, the Constitution has deliberately and wisely separated the judicial power from the Executive power. That separation represents the very heart of the checks-and-balances concept which represents the soul of the Constitution. So what role should the Senate play in passing on Presidential nominations for the Supreme Court and other judicial appointments? How well has the Senate discharged this responsibility?

One of the Nation's most respected constitutional scholars has recently spoken out vigorously on this subject. He has found the Senate seriously delinquent in its willingness to challenge the President's court appointments. Who is the scholar? It is Lawrence Tribe. Mr. Tribe is professor of constitutional law at Harvard Law School. On Sunday, the New York Times carried an article by Professor Tribe, headlined "Amending the Constitution by Default."

Professor Tribe pleads for a U.S. Senate that would take a far more active role in determining the makeup of the Nation's judiciary. Tribe points out that President Reagan is quietly filling nearly half the Federal judgeships in the country. And the President may, within the next 3 years, appoint a majority of the Supreme Court, a majority that could shape the freedom within the law for Americans for decades to come.

What has Senate confirmation of judicial appointments to do with this? Tribe contends that "we may be on the threshold of amending our basic charter without rewriting a single word—and with barely a word of debate on the pros and cons of the changes that await us." In Tribe's view, the Senate should be debating, challenging and rejecting some of these Presidential judicial nominees. The Senate should play a far bigger part in these nominations.

Is such a Senate role constitutional? Professor Tribe offers quite a surprise for many Members of this body. Here is what this eminent constitutional scholar writes. I think this will be a surprise to many in this body:

The constitutional convention of 1787 initially adopted a draft that left the choice of Supreme Court Justices to the Senate alone. The current language was a compromise lodging the power to appoint jointly in the White House and the Senate Chamber: The President can nominate, but only the Senate can confirm. Those who wrote the constitution did not envision the Senate's power of advice and consent "as a rubber stamp."

Did the Founding Fathers in fact, when they served in the first session of the U.S. Senate, carry out such an interpretation? They did indeed. Professor Tribe writes:

Even the father of our country, George Washington, did not receive automatic confirmation. Washington's nomination of John Rutledge was rejected, not on the basis of the appointee's qualifications, but because his substantive views were not acceptable to the Senate.

Mr. President, in the 28 years this Senator has served in the Senate, I have always been puzzled by the Senate's bashful feebleness in challenging a President in this area where we not only have a constitutional right but a clear constitutional responsibility. Our first fundamental responsibility is making the laws of this country. Then what happens? The Supreme Court, appointed by the President, passes on that law. Most of us in the Congress welcome that function. The courts should indeed judge the constitutionality of the laws we pass. Their power provides a vital check on what otherwise could be serious interference with the constitutional liberty of the American citizens we serve. But that judicial power can also smother American liberties and frustrate the purposes intended by the law. As Professor Tribe points out, the Constitution wisely recognized this in giving the Senate the power to pass on the judgment and principles of the judicial nominees of the President as well as their technical qualifications. As every Senator in this body fully knows, we have not done that. In the Senate's long neglect of its power to challenge Presidential judicial nominees, especially Supreme Court nominees, we have failed in fulfilling our duty as U.S. Senators.

Mr. President, I earnestly hope that other Senators will read Professor Tribe's excellent article and recognize that with more than 3 years left in the Reagan administration, and with Ed Meese as Attorney General, this body can expect to face a series of challenges for high judicial office that will test the Senate. If we fail that test, the course of law and freedom in our country could be seriously changed for many years to come.

Mr. President, I ask unanimous consent that the article to which I have referred by Professor Tribe be printed at this point in the RECORD.

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

AMENDING THE CONSTITUTION BY DEFAULT

(By Lawrence H. Tribe)

CAMBRIDGE, Mass.—Few things are taken more seriously in America than changing the Constitution. Witness the years of debate over the Equal Rights Amendment, a right to life amendment and a balanced budget amendment. Yet we may be on the threshold of amending our basic charter without rewriting a single word—and with barely a word of debate on the pros and cons of the changes that await us.

The Federal judiciary—whose members interpret and give life to the Constitution's deliberately ambiguous phrases—is being remade in a new image, as President Reagan quietly fills nearly half the Federal judgeships in the country. Those judges are bound by existing Supreme Court precedents. But that Court, with more than half of its nine Justices already over 76 years of age, is itself becoming riper every day for Presidential court-packing on a scale that the nation has rarely seen.

What is the Senate's role in approving or rejecting the President's judicial nominees? Even Senator Paul Simon, Democrat of Illinois, who recently voiced alarm at the marked "ideological tilt" already evident in those nominees, feels that the Senate isn't "in a position to block anyone on that basis." This common misperception of the Senate's responsibility for overseeing judicial—and especially Supreme Court—appointments is ominous. For the power of appointment can far surpass even the power of amendment in reversing the most basic legal precedents and transforming the way the Constitution shapes our lives.

The appointment of Supreme Court justices is not minor surgery but the selection of life-tenured surgeons licensed to operate on the entire body politic. Andrew Jackson put his Treasury Secretary, Roger Taney, on the Court in 1836 to destroy the Bank of the United States; 20 years later justice Taney was still around to write Dred Scott, declaring black people to be property and making the Civil War all but inevitable. There are single-issue amendments, but there can be no single-issue justices. Picking justices on the basis of how we guest they will vote on a specific case is in itself a grave error. But picking them without regard to how we think they will approach and resolve broad issues of legal philosophy may be constitutional suicide.

Ronald Reagan tests his judicial nominees for conformity to official dogma more thoroughly than any other President ever has. Among his most trusted advisers are some who favor judges wedded to the Constitution as it looked in 1787, judges who would treat the Bill of Rights as inapplicable to the states. People otherwise loyal to the Administration have been dropped from consideration even for lower court nominations for such heresies as supporting gun control or making contributions to Planned Parenthood.

Ronald Reagan is hardly the first President to discover that his greatest legacy may be the Supreme Court justices he appoints. George Washington appointed nationalists who guaranteed the survival of the fledgling Federal Government. Franklin D. Roosevelt nominated New Dealers who upheld his ambitious programs. Richard M. Nixon sought justices who would get tough on crime—and tough on crime his four appointees remain, a decade after he was driven from the White House.

Given the ages of the current Justices, there is almost sure to be a nearly complete transformation of the high Court before long. And little stands in the way so long as even opposition Senators assume that the President is entitled to confirmation of any nominees he selects if they have at least had distingished legal careers and have left no smoking guns lying about. That assumption is utterly perverse. Surely no one would dare suggest that the President should have the power single-handedly to amend the Constitution. Yet otherwise conscientious Senators seem ready to abdicate to the White House the less decisive power to alter the Constitution by appointment.

This concession to the President defies history as well as common sense. The Constitutional Convention of 1787 initially adopted a draft that left the choice of Supreme Court justices to the Senate alone. The current language was a compromise, lodging the power to appoint jointly in the White House and the Senate chamber: The President can nominate, but only the Senate can confirm. Those who wrote the Constitution did not envision the Senate's power of "advice and consent" as a rubber stamp.

Even the father of our country did not receive automatic confirmation of his nominees: Washington's nomination of John Rutledge was rejected not on the basis of the appointee's qualifications but because his substantive views were unacceptable to the Senate. In the two centuries since, fully one out of every five Supreme Court nominations has been derailed by the Senate.

The Senate's role as special guardian of the Supreme Court's balance and direction is even more crucial today than in 1787. As executive branch power has swelled, the need to check Presidential prerogatives has grown. Fortunately, the Senate's suitability for policing the appointment process has grown as well. Ever since the 17th Amendment provided for the Senate's popular election, it has been more diverse and accountable than the Presidency.

The Senate's 100 members represent both parties, many philosophies, many ancestries and both genders. And unlike the chief executive, whose "mandate" reflects a single snapshot of the electorate taken on one day every four years, the Senate, with its staggered terms and biennial elections, always combines three pictures of public sentiment, superimposed on one another to render a more accurate and continous image. Even a President elected by a landslide does not represent the views of the other 40 percent of the voters.

In recent months, the Senate has not hesitated, on overtly substantive grounds, to resist White House nominees for sensitive posts in the Justice Department. It is more fitting still for the Senate to guard access to the nine seats on the Supreme Court. The judges appointed by President Reagan, or by his successor, will be handing down decisions well into the 21st century. Even if the Senate elections were not a short year away, all of us would do well to remember how much the attitudes of Senators can shape the selection of the Court that interprets our Constitution.

THE SENATE RESOLUTION ON GENOCIDE IS NOT ENOUGH

Mr. PROXMIRE. Mr. President, once again I turn to the Phyllis Schlafly Report's January edition. On October 10, 1984, the Senate passed a resolution that expressed the Senate's

support for the principles embodied in the Genocide Convention. The Schlafly Report believes this resolution is sufficient. The report also calls the convention "blatant hypocrisy." Blatant hypocrisy? It must be joking! The blatant hypocrisy of the Genocide Convention is that we have failed to act formally on it. The United States played a major role in writing the convention and had it changed so its final version would meet with our approval. It has been supported by every President since 1949 except President Eisenhower.

The United States has accepted the idea of genocide as an international crime by adopting a law that added our name to the list of countries participating in an economic boycott of Uganda because of its genocidal actions. Our lack of support for the Genocide Convention creates embarrassing situations for our diplomats when trying to pressure other countries on their human rights violations. This is especially true when dealing with countries which are members to the convention.

Accepting a resolution of support for the principles of the Genocide Convention is not enough. We need a binding commitment to the principles of the convention—a commitment that is as binding as law. Expressing our resolve is far from enough since our resolve can change at any time. We need to show in a concrete way that our commitment to the Genocide Convention is real and sincere. We must show that commitment by giving our advice and consent to the Genocide Convention.

MYTH OF THE DAY

Mr. PROXMIRE. Mr. President, the myth of the day is one the Congressional Office of Technology Assessment has exposed.

OTA, in a very detailed and comprehensive report that was prepared by both star wars supporters and critics, concluded that star wars will not work unless the Soviets cooperate.

The myth, Mr. President, is one the White House believes—that the Soviets will cooperate.

Anyone who really thinks that . . . well, there's this Brooklyn Bridge in Moscow I would like to sell them.

The OTA report makes clear that we would face tremendous technological hurdles just getting a star wars system deployed. But even if we did get one deployed, it would not protect the United States unless the Soviet Union agreed to drastically reduce its offensive nuclear arsenal.

In other words, the only way Star Wars would work is if the Soviets agreed to junk a good portion of their missiles so the United States would have fewer targets to shoot at. The Soviets might be a lot of things, but they are not gullible fools.

If the administration needs any evidence that the Soviets will not simply roll over and cooperate, all they have to do is look at the Geneva arms talks. They have hit rock bottom and they will stay at rock bottom, because the Soviets are not about to reduce their nuclear force so we can get our star wars system to work.

Maybe the OTA study, which was done by some of the most respected scientists in this country, will dispel this myth that an astrodome defense against Soviet missiles is feasible.

The ACTING PRESIDENT pro tempore. Has the Senator completed his special order?

Mr. PROXMIRE. The Senator has finished, Mr. President.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 1 p.m., with statesment limited therein to 10 minutes each.

TRIBUTE TO J. WILLIS CANTEY OF COLUMBIA, S.C.

Mr. THURMOND. Mr. President, I would like to call to the attention of my colleagues an editorial honoring Mr. J. Willis Cantey of Columbia, SC, for receiving the Award for Distinguished Service from the Palmetto State Chapter of the Association of the U.S. Army.

Mr. Cantey has had a long and productive history of leadership and service to his fellowman.

At the age of 27, he became the youngest battalion commander in the U.S. Army. After an exceptional army career, in which he earned many honors, he went on to outstanding service in the private sector as well. He was president of Citizens and Southern National Bank and remains active in city and State affairs.

Mr. President, Mr. Cantey's dedication to the service of our country and his local community is an example for all Americans, and I ask unanimous consent that this editorial be inserted in the RECORD.

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

[From The State, Columbia, SC, Sept. 17, 1985]

"CANTEY EARNED IT"

The Palmetto State chapter of the Association of the U.S. Army could not have made a better choice for its first Award for Distinguished Service than J. Willis Cantey.

A standing-room audience of more than 350 packed into the fort's NCO club last week to honor him for his service to the community, state and nation in war and in peace.

Mr. Cantey enlisted in the S.C. National Guard in 1935 while at the University of South Carolina. He was graduated and commissioned as an infantry lieutenant in 1938. His unit was mobilized in 1940 as part of the 30th "Old Hickory" Division, which distinguished itself in Europe.

At age 27, he became the youngest battalion commander in the U.S. Army, and a year later was promoted to colonel. As an infantry troop leader in combat, Mr. Cantey was awarded three Silver Star medals for gallantry in action, four Bronze Stars for heroic achievement, the Legion of Merit for exceptional meritorious service, and was presented the French Croix de Guerre (War Cross) for bravery. He retired from service in 1955, and in 1981 was appointed Civilian Aide to the Secretary of the Army, and reappointed in 1983.

He has had an outstanding business career, retiring as president of Citizens and Southern National Bank and remains active in city and state affairs. He served on the State Ports Authority for 10 years, two as its chairman, and was chairman of the Capital City Development Foundation, which developed long-range planning for Columbia's central city. He was named the Columbia Chamber of Commerce's man of the year.

Mr. Cantey has served the University of South Carolina as chairman of the President's Council and in 1970 was awarded the Algernon Sydney Sullivan award for outstanding humanitarian service.

Mr. Cantey has proved himself as a man of courage in the service of his country, a wise and fair business and community leader, and a dedicated civic servant. No one is more deserving of an award for distinguished service than J. Willis Cantey, and, with his other friends, we applaud him.

RACE, HOME RULE, AND ABORTION DATA

Mr. MATTINGLY. Mr. President, I wish to call the attention of my colleagues to an article which appeared in the Washington Times last Friday. The piece, entitled "Race, Home Rule, and Abortion Data," was authorized by our colleague GORDON HUMPHREY. It is a concise, well-written, thoughtful, and though-provoking presentation of the issue of public funding for abortion in the District of Columbia.

We will soon be considering that issue here in this chamber. Before the debate begins, I hope that each of my colleagues will take the time to read Senator HUMPHREY's remarks.

I ask unanimous consent that the article be reprinted in the RECORD at this point.

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

[From the Washington Post, Sept. 27, 1985]

RACE, HOME RULE, AND ABORTION DATA

(By Gorton Humphrey)

It is a city of might and monuments. It is electric" with international business and politics. Progress of a material sort—physically measurable progress—is its rule of thumb. Its officialdom enjoys a glamor, an affluence, a style of life that are the envy of

most inhalitants of the continent on whose rim the metropolis is located.

A majority of its residents are black and their city is not always the same as the one I have just described. It is a city where abortions outnumber live births, in a nation where black children are almost three times as likely to be aborted as are white children. For some people of power and influence in that country see abortion as an easy way out of complicated racial problems.

The city is not Pretoria nor Cape Town. It is Washington, D.C., and it is a very dangerous place for unborn black babies. Their mortality rate in the District of Columbia is a horror that seems more appropriate to a Third, World nation in famine, as Ethiopia, or in holocaust, as during the Khmer Rouge nightmare in Cambodia. Worst of all, a large percentage of Washington's abortions are paid for by the taxpayers, courtesy of the U.S. Congress.

Year by year, some members of the House and Senate have attempted to restrict this funding, through amendments to the District's annual appropriations bill. Year by year, defenders of the status quo have split legal hairs with the deftness of an abortionist wielding a scalpel. The Congress, they contend, can put restrictions on the federal contribution to the District but has no business limiting abortion subsidies from the city's own accounts. This is not a question of life or death, they argue; it is a question of home rule.

Nice try, but it won't wash. The fact is that the District appropriations bill is replete with funding limitations that apply across the board to every penny touched by that legislation. The District's government may not use any money to publicize or lobby for any legislation before the Congress or a state legislature. No funds at all may be used to implement a personnel lottery for selection of police and firefighters. No money, federal or local, can be used to install meters in taxicabs. Any money borrowed by the District from any sources for capital outlay requires an annual plan. The only other ban imposed exclusively upon federal moneys is a prohibition against hiring personal cooks, chauffeurs, or personal servants for D.C. officials.

That puts the question starkly: is public funding for abortion no more important than the question of whether the mayor should have a chef? Or to put it another way, isn't abortion funding at least as significant to the Congress as the use of a hiring lottery?

In that light, it is hard to take seriously the contention that public abortion funding in the nation's capital is just a matter of home rule.

We need not look far for a parallel. There was a time, a few generations ago, when Congress's reluctance to impose its standard of decency upon the capital city permitted the slave trade to flourish within sight of the Capitol steps. Washington was a major departure point for surplus workers from the border states. Children, men, women in chains were herded down from Capitol Hill, to the river boats or toward the dirt roads heading South. The great historian, John McMaster, drew an indelible image for us: "When by one means and another a dealer had gathered 20 or more likely young Negro men and girls, he would bring them forth from their cells; would huddle the women and young children into a cart or wagon; would handcuff the men in pairs, the right hand of one to the left hand of another; make the handcuffs fast to a long chain which passed between each pair of slaves, and would start his procession southward."

Suicides were not rare, as when a grieving mother, about to be torn from her family, threw herself from a slave dealer's window on a Sunday morning and died on the Washington street below.

There were at the time men of respectability who insisted this was none of their business. They would not tolerate the slave trade in their own states; they professed to be outraged by it; but they would not use their congressional power to halt it in the city of Washington, just as some decades later, a fastidious regard for local option prevented some members of Congress from confronting the brutality of mob lynchings like one graphically described in Benjamin Brawley's classic *Social History of the American Negro*. For threatening to swear out warrants against the men who had killed her husband, Mary Turner of Valdosta, Ga., "was lynched, although she was in an advanced state of pregnancy. Her ankles were tied together and she was hung to a tree, head downward. Gasoline and oil from the automobiles near were thrown on her clothing and a match applied. While she was yet alive her abdomen was cut open with a large knife and her unborn babe fell to the ground. It gave two feeble cries and then its head was crushed by a member of the mob with his heel."

Let us not feel superior to the men who did that. We pay others to do much the same, with the consent of the mother, under the D.C. Appropriations bill. If certain other nations were aborting infants from one ethnic group out of all proportion to their numbers in the general populace, we would not be timid in charging genocide.

No, the United States is not like those other countries. That is why a bipartisan majority in the House of Representatives has deliberately applied the ban against public funding of abortion to all moneys in the District's appropriations bill. It is why some senators will soon propose to do likewise. And it is why we confront our colleagues with an eloquent passage from Lorraine Hansberry's *Raisin in the Sun:* "Your wife say she's going to destroy your child, and I'm waiting to hear you talk like [your father] and say we a people who give children life, not who destroy them—I'm waiting to see you stand up and look like your daddy and say we done give up one baby to poverty and that we ain't going to give up nary another one."

ASCS AND THE FARM BILL

Mr. PRYOR. Mr. President, today I want to call the attention of this body to a tactic being used by an arm of this administration which I believe directly violates the separation of the functions of the legislative and executive branches of Government. This is the direct use of Federal funding and personnel to lobby for the policies of the current administration.

I think we have all almost become immune to this practice in the Pentagon. Each time we have a defense appropriations or authorization bill before us, we have seen the Pentagon very capably mobilize our military-industrial complex to promote specific programs. Some visit our offices with lists of projects in our home districts which might be affected. Others work with defense contractors on specific weapons programs. Memos and detailed booklets go out to reserve units in our individual States strongly suggesting that their members write their Congressmen on certain issues.

However, as I say, we have all gotten used to that.

But, today, I want to share with the Senate another flagrant example of using Federal employees to tout the administration position on an issue—and allocating already scarce revenues to do so, and in doing so, subverting our historic political process.

Agriculture Secretary John Block—is now marshalling his troops to do battle against the farm bill that we have reported from the Senate Agriculture Committee. To do so, he has drafted an existing nationwide network of Federal employees who are already organized down to the State and county levels—the Agricultural Stabilization and Conservation Service.

Not only has he asked ASCS employees to "assist him in informing interested groups about the administration's position on farm bill issues," but he has eased current travel restrictions so that they may do so. The administration on the one hand is telling farmers to be frugal, but is taking away travel restrictions for Federal employees to sell the John Block farm policies.

Now, Mr. President, I am sure that Secretary Block and ASCS Administrator Everett Rank will say that they are merely trying to insure that ASCS carry out its function of educating farmers. However, after reading Mr. Rank's September memo, I do not think anyone can doubt that they have stepped way over the line of education and have jumped right into the lobbying field.

The most flagrant example of this entry into the legislative arena is the suggested press release for issuance by ASCS State committees which is an outright endorsement of the administration's farm bill goals and a condemnation of several major components of the farm bills reported out of the House and Senate Agriculture Committees.

What happens to the Federal employee who does not wish to promote the administration's Farm Program? I cannot say for sure, but would point out that Administrator Rank's memo asks that reports of news media coverage of the suggested news release and speaking engagements be forwarded to Area offices. There is little doubt in my mind that these press clippings will find their way into employee personnel folders.

If I were an ASCS employee looking at the recommended personnel and budget cuts in ASCS for 1986, I might become real inspired to go out and preach the administration farm policy

and make as many converts as possible.

Mr. President, the Agricultural Stabilization and Conservation Service has been one of the most outstanding and effective arms of the Department of Agriculture in the past. It has long served as a liaison between the farmer and USDA. It is appalling to me that 1 month USDA restricts travel funds appropriated and authorized by the Congress, thus hampering ASCS field personnel in serving the farmer, yet make it plain this month that money will be there when needed for travel—as long as you are out there preaching the gospel according to John Block.

Mr. President, at this point I would like to refer to a memorandum signed by Everett Rank, the Administrator of ASCS. The subject is: Secretary Block's teleconference call.

Here is the substance of the three-paragraph memorandum:

During his call to you on Thursday, Secretary Block is expected to ask you to assist him in informing interested groups about the Administration's position on Farm Bill issues. To assist you in this effort we are sending a news release for State Committee use following the Secretary's call. Also, we are sending several pages of talking points for your use in speaking to individuals and groups during the next few days and weeks. Position papers have been prepared on wheat, feed grains, cotton, rice, dairy, sugar, peanuts, wool and mohair and honey. If you need a copy of one or more of these, let your Area Office know and we will FAX them to the STO or send them to your home address, whichever you prefer.

Mr. President, I would like for all Members of this body to pay particular attention to this paragraph, not only in what it says but what it implies:

Current restrictions on State travel are temporarily eased, effective immediately, so that you can carry out the Secretary's wishes. Clearance with your Area Office is still required, but funds will be available for appropriate travel.

We are also interested in having a report on news media coverage of the news release and your speaking engagements, including news clippings These reports and clippings should be forwarded to your Area Office.

Mr. President, today farmers are going bankrupt. They are going out of business. They need service and assistance from the Department of Agriculture now more than ever.

I sincerely question the priorities of a Secretary of Agriculture who diverts the already limited manpower and financial resources of his Department from the American farmer's immediate needs to efforts to manipulate the farmer to support administration policies.

I would suggest that the American farmer more than anyone else—more than I, more than the members of the Agriculture Committee, more than the Secretary of Agriculture, or even the President—knows what kind of agricultural program he needs to survive. He does not need USDA to educate him on that point. He needs USDA to listen to him.

I have always maintained we need a Secretary for Agriculture. This action by Secretary Block—the conscripting of Federal employees to promote his own doctrines—seems to give even more evidence to the fact that the Department of Agriculture is now, more than ever, ignoring the needs of the very people it was created to serve.

Mr. President, I ask unanimous consent that the memorandum from the Administrator of ASCS be printed in the RECORD at this point.

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

To: SED's and STC's (except Puerto Rico).
From: Administrator.
Subject: Secretary Block's Teleconference Call.

During his call to you on Thursday, Secretary Block is expected to ask you to assist him in informing interested groups about the Administration's position on Farm Bill issues. To assist you in this effort we are sending a news release for State Committee use following the Secretary's call. Also, we are sending several pages of talking points for your use in speaking to individuals and groups during the next few days and weeks. Position papers have been prepared on wheat, feed grains, cotton, rice, dairy, sugar, peanuts, wool and mohair and honey. If you need a copy of one or more of these, let your Area Office know and we will FAX them to the STO or send them to your home address, whichever you prefer.

Current restrictions on State travel are temporarily eased, effective immediately, so that you can carry out the Secretary's wishes. Clearance with your Area Office is still required, but funds will be available for appropriate travel.

We are also interested in having a report on news media coverage of the news release and your speaking engagements, including news clippings. These reports and clippings should be forwarded to your Area Office.

Mr. PRYOR. Mr. President, I also ask unanious consent that Suggested News Release or these individuals after they go out and speak to these various clubs, organizations, in groups be printed in the RECORD at this point.

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

[Suggested News Release]

STATE ASC COMMITTEE CITES NEED FOR SOUND 1985 FARM BILL

(City, State, Date).—"We need sound farm policy that helps (State) farmers, but also has fiscal restraint," according to (Name), Chairman of the State Agricultural Stabilization and Conservation Committee. ——— reiterated the Reagan Administration's farm bill goals at the close of the committee meeting here today.

New legislation is needed to replace the four-year law which expires at the end of this month.

———'s comments on behalf of the State ASC Committee closely followed the resumption of the farm bill debate by the Congress in Washington this week, and the committee's 'conference' with Secretary of Agriculture John Block today. "We just 'met' with Secretary Block by telephone, and as his representatives on Federal farm policy here in the State the committee wanted to pass on some of what was discussed," ——— said.

"Our major objectives are the same as when the legislative process began earlier this year," ——— said. "Three objectives are central to the Administration philosophy."

"First, we must become more competitive in world markets. Reducing price and income support levels is essential, so that we send a clear signal to our competitors that we are serious about regaining lost export markets. We must no longer hold the price umbrella for the world," ——— said.

"Second, we are committed to a policy of compassion for farmers. That means we want to spend enough money to carry our producers through a transition period as we work toward a reduction in farmer dependence on government.

"And, third, we recognize the need to reduce the Federal deficit. So, we believe the new farm bill should adhere to the Congress' spending limitation. That will mean less and less annual Federal outlays for farm programs."

He also itemized some things being proposed as part of the new farm bill that the State committee agreed were unacceptable.

"Mandatory controls are unacceptable. Most farmers want less government control, not more," ——— said.

"Marketing loans with unlimited budget exposure are not acceptable. The cost could be tremendous with a program that would allow farmers to take out loans at one price and pay them off at the market price.

"We oppose freezing target prices. This would encourage more agricultural production than we need, because of the guaranteed price.

"We also oppose the proposed dairy diversion program. We've already tried that, and it doesn't work. The cost to government would be high. the cost to consumers would be high. And, it would get the government deeper into the dairy business with inequities in the dairy industry as a result.

"And, finally," ——— said, "We oppose a simple extension of the present farm legislation. Why keep programs that price farmers out of world markets at a tremendous cost to taxpayers?

Mr. PRYOR. Also, Mr. President, as a final unanimous-consent request, I ask unanimous consent that Farm Program Talking Points be printed in the RECORD to demonstrate what the USDA and what the administration's positions actually are and which actually are to be espoused by these Federal employees who are living on taxpayers' money.

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

FARM PROGRAM TALKING POINTS

We favor:

We favor helping farmers get a fair share of expanding export trade.

The U.S. domestic market is strong, but it is a mature market with limited growth potential. Our population is expanding slowly. Our citizens are generally well fed and a great many of them are more interested in dieting than in eating more. Growth in average incomes will not likely increase per

capita domestic food consumption levels dramatically.

The productivity of American agriculture continues to increase much faster than the U.S. population. Farmers are producing the food and fiber for the American domestic market—which has nearly a one-third larger population than 25 years ago—with fewer acres than were harvested for that purpose in 1960. By contrast, the number of U.S. crop acres devoted to producing for foreign markets has increased by three-fourths since 1960.

Foreign population is growing at an increasing rate, compared with the U.S. In the 3 decades—1950's, 1960's, and 1970's—U.S. population increased by 29, 24, and 23 million people. Elsewhere in the world, population increased by 477, 624, and 725 million people. Foreign population is now increasing at the rate of 80 million people a year, compared with 2 million a year in the U.S. Most of that expanding foreign population, young and old alike, are anxious to upgrade their diets to get more protein, more energy, and greater variety.

Commodity use and potential markets are increasing much faster overseas than here. Compared with 25 years ago, annual wheat use is now 15.3 million tons higher in the United States, but annual use in the rest of the world has increased 252 million tons (16½ times greater than our increase). U.S. feed grain use has increased 43½ million tons, compared with an increase of 302 million tons (7 times more) elsewhere. U.S. soybean use has increased 18 million metric tons since 1960, but 49 million tons elsewhere in the world. Our annual cotton use has decreased 3 million bales in the last 25 years while cotton use in the rest of the world has increased more than 26 million bales.

Still, our main commodities depend heavily on export outlets. We usually export about half or more of our wheat, cotton, and rice; more than one-third of our soybeans; and about one-fourth of our feed grains. With that volume of exports, the difference between profit and loss for farmers depends heavily on the flow of exports. When farm exports expand, farmers expand; when farm exports contract, farmers have trouble—so do those who do business with farmers. Each $1 billion in farm product exports creates an additional $1.4 billion of economic activity, for a total of $2.4 billion.

We have not received our fair share of export growth in world trade in the last few years. Since 1980 our annual wheat exports have declined 2 million metric tons while the rest of the world increased its annual exports by 20 million tons. U.S. share of world trade in wheat has dropped from 43 percent in 1980 to 34 percent. Since 1980 our feed grain exports have dropped 12 million tons while the rest of the world increased its exports 6 million tons. Our share of world trade in feed grains has dropped from 59 to 51 percent. Since 1980 our soybean exports are down by 3½ million metric tons while the rest of the world increased exports 2½ million tons. Our share of world soybean trade has dropped from 78 percent to 66 percent.

Our loss in export trade, down nearly 25% since 1981, is partly due to U.S. farm policies that make our commodities less competitive. We have repeated the experience of earlier years when Government farm programs cut acreage, stimulated excess production with artificial price guarantees, and then stored our surplus products off international markets.

U.S. farmers have many competitive advantages that, if unleased, will let us compete effectively for expanding foreign markets. U.S. farms, compared with other farms in the world, are well equipped, well managed, more efficient in size, better located on larger expanses of fertile soil with a dependable climate, and are run by profit-oriented farmers backed by extensive research and agribusiness services.

Our export markets grew rapidly in the 1970's, and they can grow steadily once again with the help of sound farm programs.

We favor market-oriented price support loan levels that will make our farm exports more competitive.

Crops sold on competitive world-wide markets require farm programs that help us compete. Our farm programs have helped our competitors by encouraging them to invest more heavily in agriculture and to export commodities just under the umbrella of U.S. fixed prices. We have done that with rigid four-year farm programs that have broadcast to the world that our price supports would be above market-clearing levels; that we would use U.S. Government acreage controls to try to reduce world production; and that we would store our U.S. Government-held surpluses off world markets.

While we have been trying to hold down output with Government farm programs, the rest of the world has increased its output. Compared with 1980, our wheat production in 1984/85 is up 6 million metric tons, but production in the rest of the world is up 65 million tons. Our feed grain production is up 39 million tons since 1980 (with one-third of it in carryover stocks); the rest of the world has increased its feed grain output 36 million metric tons (with carryover down 15 percent). Our soybean production is up about 2 million tons since 1980, but production in the rest of the world is up 8 million tons. Our cotton production is up 2 million bales, but cotton production in the rest of the world is up 19 million bales.

We have proved that the U.S. cannot unilaterally increase world commodity prices enough through expenditures from the U.S. Treasury to buy prosperity for American farmers. We have proved that farm programs based on policies of the past only compound U.S. farm problems by making us less competitive in today's export-oriented, highly competitive world markets.

U.S. farmers need price support loans that are tied to average market prices and gradually declining target prices. That will give farmers a safety net in abnormal years, but will allow market prices to clear above loan levels in all but unusual years. In that way, we will not prop up commodity prices for our competitors. Nor will we artificially encourage excess production here at home, that becomes a costly surplus to hang over the market and depress prices.

We favor a compassionate and gentle transition to market growth policies.

At the present time farmers are having a difficult time financially, but we should not prolong the same policies that helped make those difficulties. We realize that we can't turn the farm economy and our farm programs around overnight. However, we must move gently, but positively, in the right direction with farm programs that help farmers move toward greater market expansion, providing them some assistance along the way.

We favor programs that will target benefits to small to medium family farms as a way to help them adjust to new opportunities. We should not subsidize very large operators, nor should we try to freeze everyone in place with production controls. Neither should we force, nor entice, larger commercial farm operators into increasing production because of farm programs that cut acreage on smaller farms.

There is no future in Government farm acreage controls and dependence on Government. Markets, however, have real opportunity for growth. It is there that farmers as a group will find increased opportunities and higher profits; and it is there that individual farmers will find compensation for hard work and good management.

We have demonstrated at great cost that farmers are not going to find prosperity in Government payments. We have spent $80 billion on farm programs over the last 8 years. That has not boosted farm profits, and we have the same problems of excess production, heavy carryover, depressed prices, and insufficient exports still with us. The problem is that the money has been spent on programs that perpetuate farm problems. We need to spend money on programs that help farmers make a transition to market growth.

We favor a reduction in dairy price support levels, starting in 1986.

For too long dairy price supports have been held above market-clearing levels. That has encouraged dairy farmers to produce more milk than we can use. It has encouraged some farmers to get into dairying; it has kept some in who otherwise would leave; and it has caused others to produce more milk than they otherwise would. This has led to huge dairy surpluses that the Government has had to buy and store. This has resulted in annual dairy program costs of $2 billion or more for taxpayers in recent years.

The public is getting impatient. The public cannot understand why the Government stores huge amounts of dairy products in caves and warehouses while some needy people are having a hard time maintaining an adequate diet. Nor can the public understand why we spend so much money buying dairy products we can't use when we are running such large deficits in the Federal budget.

It is inevitable that we must get the dairy program on a sound footing, or the public will not continue to support it. It is imperative that we change the dairy support program for the good of dairy producers and the country by reducing our price support guarantees in 1986, and not defer that action any longer.

We favor living within reasonable budget restraints for agriculture.

All citizen groups have to make a meaningful contribution toward reasonable budget restraint. Agriculture must do its part in a way that is recognized by the public as being reasonable. In the last 4 years farm programs will have cost taxpayers $53 billion, and that has added substantially to Federal budget deficits. Agricultural expenditures have been the single fastest growing Government outlay since 1981.

We must make faster progress toward balancing the Federal budget. The alternative is to head the country toward inflation, runa-way costs, spiraling interest rates, ballooning trade deficits, and recessions.

Inflation hurts farmers and imposes a cruel drain on their future well-being. The rapid inflation of 1979-80 hiked farm cost levels 28 percent in 2 years. The prices farmers receive leveled off in 1980, but farm costs kept zooming, up 12 percent. That

knocked 1980 farm net income down 34 percent, the fastest one-year drop since the great depression. Those inflated farm costs got built into the economic system and didn't come down. Although farm costs have been rising much more slowly since 1980, they are still going up. Consequently, in July 1985 the prices farmers received were 27 percent higher than in 1977, but the prices farmers paid were 64 percent higher than in 1977. That legacy of inflated costs from the late 1970's, more than anything eles, is responsible for today's farm financial crisis.

We would be really helping ourselves. The best "farm program" of all is to have a growing national economy based on sound fiscal and monetary policies, stable costs of production, reasonable interest rates and taxes, increased demand for farm products based on consumers' greater take-home pay, and a competitive national economy that can thrive in the competition of world trade.

We oppose:

We oppose a freeze on present target prices.

Freezing present target price levels would encourage more agricultural production. It is not only the level of above-market price supports that encourages excess production—it is the guarantee of that price or income. The certainty of a guaranteed price will always evoke greater farm commodity output than the same price level reached on a freely-moving commercial market. That is one of the keys to understanding the failure of past farm programs. Above-market support prices and the guarantees have prompted huge output and surpluses that have outrun domestic demand growth and efforts to control production through Government programs.

A target price freeze would prevent us from lowering loan rates to competitive levels. Lowering loan rates when target prices are frozen would widen the spread between loan rates and target levels, and that increases deficiency payments. That would increase the potential for large payments and huge budget costs. The budget exposure would be intolerable.

A target price freeze would force us into massive acreage reduction programs. Because of potentially large deficiency payments, the Government would be forced to institute very large acreage reduction programs in order to narrow the spread between market prices and target prices—again, to reduce the budget exposure to large deficiency payments.

These actions would further damage our ability to compete in export markets. The need to control budget outlays would leave us with production-stimulating loan rates above market-clearing levels. Government acreage reduction programs would provide further production incentives to our competitors.

We oppose the marketing loan concept.

Marketing loans would raise potential budget outlays. The marketing loan concept would allow farmers to take out price support loans at one level and pay off the loans at lower market prices. If loan rates were set at levels above market prices, production would increase and could result in significant Government expenses.

Marketing loans could funnel much of the crop through the CCC. Marketing loans would encourage extremely high farmer participation to reduce price risk. Much of the crop would be placed under loan. The CCC would become the "banker" issuing checks to farmers for the difference between average market prices and loan levels—and those payments would not come under the present $50,000 payment limitation. Budget control would be difficult, and the CCC probably would have to expand its already-large borrowing authority from the U.S. Treasury.

Marketing loans could force us into large Government acreage reduction programs. If marketing loan rates encouraged production and were set at levels that lagged behind lower market price trends, that could force the Government to institute large compulsory acreage reduction programs in order to reduce the potential drain on the Treasury.

We oppose the House Agriculture Committee Dairy Diversion Program

It would tax every dairy farmer with a compulsory assessment. Dairy producers would be required to pay a compulsory diversion assessment on all milk sold. Every dairy farmer would pay into the fund; a minority who would agree to cut production would collect.

The cost to dairy farmers would be excessive. Assessments would run $95 to $170 per cow per year for producers with a 12,500-lb. per-cow herd average. A large producer with 1,000 cows and an 18,000-lb. herd average would have to pay $135,000 to $243,000 a year. The program would cost dairy producers $1.0 to $1.8 billion per year.

It would encourage dairy surpluses. The dairy diversion plan would index support levels, which would rise to more than $13 per cwt. in 5 years. Price supports at the present $11.60 per cwt. have encouraged excess production. $13 supports would further encourage production.

The cost to Government would be high. It would require the Government to spend $1 billion a year to buy 5 billion pounds of dairy products from excess milk.

The cost to consumers would be high. It would raise consumer milk prices 18¢ per gallon; cheese, 36¢ per lb.; and butter, 31¢ per lb. within 5 years.

It would get the Government deeper into the dairy business. The diversion plan would mandate increases in price differentials in 35 of the 44 Federal Milk Market Order areas. That would encourage more production in some areas and disrupt relationships between regions. It would establish a precedent for Congress to become involved in setting Federal Milk Market Order prices. That would be a further step toward Government control.

We oppose price or income supports based on the cost of production.

Establishing the cost of production is too vague. Costs differ widely among farmers, among commodities, and among regions. Regardless of how a price support based on cost of production is fixed, it brings with it problems that are similar to the parity formula, which is also determined by costs of production. That has proved not to work in today's agriculture.

Supports tied to cost of production are too slow moving. Costs of production take into account too slowly the impact of structural developments such as increased size of farms and units of production per farm, as well as technological developments such as hybrids, narrow rows, irrigation, trace minerals, growth stimulants, resistant varieties, antibiotics, and biotechnology. Price supports must also be directly related to market developments.

Costs of production are a good guide for individual management decisions in an open market, but not for a Government-directed market. Costs of production in an open market permit each farmer to figure out for himself, based on his own cost of production, what commodities he can raise best, what fields will pay for cropping, and which cows or sows are paying for their keep and which ones aren't. But you can't get that kind of management and market guidance out of the Federal Government by determining the cost of production for everyone and translating that into a meaningful support price that will move products to market and guide the flow of resources into agricultural enterprises.

We oppose mandatory controls.

Mandatory controls are a "no growth" option. They would require the Government to determine how much farmers can produce and sell in exchange for high price supports. We would produce for our domestic American market at politically determined American prices. We would become passive, residual, non-competitive suppliers in export markets. We would arbitrarily close down a substantial portion of our U.S. farm production base, shrinking everybody's share of the total farm pie. That would also reduce volume for agribusiness suppliers, farm marketing and transportation firms, and rural businesses. It would also inhibit the community institutions that serve rural areas.

Mandatory controls tie farmers to their past and restrict their opportunity for growth. Controls that require a 25 percent cutback in farm production will apply to the farm with a 50-acre base as well as a farm with a 500-acre base. Measures to ease that by taking bigger cuts from those with larger than average acreage would discriminate against efficiency, strong management, hard work, and other such traits that allowed farms to grow in size. It would be a "leveling down" of farmers by legislative fiat. Mandatory controls also discriminate against new producers, lock inefficiencies in place, discourage innovators, and set regional dislocations in concrete.

Mandatory controls are made for a nontrading nation, not the No. 1 farm exporter in the world. Mandatory controls are based on the assumption that your market and your demand are isolated from the world; therefore, you can act unilaterally to change the market to benefit your own producers. However, markets for price supported crops are international markets—for products such as wheat, feed grains, soybeans, rice, cotton, tobacco, sugar, peanuts, and wool. And the U.S. is the world's largest farm product exporter and participant on that world market. What we do unilaterally also changes market conditions for the world, not just for our producers.

Mandatory controls to set prices would shrink our agriculture. When we cut production, our foreign competitors plant more acres and invest more capital in their agriculture. If we raise our prices through mandatory controls, our foreign buyers will diversify their suppliers by encouraging our competitors to increase production and will strike long-range purchasing agreements with our competitors. Further, potential buyers for our farm products will increase their own production and become more determined to remain self sufficient.

Mandatory controls would force us to subsidize exports or withdraw from export markets. The purpose of mandatory controls is to force prices above market levels. That requires the Government to take over excess commodities that won't bring the support price. The stored commodities can't be sold domestically, as that would depress prices.

The only other outlet for Government-held surpluses is through exports. When our prices are higher than world prices, we can move stored commodities into export in only two ways: We either become the residual supplier, selling only what other countries can't supply, or we must use subsidies to sell overseas. Export subsidies require our taxpayers to pick up the tab. Our taxpayers would pay our farmers to raise food for foreigners who would get the food for less money than our taxpayers would pay at home.

Export subsidies would raise tariff and non-tariff barriers against our exports. U.S. farmers have a competitive advantage in export markets. Long-standing U.S. trade policies have encouraged freer world trade so that U.S. farmers could use their comparative advantage to export. Mandatory controls which lead to U.S. export subsidies—and U.S. import controls—would cause some foreign countries to build tariff and non-tariff barriers against our farm products and would make a mockery of the United States rising in international forums to argue for fewer subsidies, lower trade barriers, and less protectionism.

Mandatory controls would lead to cheap U.S. food policies. Compulsory controls are based on the assumption that U.S. consumers can and should pay more for their foods; therefore, farmers will use the force of Government to compel them to pay more at the store as well as pay for the Government programs through higher taxes. Non-farm consumers, who make up 97 percent of the population, are also taxpayers and voters. Consumer taxpayers sooner or later will exercise their political right to set maximum farm prices. That leads to cheap food policies and a Government franchised agriculture where farmers are a 3 percent minority in deciding what the rules will be.

We oppose extending present farm legislation

Why keep something that will lose more export markets for farmers? Present farm programs prevent farmers from capitalizing on their competitive advantages in their best market opportunity for growth—export sales. Present farm programs are built on depression-era policies that do not fit today's market realities, nor today's kind of commercial agriculture, nor today's kind of family-sized commercial farmers.

Why keep farm programs that are basically wrong? Present farm programs provide tremendous stimulation for excessive production and surpluses that depress market prices, put commodities into storage, and force farmers deeper into the clutches of Government programs that hold no promise for raising farm incomes and broadening opportunities for the Nation's farmers.

Why wait longer to get a long-range farm program that will allow farmers to plan ahead and increase their profits? Present farm programs are too payment-oriented, and not enough profit-oriented. Today's farm programs concentrate too much on controls, and not enough on competitiveness. Today's farm programs focus too much on market intervention and not enough on market growth.

ARTHUR SCHLESINGER ON THE NATIONAL ENDOWMENTS FOR THE ARTS AND HUMANITIES

Mr. PELL. Mr. President, as the National Endowments for the Arts and Humanities celebrate their 20th anniversary this month, many events are being held all over the country in observance of this important milestone. Much is also being written about these agencies in the press. As I was the chief Senate sponsor of the endowments' enabling legislation in 1965, it especially rewarding to note how positive and praiseworthy these pieces have been.

On of the most thoughtful and insightful articles that I have read appeared last week in the Providence (RI) Sunday Journal. It was written by the distinguished writer and historian, Arthur Schlesinger, Jr., who currently is a professor of the humanities at the City University of New York. Dr. Schlesinger has been a keen observer of our national cultural scene for many years and here makes an eloquent argument for the continuation of public support for the arts. It is an important message and I would urge my colleagues to read his words.

I particularly like his thought that "If history tells us anything, it tells us that the United States, like all other nations, will be measured in the eyes of posterity less by the size of its gross national product and the menace of its military arsenal than by its character and achievement as a civilization."

I ask unanimous consent that Dr. Schlesinger's article be printed in the RECORD.

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

[From the Providence (RI) Sunday Journal, Sept. 22, 1985]

ASSESSING A NATION BY ITS CONTRIBUTION TO ARTS AND HUMANITIES

(By Arthur Schlesinger)

NEW YORK.—This is a year curiously dotted by anniversaries; and one must hope that, as we salute the bitter memories of war, a less dramatic anniversary will not slip by unnoticed.

Twenty years ago this week, the Congress passed the National Foundation of the Arts and Humanities Act, whose preamble declared that support of the arts and humanities, "while primarily a matter for private and local initiative, is also an appropriate matter of concern to the federal government." In enacting the law, which led to the establishment of the National Endowments for the Arts and for the Humanities, Congress affirmed a conviction that the arts and humanities are vital to the health and glory of the Republic.

This was not a novel idea. In his first annual message, President George Washington told Congress he was "persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature."

A third of a century later, President John Quincy Adams called for laws promoting "the cultivation and encouragement of the mechanic and of the elegant arts, the advancement of literature, and the progress of the sciences."

In the third year of the Civil War, President Abraham Lincoln ordered that construction of the Capitol dome be completed. When critics objcted to the diversion of labor and money from the prosecution of the war, Lincoln said, "If people see the Capitol going on, it is a sign that we intend this Union shall go on."

President Franklin D. Roosevelt recalled this story in 1941 when, in a world ablaze with war, he dedicated the National Gallery of Art in Washington. President John F. Kennedy recalled both these stories when he urged public support for the arts in 1962. Lincoln and Roosevelt, Kennedy said, "understood that the life of the arts, far from being an interruption, a distraction, in the life of a nation, is very close to the center of a nation's purpose—and is a test of the quality of a nation's civilization."

The policy of federal support is an expression of the value the Republic places on the arts, a symbol of the role assigned to the arts in our national life. Congress today remains steadfast in its belief in the centrality of arts to a civilized society. It has shown no disposition to repeal the act of 1965 and has steadily resisted presidential attempts to cut National Endowments budgets.

Yet the idea of public support, and with it the idea that the state of the arts is a matter of national concern, are under increasing challenge—ironically not from Congress but from renegade parts of the intellectual community itself. We live in a decade that likes to disparage government and to exalt the market. We are told that, if a cultural institution cannot pay its way, it has no economic justification and, if no economic justification, no social justification. Art, we are given to understand, must stand or fall by the box-office test, and the devil take the hindmost.

To deny the arts a public role is a real treason of sorts. For painters, composers, writers, film-makers, sculptors, architects, orchestras, museums, libraries, concert halls, opera houses contribute indispensably to the pride and glory of the nation. They are crucial to the forming of national traditions and to the preservation of civil cohesion. George Washington wrote: "The arts and sciences essential to the prosperity of the state and to the ornament and happiness of human life have a primary claim to the encouragement of every lover of his country and mankind."

The arts and humanities serve us all. They are surely as worthy as banks, corporations and other agencies of private profit to be objects of Federal concern, subsidy and even bail-out.

If history tells us anything, it tells us that the United States, like all other nations, will be measured in the eyes of posterity less by the size of its gross national product and the menace of its military arsenal than by its character and achievement as a civilization. Government cannot create civilization. Its action can at best be marginal to the adventure and mystery of art. But public support reinvigorates the understanding of art as a common participation, a common possession and a common heritage.

WELCOME WORDS OF SUPPORT FOR THE COAST GUARD

Mr. PELL. Mr. President, I call to the attention of the Senate an excellent statement in support of the Coast Guard by the President of the Navy League of the United States, Bernard Bennett.

Urging his Navy colleagues to be more sensitive to the plight of their sister service, Mr. Bennett observes

that many of the friends and supporters of the Coast Guard fear it to be an endangered service.

Apprehensions on this point are well founded, unfortunately. At a time when the Coast Guard is being asked to take on increased responsibilities, particularly in law enforcement and drug interdiction, its funding is not only not being increased but is actually being reduced. The administration's request for fiscal year 1986 of $2.538 billion falls some $241 million short of actual appropriations for fiscal year 1984.

As Mr. Bennett points out, the Coast Guard was badly shortchanged in the defense buildup of the last 4 years, and now that the buildup has slowed down, the Coast Guard is being further penalized by having to accept cuts from a base that should have been larger.

As a result, the service is, in his words, "underfunded and over committed," carrying a "huge burden * * * with too few people, and all to often, with too little and too antiquated equipment."

As a retired captain in the Coast Guard Reserve, I share Mr. Bennett's concern. I have watched with apprehension as the Coast Guard's capabilities have been stretched to the limit in recent years with no comparable increase in funding. The Coast Guard now enforces some 21 different laws, with significant new responsibility for fishing enforcement out to 200 miles, pollution control, marine environment management and monitoring of new safety standards, in addition to drug interdiction, as I have already noted. It is high time that the needs of the service are properly recognized and funded accordingly, and I heartily welcome the support of the president of the Navy League in this endeavor.

Mr. President, I ask unanimous consent that the article entitled "A Valuable National Asset Is Endangered" from the August 1985 issue of Sea Power be printed in the RECORD at this point.

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

A VALUABLE NATIONAL ASSET IS ENDANGERED

It may seem ironic that, as an introduction to some remarks on today's U.S. Coast Guard, I will quote a U.S. Marine; however, I'm going to do just that, and I believe my reason for doing so will become clear very quickly.

In the prologue to his recently published book, *The Easter Offensive—Vietnam, 1972*, Deputy Assistant Secretary of Defense for Guard-Reserve Readiness and Training G.H. Turley (a retired Marine colonel) makes this statement: "There is a saying about military men to the effect that, during a service career, 'One must prepare himself for a moment that may never come; prepare to thrust himself into the uncharted arena of battle should the need arise.' Most military men faithfully prepare for this eventuality. However, neither time nor circumstances may arise to create for them that special period of challenge, yet their careers are deemed successful because they were prepared for their potential challenge."

Seldom has the essence of military service been so succinctly stated. Turley's comments are applicable to all of the armed forces, of course, but his words are particularly fitting when applied to the U.S. Coast guard. Not just to the men of the Coast Guard, but to the men *and women* who fill its ranks and prepare for events which may never come; who by word and action fulfill the promise of their motto—*Semper Paratus*—Always Ready.

A situation unique to the men and women of the Coast Guard, though, is that they probably stand a far greater chance than most of their comrades-in-arms in the other services of having to someday face the challenges for which they prepare. The reason for that: Service in the Coast Guard is a personal commitment to sometimes extremely hazardous duty—participation in life-threatening situations—not only in wartime but during routine peacetime service as well.

Last year, members of the U.S. Coast Guard participated in 57,341 search and rescue missions involving 129,650 people. In the course of those missions they saved 5,645 lives and prevented loss or destruction of more than $2 billion in property. In enforcing U.S. "exclusive economic zone" laws and regulations within the nation's 200-mile limit they conducted 15,684 boardings, issued 1,483 warnings, determined 1,342 violations, and seized 76 foreign and four domestic vessels. And in another still relatively new area of responsibility the Coast Guard has sicne 1979 seized 18 million pounds of illegal drugs worth an estimated street value of more than $11 billion.

Considering that the Coast Guard's active-duty strength totals only some 38,000 people, those are unusually impressive statistics. Amazingly, though, those numbers barely scratch the surface of what this valuable national asset has accomplished in recent times—in peacetime missions—and do not reflect at all the Coast Guard's participation and achievements in almost all of the armed conflicts in which the United States has been involved over the past two centuries.

Why, then, does the Coast Guard seem to so many of its friends and supporters to be an endangered service? That's a tough and complicated question to answer.

Perhaps the answer is related to the Coast Guard's size; as a relatively small force it might seem an easy target for budget reductions and funding freezes. Or maybe it is simply that the Coast Guard's missions are so numerous and so complex, particularly for a service of its size, that it has become as much a victim of lack of support as it is a victim of attacks. Then, too, it may be that some otherwise good public servants are so concerned about budget deficits and the need to reduce federal spending that they unthinkingly mandate reductions in some agencies to the point that public needs suffer.

Whatever the reasons, the Coast Guard has been required to spend such an inordinate amount of time in the past few years simply trying to retain and sustain its already inadequate assets that it has been unable to make the much more positive case that it should be funded and manned to the extent needed to carry out the many jobs with which it is tasked.

Already badly shortchanged in the highly publicized, and somewhat exaggerated, "defense buildup" of the past few years, the Coast Guard is in the unfortunate position—now that defense has become somewhat of a pet target for Washington's growing brigade of "deficit busters"—of having to take an additional pounding in regards to funding and personnel. No matter that it was already underfunded and overcommitted. Because of political pressures it may have become easier for some members of the legislative and executive branches to do nothing at all and hope for the best, rather than taking a realistic look at Coast Guard needs and acting accordingly. Fortunately for all of us, that is just about 180 degrees removed from the Coast Guard's own way of doing things.

Talking about the grim situation the Coast Guard finds itself in, though, speculating on why things are the way they are, and vigorously asserting why things should be done differently, certainly will not solve the Coast Guard's problems completely, or permanently. Nevertheless, talking it up, asking why—or, in some cases, why not—and "telling it like it is" as far as what should be done to assure not just the Coast Guard's survival but the procurement of the assets it so badly needs certainly *can* help enlighten those who need such enlightenment—and who have a strong say in formulation and approval of the Coast Guard's budget. So we must continue to speak out on these matters—loudly and clearly.

I believe that we in the Navy League may ourselves have too often "talked up" the Navy/Marine Corps team when in many instances we perhaps should have been talking about the Navy/Marine Corps/Coast Guard team. Not all of us are guilty of this particular sin of omission, but you and I know that many are. The point I want to make here is that we should not just attempt to educate the other fellow, but should also make sure that *we* are receptive to learning a few lessons ourselves—lessons in this case about the multimission role of the Coast Guard and the huge burden it carries with too few people and, all too often, with too little or too antiquated equipment.

We also would do well to remember the challenges faced daily by so many of our Coast Guard personnel. The challenge might be that of boarding a vessel crewed by armed drug smugglers; or diving into shark-infested waters to save a downed pilot; or working outside in treacherous weather to remove tons of ice from an icebreaker in danger of capsizing; or taking a small boat through hurricane-whipped surf to rescue the crew of a fishing vessel; or entering a warehouse to clear poisonous fumes caused by a chemical spill or fire.

Our men and women in the Coast Guard realize that they are not just *preparing* for that challenge that *might* come; they know that they are, in most instances, preparing for something which *is* going to happen—on their watch.

Such people deserve this nation's support. Let's help see that they get it.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTURE OF FDIC CHAIRMAN WILLIAM ISAAC

Mr. FORD. Mr. President, Kentucky has a wealth of capable young business men and women. President Reagan has been most fortunate to have the advice and counsel of one of them over the past several years. Mr. Bill Isaac left a vice presidency at First National Bank of Louisville in 1978 for a position at the helm of the Federal Deposit Insurance Corporation. He has served with distinction, but now plans to depart upon Senate confirmation of a successor.

This has been a troubled season for the FDIC. Radical shifts in the agriculture and energy sectors of our economy and regional blight in areas of manufacturing have led to record numbers of bank failures. Too many Americans have relived the hardships of the depression era; but few have suffered the loss of their life savings in public lending institutions. This is a testament to a Government system of protecting the customer, to the professional standards of the FDIC, and to its departing Chairman, William Saac.

I only regret that Mr. Isaac will no longer be at the FDIC at the time the full impact of the President's economic policies come to bear on the Nation's economy.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. HELMS. Mr. President, has the morning hour been concluded?

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

EXTENSION OF DAIRY PRICE SUPPORT PROGRAM

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 309, S. 1691, legislation to extend the dairy price support program.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1691) to extend the current dairy price support program and suspend the noncash benefit requirement for the Puerto Rico nutrition assistance program for 60 days.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO 715

(Purpose: To delay the announcement of the loan level and the national program acreage for extra long staple cotton)

Mr. HELMS. Mr. Presidnet, I sent an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 715.

Mr. HELMS. 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:

On page 1, line 5, strike out "November 30" and insert in lieu thereof "November 15".

On page 2, line 2, strike out "30" an insert in lieu thereof "15".

On page 2, after line 4, add a new section as follows:

"SEC. 3. Section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)) is amended—

"(1) by inserting ', or within 10 days after the loan level for the related crop of upland cotton is announced, whichever is later,' after 'effective' in the last sentence of paragraph (2); and

"(2) in paragraph (4)—

"(A) by inserting 'and announce' after 'establish' in the first sentence; and

"(B) by striking out the second sentence.".

The PRESIDING OFFICER. Is there debate? If not, the question is on agreeing to the amendment.

The amendment (No. 715) was agreed to.

AMENDMENT NO. 716

(Purpose: To extend for 45 days the current authority for pilot projects under which food stamp allotments may be made in the form of cash to elderly households)

Mr. HELMS. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 716:

At the end of the bill, insert a new section as follows:

SEC. 4. The last sentence of section 17(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended by striking out "until October 1, 1985" and inserting in lieu thereof "through November 15, 1985".

The PRESIDING OFFICER. Is there debate? If not, the question is on agreeing to the amendment.

The amendment (No. 716) was agreed to.

Mr. HELMS. Mr. President, let me say at the outset that this legislation is purely technical in nature. It simply proposes to extend the current Dairy Price Support Program and suspends the noncash benefit requirement for the Puerto Rico Nutrition Assistance Program for 45 days, until November 15.

Also, I have proposed an amendment adding a provision to delay the announcement of the loan level and national program acreage for extra long staple cotton until 10 days after the Secretary of Agriculture announces the loan level and the national program acreage for upland cotton.

These actions are necessary at this time because the provisions relating to the dairy price support and noncash benefit requirement expire on September 30. Both are extended in the farm bill approved by the Senate Committee on Agriculture and duly filed. But that legislation is not scheduled to be acted upon until the week of October 14, and then it is likely that a conference with the House will be held as early as the week of November 4, with final action and possible enactment of the farm bill just before November 14, or about 45 days from the time the authorities extended in this bill again would expire.

DAIRY PRICE SUPPORTS

Mr. President, let me say just a word or so, about the dairy price supports. S. 1691 would freeze the dairy price support at its current level of $11.60 per hundredweight for 45 days. Without this legislation, the dairy program would revert to permanent law on October 1, tomorrow, resulting in a price support level of approximately $16.22.

The Federal Dairy Price Support Program supports the national average price received by farmers for manufacturing milk. The Price Support Program is administered by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, and is carried out under authority of the Agricultural Act of 1949.

In carrying out the program, the Commodity Credit Corporation [CCC] offers to buy butter, natural cheddar cheese, and nonfat dry milk at announced prices. The prices are designed to result in U.S. average prices to producers at least equal to the announced support price.

To accomplish this goal, the CCC removes milk from the market in the form of those dairy products which cannot be sold in commercial channels at prices corresponding to the support prices for manufacturing milk. These products are stored and sold commercially at a later date, donated to schools and other specified institutions, or donated overseas.

As part of the Dairy and Tobacco Adjustment Act of 1983, which is Public Law 98-180, the dairy price support level has been set at $11.60 since July 1, 1985. The provisions of this act, however, expire at the end of this fiscal year, which is tonight at midnight. At that time, the Dairy Price Support Program, without this legislation, will revert to permanent law, provided for in the Agricultural Act of 1949.

It needs to be mentioned that under permanent law, the price support level must be set at minimum of 75 percent of parity. Department of Agriculture estimates indicate that ths would translate to approximately $16.22 per hundredweight. Final determination of the exact support level is scheduled to be made by the Department on this day September 30.

If we fail to pass this legislation, and allow the price support level to increase, Government costs for the program would increase dramatically, and that is an understatement. Specifically, it has been estimated that it will cost taxpayers at least an additional $7 million for each day the Price Support Program is allowed to operate with a support level of $16.22. This translates into an annual cost of $2.5 billion above and beyond baseline costs for the Dairy Program.

Mr. President, I had imagined, perhaps foolishly, that this legislation is noncontroversial. It turns out that most legislation around this place this year in particular is controversial.

But in any case, this legislation is absolutely essential to minimize Government costs for the Dairy Program. It will provide us with 45 days to conclude consideration of new dairy legislation aimed at replacing the current expiring program, and that is why I am on this floor at this moment urging its approval.

PUERTO RICO BLOCK GRANT

Let me address, Mr. President, the provision relating to the Puerto Rico block grant which is the second provision of the bill. This provision would delay until November 15 the date by which Puerto Rico must convert to a noncash benefit program under its block grant for nutritional assistance. The Senate has on several occasions attempted to provide Puerto Rico with permanent ability to operate its program without this constraint. The date was delayed twice in 1983, as I recall, resulting in the present date of October 1, 1985.

Here is the point, Mr. President: There was unanimous-agreement within the Agriculture Committee that Puerto Rico should continue to have this flexibility permanently, and that change is reflected in the committee's farm bill, which has been filed in the Senate. A similar provision is in the House farm bill, which is H.R. 2100, so that we expect agreement on that point if on none other. Let me emphasize that the provision of this bill merely delays the date temporarily in order to provide time for the House and Senate to come to what we all hope will be a final resolution of the issue.

Since July 1982, the Commonwealth of Puerto Rico has operated a block grant in lieu of the Food Stamp Program. Under the block grant, Puerto Rico became responsible for the development and operation of the nutrition assistance block grant [NAP], with the Secretary of Agriculture maintaining oversight for the program's operation.

The Commonwealth made numerous changes in the administration of the program, many of them designed to improve the program's administration and make it less subject to waste, fraud, and abuse. Eligibility levels were reduced, verification of information was increased, and the Commonwealth changed the means of distributing food assistance.

Rather than provide food stamp coupons, the Commonwealth opted to send recipients a monthly check which they were to use for the purchase of food. The commonwealth calculated that savings would accrue from the elimination of substantial paperwork involved in the maintenance of paper coupons, reconciliation of such coupons from retail stores, theft, and other circumstances.

Concerns were raised in the House regarding the appropriateness of permitting cash in lieu of coupons. Legislation on the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253) required that Puerto Rico would have to develop a noncash system by October 1, 1983.

Subsequent legislation in 1984 postponed the date by which Puerto Rico would have to convert to a noncash system, first to January, 1, 1984 (Public Law 98-107) and subsequently to October 1, 1985 (Public Law. 98-204).

The Department of Agriculture has conducted two studies on the existing cash nutrition assistance program in Puerto Rico. The first, issued in early 1983, was based on the first few months of program operation and concluded that the cash system had not reduced the nutritional status of Puerto Rican recipients.

The second study, required by 1983 legislation was recently completed and submitted to Congress. See "Evaluation of the Nutrition Assistance Program in Puerto Rico", volumes I (March 1, 1985) and II (June 1, 1985).

The report again found that the new cash program "did not lead to major changes in household food expenditures or diet quality." the report said:

> The effects of NAP's cash issuance provision were analyzed separately from the effects of NAP's restrictions on program eligibility and the level of benefits. The evaluation used two measures of household food expenditures—total food expenditure, which includes food used at home and away from home, and the money value of food used at home—and several measures of diet quality. The total food expenditure variable provides the most comprehensive measure of food expenditures, while the value of food used at home is more consistent with the nutrition measures, as they are based on food used at home. The analysis using these measures consistently shows that NAP, and particularly the cash issuance components of NAP, did not lead to major changes in household food expenditures or diet quality. In particular, while NAP led to small reduction in the total food expenditure of households, the change to cash issuance itself had no effect. Other measures of household food expenditure and nutrient availability showed small declines due to NAP and smaller still due to cash issuance. These changes are not different from zero in a statistical sense.

The report also concluded that administrative costs declined by $9.6 million, or 18 percent, primarily because of the cash issuance aspect of the program. These savings have allowed Puerto Rico to direct more funds to program beneficiaries. The program also eliminated the potential for food stamp trafficking which was reported as a common occurrence under the Food Stamp Program.

The committee's farm bill provision eliminating the noncash benefit requirement for Puerto Rico does not constitute an endorsement of cash assistance per se. Rather, the committee supports the principle of permitting the Commonwealth of Puerto Rico to choose the system of benefit delivery that is most appropriate to meet its particular needs. If the Commonwealth should choose to deliver benefits in noncash form, it would be free to do so, subject to the Secretary's approval of a revised program plan.

ELS COTTON

Mr. President, now we get to cotton. The third aspect of this effort to extend expiration dates is an amendment to the committee reported bill. The amendment makes two changes. First, it adds a provision stipulating that the announcement of the price support loan level and the national program acreage for extra long staple cotton would be extended from the statutory date of November 1, until 10 days after the Secretary of Agriculture makes similar program announcements for upland cotton.

The Extra Long Staple Cotton Act of 1983, which is Public Law 98-88, provides that the loan level for any crop of ELS cotton shall be determined by an announcement by the Secretary not later than November 1 of the calendar year preceeding the marketing year for which such loan is to be effective and such level shall not thereafter be changed.

The act continued the tie of the ELS loan rate to that for upland cotton, by

establishing it at least 50 percent in excess of the upland cotton loan rate, reducing the percentage from 75 percent previous to the 1983 act.

Because the Secretary will not be in a position to announce the upland cotton loan rate for the 1986 crop until the Congress passes and the President signs the 1985 farm bill, this amendment is necessary, so that the Secretary does not have to announce the extra long staple cotton loan rate until the new farm bill can become law, which will certainly be past November 1.

Second, the amendment changes the extension for the dairy price support and the Puerto Rico food assistance program from 60 days in the bill to 45 days. This is done on the basis that we are likely to move the farm bill through the legislative process more quickly than anticipated when the committee reported S. 1691.

SSI AND ELDERLY CASH OUT

Finally, Mr. President, the SSI and elderly cash out: The purpose of this amendment is to extend, until November 15, 1985, the pilot projects which permit certain supplemental security income [SSI] and elderly recipients to receive cash in lieu of food stamp benefits.

It is interesting that both the Senate and House farm bills provide a reauthorization of this authority. However, because action on those bills has not been concluded, and there again is an understatement, this temporary continuation is necessary to prevent both disruption of cash benefits to these households and significant administrative costs in converting them to the regular Food Stamp Program, using coupons.

While the Department may be able to continue the programs without this specific authority, Department officials would be pleased to have the explicit authority of this legislative change.

The following are areas with the SSI/elderly cashout pilot projects: The States of Vermont and Utah; Hennepin County, MN; Monroe County, NY; Cuyahoga County, OH; Clackamas, Columbia, Multnomah, and Washington Counties, OR; Darlington, Dillon, Florence, and Marion Counties, SC; and Arlington County, VA.

So, Mr. President, I do hope that the debate can somehow be limited so that we can pass these measures. Otherwise, the taxpayer is going to get it right up the nose and it will benefit nobody.

I would emphasize that if legislative action by the House and Senate is not concluded and if the legislation is not signed by the President by midnight September 30, which is today, tonight, then rather disastrous consequences will result.

There is going to be plenty of time, Mr. President, to discuss during the debate on the farm bill all of the aspects and I would hope that Senators would restrain themselves and let us go ahead and pass this temporary legislation and get out of this thicket so that when the farm bill comes up the middle of October we can engage in a debate and discussion free of any dislocation created by failure to have enacted into law the legislation I have just offered.

Mr. President, I yield the floor.

Mr. MELCHER. Mr. President, the events of these times require a change of course for the country. The U.S. economy is endangered by a combination of the continuous annual large Federal deficits and trade imbalances.

Without a change in the economic deterioration in basic American industries, the economic well-being of all of the people of the United States will decline sharply.

It is ironic that, as the summit meeting with the Soviet Union approaches, both the House and the Senate are intensely debating all methods of curbing agricultural production. The major strength of the United States is its efficient and continuous capability of producing agricultural products. It is an unmatched marvel and many abroad consider it a miracle that American agricultural productivity is both cost-effective and plentiful. To contrast that miracle with the agricultural capability of the Soviet Union puts Uncle Sam in the strong position of always being able to export its surplus food production in large quantities, not only as the dominant producer but as a dependable supplier.

Nevertheless, this great American agricultural ability is not used effectively in the Federal Government's development of U.S. policy. The trade imbalance is dragging down the U.S. economy, but export programs are blocked or diminished by the State Department, the Department of Agriculture, or the Office of Management and Budget, all of which are arbiters in the bungling of U.S. agricultural exports. There is no question that American consumers take for granted the abundant, low-cost U.S. food supplies. There is also no question but what the American public firmly believes that the abundant food surplus should be available to the hungry both in this country and abroad. There's not too much food in the world, but there is a breakdown in the sales or donations to the hungry.

There is not too much milk in the world, but there is a breakdown in methods of efficient and effective distribution of dairy supplies to those who are hungry. There is a surplus of fat in the Federal Government policy that turns down applications by foreign governments or private voluntary organizations and cooperatives working in foreign lands to utilize dairy and other American surplus commodities to feed the hungry and to help develop the economies of struggling countries which will develop permanent markets for the United States. And it's also a mistake to allow the continuation of bureaucratic bungling which makes it difficult for community and church food banks, Salvation Army, and community feeding programs for the poor and senior citizen centers to receive the surplus dairy and other food supplies.

Today during consideration of S. 1691, to extend the current Dairy Program for 45 or 60 days, we are opening the debate on the Dairy Program itself, which is a component of the farm bill to be considered by the Senate next month. While all American agricultural producers have found prices for major commodities lower than the cost of production, milk producers have fared better than grain, cotton, rice or soybean farmers. Milk producers have better prices for their production than cattle feeders or cattle ranchers, or hog farmers or chicken producers. But dairy farmers have to be on the job 7 days a week and twice a day, every day, all year, including Christmas and the Fourth of July. Who wants that?

I come from tough country. Montana is a beautiful big sky country—a glorious, big and open land—but tough, with drought sometimes in the summer, and usually very cold and with storms in winter. The toughest times for cattle ranchers are 20° to 30° below zero weather with snow on the ground and the cows still have to be fed. The biting, penetrating cold and the risk of frostbite to face or fingers have to take second place to feed hay to the cows and chop the ice in the creek or water tank so that the cows can survive. But that's just once a day. but the dairy farmer still has to be with the cows twice a day. Yeah, it's tough.

But the result is production of milk that is healthful and cheap. Currently, the dairy program assures these dairymen of getting something less than 40 cents a quart or about 75 cents per half gallon for the milk they sell. The milk is pasteurized and dated and consumers pay more, but it's still a good deal. We don't fear any longer that our children or any of us will be drinking milk that would cause typhoid, or pasteurellosis or tuberculosis. Nowhere else in the world is fresh, wholesome milk available in every store throughout the land at a cheaper price than it is in the United States.

That is no accident. It is the result of the Dairy Program established by Federal law a couple of generations ago. It has two purposes. First, to produce a clean and plentiful supply of milk for domestic use and an ade-

quate amount for export. Second, it is also to provide a decent price level for the dairy producers.

We are a country of people who firmly believe that milk is essential for good nutrition for the young, and we are learning that it is also essential in preventing osteoporosis in the not-so-young, and particularly the elderly.

The Dairy Program has worked because the two essential purposes have been met. It must be continued and improved. The current support-price level for class A fluid milk is $11.60 per hundred pounds. That figures out to slightly less than 75 cents per half gallon or slightly less than $1.45 per gallon. The Senate farm bill will seek to maintain that price level. The Senate farm bill will also seek to increase the amount of exports of surplus dairy commodities and to decrease the surplus already in Federal storage, which will cost about $200 million in Federal storage payments next year. There is need for greater distribution of the surplus in the domestic programs I previously have mentioned—the food banks, the charitable feeding programs, the schools and senior citizen centers. There are three ways to utilize it abroad—Food for Peace, section 416, and commercial sales, all of which should be increased.

There is a very practical reason for acting on S. 1691 to extend the Dairy Program for a few weeks. If this bill does not pass, the provisions in the 1949 Farm Act will come into effect as of October 1. In the 1949 act, fluid milk is to have a support price equivalent to 75 percent of parity, which is $16.20 per hundredweight, approximately 40 percent higher than what is the present required price support. The efficiency of American dairy producers has improved dramatically in the past 35 years. Dairy producers themselves are advocating the passage of this bill so that the higher support price will not be required. Dairy farmers believe that the $16.20 price is unrealistic.

Just as unrealistic is the oft-repeated suggestion of Secretary of Agriculture John Brock that, if he doesn't get his way to reduce the price support for dairy and other farm commodities, he will strongly advocate that the President veto the farm bill. Is he speaking for the President? If he is, one of the effects of a Presidential veto of the farm bill after October 1 would be to return again to the provisions required in the basic 1949 Farm Act. Fluid milk would be supported at $16.20 per hundred, wheat at close to $4 a bushel, and corn at $3 a bushel. And the Secretary of Agriculture would require that massive amounts of farmland would be taken out of grain and other production.

So why the threats of veto? Is it because the farm bill is $3 billion per year over budget, as estimated by the Congressional Budget Office? Is the threat of veto because John Block estimates the cost even greater, something like $7 billion per year over budget?

Is the threat of veto because the President and the administration have accepted the bungling of agriculture exports to be continued without improvements during the next 4 years?

Is the threat of veto because John Block's Department of Agriculture says that wheat has to go to a price of $2.46 or corn $1.72 per bushel before times can get better?

Is the threat of veto because the farm credit system and farm credit in commercial banks has to be stripped of solvency so more farmers will go broke?

Does the continuous prattle of Secretary John Block about too many agricultural producers and the sad situation of good, efficient farmers being liquidated have to go on unabated, without positive steps to prevent the deterioration of the entire U.S. agricultural sector and its scores of thousands of rural communities?

Must we continually endorse by our silence and inaction the nonchalant ineptitude of thick-headed policy of both the State and Agriculture Departments in blocking or cutting U.S. agricultural exports?

I believe not.

All farmers and ranchers throughout America say: Stop this nonsense and increase exports, whether Republican or Democrat, whether they voted for Ronald Reagan—most of them did—or for Walter Mondale, they are joined together in saying these policies are wrong. There is nothing partisan in the demand for the change in policies. They are not playing politics. They are only demanding that the country's most basic industry, agriculture, must survive. They are not satisfied that price supports determine their income. They want the market price to provide the income and the challenge and the opportunity for making a profit. They are being denied that opportunity because the Federal Government has devised farm programs that are not only costly but have failed miserably to utilize American food abundance as a cornerstone of American policy abroad. American agricultural producers are strong and they realize that America's basic strength lies with them.

I am aware and I am convinced that this agricultural strength is basic to the well-being of the entire U.S. economy. The ineptness of the Departments of Agriculture and State are beyond reality. We cannot afford to have them calling the shots that are perceived as American agricultural policy. A Presidential veto of the Senate farm bill would not only be tantamount to condemning the agricultural economy to a continuation of the present disaster but would also threaten the possibility of a continuation of economic recovery for the country itself.

(Mr. MATTINGLY assumed the chair.)

Mr. MELCHER. Mr. President, I certainly want this bill to pass, and to pass today. I am looking now at a bill—H.R. 3454—the House has passed today. I believe the bill is here at the desk. It contains all the provisions that the able chairman of the Agriculture Committee has described in both S. 1691, and the amendments that he has offered today.

I am glad that the chairman of the Senate Agriculture Committee is giving a good explanation of both what we seek to do in the bill. The bill provides for a continuation of the support price of milk for 45 days at the current level of $11.60 and addresses other matters concerning cotton and the Puerto Rican Food Stamp Program.

Last Thursday, we thought, after we got tobacco taken care of that we were going to discuss S. 1691. But that did not happen. It was either too late or the hurricane was too strong. In any case, S. 1691 was not called up.

The reasons I am in support of the bill is for the practical matters that have been ably described by the distinguished Senator from North Carolina, the chairman of the committee. I am for passage of the bill. This bill opens up the debate on the 1985 farm bill. There is no reason at all to pass the bill, or the one identical that the House has passed, except that, without passage of it, and without enactment of the new farm bill, provisions of the 1949 act will become operative.

As the chairman has described, if the 1949 act provisions govern the milk support price would increase from $11.60 per hundredweight, the price support for milk under the current dairy program, to over $16.20 per hundred weight. Some people have it even zeroed in on $16.22 per hundredweight. Whatever the exact figure the parity support would be nearly 40 percent more than the current price support for milk. That figure is based on 75 percent of parity; 75 percent of parity which was thought in 1949 to be fair and adequate for a dairy price support program.

In 35 years, the dairy farmers of this country have become so much more efficient that a support price of 75 percent of parity is not necessary to ensure adequate production. The necessary support price is much less than parity—$11.60 per hundredweight. The adequacy of the lower support price is quite an accomplishment in 35 years.

I want to make it clear that the dairy producers of the United States, dairy farmers and their cooperatives,

want this extension of the current price. They do not want to see the support price go to $16.20, 40 percent higher than it is right now. They do not want that.

Now, people sometimes are led to believe that dairy farmers are not only stripping teats to get the milk, they are led to believe dairy producers are stripping the taxpayers and the Treasury to get some money. I do not think that is the case at all. Dairy farmers and their cooperatives recommend that this bill be passed so that the price does not go to $16.20 per hundredweight.

You might say, "Well, what does that mean to me?" Let me tell you what it means to you. It means that those dairy farmers are out there milking those cows twice a day, every day of the year, including Christmas, the Fourth of July, and all other holidays. They are out there milking those cows and they are selling milk for about 75 cents a half-gallon. That is what the dairy farmer achieves for consumers. The dairy farmer receives less than 75 cents a half-gallon. That is what they sell it for. There are added costs as milk is moved from the dairy farmer to the dairy cooperative facilities and then to the stores.

We have made progress in the dairy program since 1949. As a result the dairy farmers are saying, "We would not want to go back to the 1949 act because $16.20 per hundredweight for fluid milk is impractical. It is too much." But they are also saying to us that they want it at $11.60, at least the current price. They do not want to see that support price reduced either.

If the chairman will yield to me, I wonder if he would answer this question. Why do we hear so much about a veto of the farm bill? Why do we hear Secretary Block saying, "Well, the farm bill as it stands now"—now, I assume that also means the Senate farm bill. Why does he say it ought to be vetoed and he recommends a veto? Can the chairman indulge me in answering that question?

Mr. HELMS. Well, of course. The distinguished Senator from Montana has the floor, and I cannot yield to him.

Mr. MELCHER. I yield to the distinguished chairman for that very purpose, to answer that question.

Mr. HELMS. Well, I cannot speak for the Secretary, nor can I speak for the President, but I can give you my impression that they feel that both farm bills are budget busters. But they will have to make their own arguments and, when the bill comes to the floor, I will make my own argument.

Mr. MELCHER. Could the chairman tell me the cost of the farm bill, if that is why Secretary Block is making those statements? Budget buster does not mean much. How much would the Senate farm bill cost?

Mr. HELMS. I cannot speak for the Secretary, nor can I attribute figures to him, I say to my friend.

Mr. MELCHER. Well, would the chairman indulge me further by telling me how much he thinks the cost of the farm bill might be and under whose count—whether it is CBO's or OBM's or Secretary Block's?

Mr. HELMS. Well, I will repeat what I said the other day to my friend from Montana. He is correct. As is always the case around this place, there is a difference between assessment of cost. CBO has set one set of figures, USDA has another. And if the Senator is going to ask me how I account for the difference, I cannot. The estimates that CBO has prepared on the 1985 farm bill—incidentally, as the Senator knows, we are obliged to use the CBO figures—their estimates indicate that this bill spends $41.6 billion for the commodity programs over the next 3 years. The committee bill—I am using CBO figures—is $8.4 billion over the budget resolution for the agriculture commodity and credit programs according to CBO.

The USDA says that the committee bill is closer to $20 billion over the budget. Maybe the Senator has been informed by Secretary Block that the President is going to veto the bill. I have not had any message from the Secretary. I have simply had indications that unless some resolution of the disparity in costs is achieved we can expect the President to look long and hard at the budget overrun for the farm bill as reported out by the Senate Agriculture Committee.

Mr. MELCHER. What would be the cost of farm programs if we revert to the 1949 act? Does not the basic law in the 1949 requirement require that we go back to a different set of figures on price supports for cotton, wheat, corn, and perhaps other commodities?

Mr. HELMS. I say to the Senator, that is correct. But I think the Senator will acknowledge it would be utter chaos to try to administer the 1949 bill. I do not think any Senator would be so irresponsible as to lead Congress into that position.

Mr. MELCHER. I agree with the chairman. I do not think that is responsible. But is it not also an indication of what could happen if the farm bill is vetoed, say, in November? Then we would be left with operating under provisions of the 1949 act because we might not pass another farm bill all that easily?

Mr. HELMS. Again, it depends on a Senator's view of the responsibility of first the Agriculture Committee and then the Senate. My view of it is that Senators both on and off the Senate Agriculture Committee are more responsible than that. I will point out to the Senator that there have been occasions, when the farm bill was passed in mid-December. But I will say to the Senator it is my intent as chairman of the Senate Agriculture Committee that there will be some sort of a farm bill. I do not want to cross bridges before we get to them. I think we ought to see what happens on the floor. There is variety of opinions about various aspects of the farm bill. I expect the Senator is going to agree with me—that there will be a lot of votes on a lot of questions when the farm bill reaches the floor of the Senate for consideration in the middle of October.

Mr. MELCHER. Might I further ask the able chairman if he will respond to this: Are we going to be using CBO figures? Am I correct on that? Will we be using CBO's set of figures on the debate on the farm bill?

Mr. HELMS. I expect the debate will be on everybody's figures, including some pulled out of thin air.

Mr. MELCHER. That leads me to a problem. If the distinguished chairman is going to use CBO figures that means we are not going to be trying to mix them in with John Block's figures, or OMB's figures. Does the distinguished chairman want to use CBO's figures? Is that what the chairman will recommend? Is that how this debate will unfold, using one set of figures?

Mr. HELMS. I am only one Senator. I happen to be the one Senator at this moment who is chairman of the Senate Agriculture Committee. But I think I am pretty much like the Senator from Montana whom I admire and respect—that we will try to be reasonable and sensible. But I will say again as best I can in responding to the Senator that we operate on CBO figures. But that does not exclude or foreclose the use of other figures in arguments. I cannot predict what the other Senators will use.

Mr. MELCHER. I am more interested in what Senate figures the distinguished chairman uses and what set of figures the distinguished majority leader uses. If they both use the same set of figures—compiled by CBO—I do not think there would be any argument anywhere in this Chamber about the figures we are operating with.

I think the distinguished chairman has responded. I interpret the response to mean he favors using CBO figures as the responsible figures. The budget resolution contemplates that the CBO estimates will be used. The distinguished chairman says the farm bill is $8 billion-plus over the budget, as the Senate projected the budget for the next 3 years. If the distingushed chairman will further indulge me, if the bill exceeds the budget by $2-something billion, up to $6 billion or $8 billion over 3 years, will the President, John Block, and the chairman want the bill enacted rather than vetoed? Is that what we are talking

about—$3-something billion over the budget for this farm bill? If outlays are reduced by some amount, then the President, John Block, and the distinguished chairman support the bill? Am I to believe that?

Mr. HELMS. That depends on how much you reduce it. Let me level with the Senator.

Mr. MELCHER. I am talking about reducing the cost of the bill by an amount by which it exceeds the budget.

Mr. HELMS. Here is the problem I will say to my friend from Montana: I have to level with the Senator. If you ask me which set of figures are closer to being accurate, CBO or USDA, I would be inclined to say to you, and I have to be honest with you, I think the USDA is closer to being accurate for the simple reason that the CBO estimates are calculated from the January baseline as the Senator knows, and those calculations include assumptions that are no longer valid. But were CBO to recalculate on the same basis at the same time or for the same time as USDA did, I expect the cost overrun of the committee bill would be much larger.

Mr. MELCHER. I know the distinguished chairman is being very honest with me. But the chairman was also very honest with me when he said that we had to use somebody's figures and we were directed to use CBO's. Assuredly the distinguished chairman cannot answer for anybody other than himself. But might I ask this: Does it simply mean that the veto threat that John Block enunciates would be removed, in the distinguished chairman's view, if the bill that left the Senate meets that test—a reduction of $6 billion or $8 billion for the life of the bill?

I believe the CBO is talking about a 3-year period. Will the distinguished chairman encourage in that case that the President sign the bill?

Mr. HELMS. I cannot answer the Senator's question because I am sure the CBO is going to be asked to update and be more definitive in its estimates. I have heard Senators around the Chamber who are not on the Agriculture Committee who are interested in one commodity or another saying they want more updated information than the January baseline that the CBO used.

We have a pretty good farm bill. As the Senator knows, there are 22 titles, as I recall, involving about 2,600 provisions in the farm bill. That is a pretty hefty piece of legislation. Most of the bill is sound. It does, of course, not go as far as some would like, or further than some would like. But the question is, Are we, at this point, when the farmers are in difficulty, going to embark on a sound policy or are we going to continue with the failed policies of the past?

I think for most of the 22 titles of the 1985 farm bill, as it was voted to be reported by the Senate Agriculture Committee, we have made progress.

I would not want the Senator to try to lock me in on anything I might do or say because I am going to operate as best I can to bring accurate information before the Senate. I know the Senator from Montana will do the same thing. I would not ask him to make a flat-out commitment on anything because he has a right to change his mind between now and the time the bill reaches the Senate floor, and so does every other Senator.

I respect the Senator, but I decline to be locked into any set of figures at this point.

Mr. MELCHER. Let us just clarify that. As I understand, the chairman has said that we will use CBO figures, their budget figures, to determine what commodities or if the entire package is over the budget.

Mr. HELMS. That is the procedure here, I will say to the Senator, but it does not exclude consideration of other responsible legitimate information.

Mr. MELCHER. It certainly would not exclude anything, but it will be less confusing to everybody if we can agree to use the same set of figures so that we are all talking about the assumptions that are the same. If we use another set of figures, obviously, they are based on some different assumptions. If we use CBO's, they are based on their assumptions.

Mr. HELMS. As of last January.

Mr. MELCHER. As the able Senator has said, as of last January. Too, the Department of Agriculture has had some changes in their assumptions. That could be reflected in CBO's figures sometime in the future. But I am talking about what CBO has now or what they might have estimated when the bill is on the floor.

Mr. HELMS. I understand.

Mr. MELCHER. As I interpret the chairman's comments, he said that we would use CBO's figures for the purpose of measuring what overage there might be or might not be in the various titles of the bill.

Mr. HELMS. Not discounting or excluding any other information that may be valid.

Mr. MELCHER. I understand what the chairman has said about the various titles of the bill and the conditions that might prevail if there is no bill finally passed or the bill is vetoed and the veto is not overridden. Then there would be no bill passed. The distinguished chairman described that, I think, in one word, as chaos.

Mr. HELMS. Let me be more optimistic. I am sure the Senate will work its will, I say to my friend from Montana. He and I will be on this floor to do the best we can.

Let me be as clear as I know how to be about the question of the Senator from Montana with regard to the CBO.

Sure, as the Senator knows and as the Senator has said more delicately than I might have said, every committee in the Senate has to jump through the CBO hoop. We have to make our judgment based on the CBO figures plus whatever else we can come up with. But the President is not bound by custom or tradition, and certainly by no law. The President does not have to use the CBO figures. He does not have to use the USDA figures. He will make his decision based on the latest and best information that he has when he receives the bill from Congress.

The President will use his own figures.

I will say to the Senator that in 1981 when this Congress had adjourned for the year and I had gone to Raleigh, I got a call from the President saying, "You better come back up here and justify this farm bill you sent down."

The next morning I flew to Washington. We sat down in the Cabinet Room and he said, "Tell me why I should sign the bill."

I said, "That is uniquely your decision to make, Mr. President. Personally, I think it is a pretty bad farm bill."

He said, "I have not made up my mind."

I said, "Mr. President, you have to assess the alternative to not signing it."

Others were sitting at the table and they give him the alternative. To make a long story short, he signed the bill.

I do not know what will happen this year, I say to my friend from Montana. I will be just as honest with the President as I am trying to be with the Senator from Montana. I do not know what will emerge from this floor after the mid-October debate, however long it takes. But I say again to my friend that the important thing, the most useful thing we can do, would be not to concentrate so much on how much money the Federal Government is going to shovel out, whether it be to agriculture, to business, or whatever. That is not the important thing.

The important thing is sound policy.

I think the fact is that there was a splendid contribution by the Senator from Montana, that we made progress in reassessing and reevaluating various functions under our purview so we have the makings of a good farm bill. But right now, it is the judgement of the Senator from North Carolina, and I may be proved wrong, the bill is off target in terms of the budget resolution and I could not vote for it.

Mr. MELCHER. I do not want to pin the distinguished chairman down but I would have to interpret his remarks to

be that he might believe that if the costs were reduced something like $2 billion or $3 billion a year, which is $8 billion or $10 billion for the life of the bill, he would be in support of the bill. I understand the distinguished chairman has also reviewed other sets of figures based on other assumptions, namely, the Department of Agriculture figures.

It is discouraging for the able chairman, I assume, to have to explain why those different assumptions adopted since the first of the year cause the actual cost of the bill to be higher than what it would be on the January 1 base line. Those assumptions include a decline in exports. That has been rather dramatic ever since January 1. The exports of agricultural commodities from this country have gone down precipitously, or at least they add several billion dollars in further costs.

Mr. HELMS. If the Senator will yield, one of the questions we had to confront in the committee is why has that been happening. I think we addressed it in our export title. The Senator made an enormous contribution to that matter.

Mr. MELCHER. Mr. President, I thank the distinguished chairman for that statement. The facts are that the January 1 baseline assumptions were based on forecasts by the Department of Agriculture at that particular time and have since then been revised. However, CBO cannot just automatically readjust an entire baseline for one Department without looking at the rest of the agencies of the Federal Government. Therefore, Congress can deal consistently with that January 1 baseline.

In the case of agriculture, the assumptions that had to be changed show lower exports and higher-than-anticipated participation in the Government programs; namely, the commodity price support programs.

And, of course, the third reason for higher costs is that the prices for farm commodities have declined during the year. The Treasury, in order to maintain that same level of support for commodity producers, the farmers, has had more outlay than was anticipated. It is not that the farmers have gotten any more money; it is simply that the exposure and the cost to the Treasury because of declining farm prices have been more than the Department of Agriculture anticipated.

I must say, Mr. President, that the Farm Program that we have is a blueprint for disaster. Part of the problem is the decline in agricultural exports from this country. There is no political argument here between Democrats and Republicans when you get out into the grassroots areas. It is not that the Democrats are telling me, pass some kind of bill that holds the line and expands exports. It is not that Republicans are telling me the same thing. The case is that all people are telling me, whether they are Democrats, Republicans, Independents or Libertarians—we have Libertarians, too, in Montana—they are all saying the same thing. If you are a Libertarian, you do not want the Government in meddling with your business. Do not think that farmers and ranchers, whether they are Republicans, Democrats, Independents, or Libertarians, want the Government in there with Government payments in their business as a sole source of livelihood or as the difference between staying in operation or going broke.

They do not like the current situation. They think this is a terrible present and a horrible future for them. If all that is going to sustain their businesses, their livelihoods, so they can own their farms and ranches and stay in business, is Federal payments, they think that is a terrible future. They do not like it. They do not advocate that as a farm program.

If we remove even the existing safety nets, including target prices and the price support programs, we are going to have an utter collapse of American agriculture.

Farmers and ranchers are not getting their preference. They are locked into a situation where the price is so drastically low that the only way to stay in business for many of them is to continue these programs while we improve the utilization of food both here and abroad.

This administration is flunking out, absolutely flunking out on the report cards of farmers and ranchers and it does not make any difference whether they are Democrats or Republicans: This administration and their policies are getting an "F" on their report cards. Whether farmers or ranchers or agribusiness, suppliers of services, the local high school superintendent or the barber or the minister, it does not make any difference. As far as they are concerned, the agricultural policy of this administration receives an "F."

This is the time to change policy. This is the time to change it, Mr. President. We cannot put up with a lot of blather from Secretary John Block or whoever in the administration has said, "Well, we are going to recommend that the President veto the farm bill." There will be a conscientious effort on the floor to reduce the cost as low as possible, but not at the expense of bankrupting these operators.

We do not have too much food produced in the United States. We do not have too much food in the world. We just do not have the right mechanisms for distributing it to those people who are hungry, both here and abroad. We have food kitchens, food donation programs—food banks, they are often called—we have Salvation Army kitchens supplying meals to the poor, we have senior citizen centers that help the nutrition levels of seniors. We have a lot of things right here in this country that have a hard time getting through the bureaucracy to get at the surpluses of commodities, dairy or flour or other commodities.

Certainly, we have had a concerted drive of bungling and fumbling by both the Department of State and the Department of Agriculture in utilizing our programs to export surplus commodities abroad to where hungry people are and to where developing markets should be expanding.

We need to pass a bill that does something to expand exports and that keeps a safety net in place in terms of price support mechanisms and target prices in the coming years. The bill would be for 4 years. We have to get over this pessimistic, dismal policy enunciated for the country by the Department of State and the Department of Agriculture on agricultural exports. The price improvement that farm and ranch operators must have in order to allow them a decent living has to come in the marketplaces.

Farmers cannot tolerate prices as low as John Block says they are going to go.

He says wheat prices will be down to $2.42 in the coming 24 months, corn prices will be down to $1.75, and all other commodities will be equally low. But we have to change that pessimistic, do-nothing policy within the State Department and Agriculture Department on exports, get them in the business of promoting these export programs rather than blocking them.

When we do that, we will get some fresh direction. When we do that, we will have different assumptions. When we do that, we will not have such big estimates of costs on these various commodity programs.

The Senate Committee on Agriculture did report out a bill that is workable, a bill that can certainly be improved upon, and a bill that the President would be well advised to sign when it reaches his desk. That is necessary to have these farms and ranches survive and have an agricultural economy that survives. Their economic survival is too important—not just to them, not just to rural America; it is also crucial to the entire U.S. economy.

If we want a full-fledged, go-for-broke type of depression that we had in the thirties, all President Reagan would need to do would be to veto a farm bill that we could agree to on the Senate floor. If so, watch the consequences. We would see a farm-led, farm-fed depression in that case. This economy is not really very strong now. It does not do us much good to have the Dow Jones average above 1,300 points and have everybody who produces commodities out of the Earth in

the United States going broke. Yet that is about what is happening. If the situation continues, it will mean a general recession for the whole country.

The time of decision in the Senate will be when we take up the farm bill. The majority leader said that will happen on October 15. We will make our decision then. I believe we are going to make the right decision. We may be slightly over the budget when this bill leaves the Senate, when it goes into conference, when it comes out of conference, and goes on the President's desk. If the President wants to mitigate the cost of farm programs the first thing he ought to do is look closely at the State Department's and Agriculture Department's bungling of agricultural exports.

I thank the distinguished chairman of the Senate Agriculture Committee, the Senator from North Carolina, for being present today and discussing in detail some of these matters. I also see the distinguished Senator from Mississippi [Mr. COCHRAN], one of the leaders in the Senate on agricultural matters. I hope he will add his comments to what we have been discussing.

Mr. HELMS. Mr. President, as we sink deeper into this discussion of target prices and loan rates and other Government jargon, it is important to take a step back and look at exactly what it is we are talking about.

We have heard that reducing the cost of the farm bill would wreak havoc on rural America. I want to make it clear that what we are really talking about in many instances is the size of the Government check that we will be sending to people who are, by most standards, wealthy.

Mr. President, recently I cited some figures that were called into question by another Member of this body. I asked the staff to check on those figures, and I want to repeat those again here today.

These are figures that have been compiled by J.B. Penn. Mr. Penn is a well-respected agricultural economist and formerly an official in the Carter administration. He compiled these figures using data from the Economic Research Service of the Department of Agriculture.

Now, what Mr. Penn did was to divide farms by sales class, and then compiled the assets, liabilities, and net worth of farms in each sales class.

The smallest sales class was a category of farmers whose gross sales are less than $5,000 annually. Bear in mind, 35 percent of all farms in the United States fall into this category. On the average, these farmers have assets of $123,337, liabilities of $13,743, for a resulting net worth of $109,594.

Well, one says, I don't have many of those kind of farmers in my State. OK, let's look at farmers whose gross sales are between $40,000 and $100,000. These comprise 16 percent of all U.S. farmers. These farmers have assets averaging $657,875 and liabilities of $125,976, so their equity, or average net worth, is $531,899.

Oh, no, one says, you're certainly not talking about the farmers in my State. I agree that not all farmers have this kind of equity. There are many farmers who are in dire financial straits. But on the average, most farmers are doing much better financially than the average American family. So what we are debating here is an income transfer—from American taxpayers whose median family income is $24,580 in 1983, to farmers whose net worth is over half a million dollars.

The worst of it is that many billions of the payments we are talking about will be going to those who need them least. Almost one-quarter of farm program payments go to farmers whose gross sales are between $100,000 and $200,000 annually—and whose farm equity is $877,309.

Mr. President, the issue is not the destruction of rural America, but the billions of dollars of taxpayer money going to people who are—on the average—not in financial distress and many of whom possess substantial wealth.

I do not particularly want to engage in debate on the farm bill at this time—but the Senator from Montana is certainly making some excellent arguments.

However, no one is talking about doing away with farm programs. The Senator's point on budget exposure is very true as regards the bill as filed by the Agriculture Committee. The bill contains sound policy as regards exports, conservation, and loan rates. However, the bill freezes target prices for 4 long years. This ensures that farmers will engage in continued surplus production and that the Secretary of Agriculture will be forced to require large acreage reductions in order to control costs to the Federal Government, and to keep commodity prices from excessive decline. In addition, the committee bill provides overly generous benefits to producers who do not need them. I offered a package of amendments in committee that would correct this policy imbalance—and would bring the bill into budget compliance.

Mr. President, I ask unanimous consent that this package be included in the RECORD at the conclusion of my remarks.

I hope that Senators will consider this package—and realize that we must adopt specific amendments to ensure that the 1985 farm bill makes sound farm policy—and achieves the budgetary goals that Congress has agreed upon.

I am convinced that we can do this—if we really want to. If we can rise above any partisanship that one side or the other may be eager to seize—we can have a farm bill that is fair to both the farmers and the taxpayers of this country.

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

FARM BILL SAVINGS OPTIONS

[In billions of dollars]

	3-year savings	
	USDA	CBO
1. Freeze target prices in 1986 at 1985 levels (except $11.12 for rice), and allow a 5-percent reduction each year thereafter.	−2.3	−2.7
2. Reduce the portion of the farm acreage base on which deficiency payments would be made each year to eliminate payments on surplus production.	−6.0	−3.3
3. Base deficiency payments on the season average price for wheat, feedgrains, and rice; and pay 90 percent of the estimated deficiency payment at the normal time, after the first 5 months of the market year.	−1.0	−1.0
4. Reduce the dairy price support level by $0.50 on January 1, 1986.	−.6	−.7
5. Reduce the 10-million acres required for the conservation reserve in 1986 to 5 million acres, and add 10 million acres in both 1987 and 1988.	−.9	.....
6. Require 50 percent cost sharing on the establishment of a cover crop on conservation reserve land.	−.3	−.5
7. Reduce the Intermediate Export Credit Program from $1.0 billion to $500 million per year and use only credit guarantees instead of direct credit.	−2.4	−1.3
Subtotal of savings options	−13.5	−9.5
Less overlap when 1 and 2 are combined	−1.0	−.5
Total savings for items 1 through 7	−12.5	−9.0

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. HELMS. Mr. President, will the Senator allow me to put in a quorum call for just a second?

Mr. COCHRAN. Mr. President, I am happy to yield for that purpose.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I rise to commend the chairman of our Committee on Agriculture, Nutrition, and Forestry, the distinguished Senator from North Carolina [Mr. HELMS] for his leadership in our committee, and for bringing legislation to the floor that has to be passed to continue the operation of certain important programs of the Department of Agriculture which enormously benefit our agricultural sector.

Included among those items is an extension of the Extra Long Staple Cotton Act of 1983 which permits the orderly administration of that act in the absence of the enactment of the new farm bill. As the chairman so well described, it is important that this extension be approved by the Senate today because the 1981 farm bill,

which contains this and other programs, expires on September 30. Two years ago it was my pleasure to introduce legislation that when enacted became the Extra Long Staple Act of 1983. This was an effort at the time to make it possible to enjoy greater marketability of this important product of some of our U.S. cotton producers.

I do not know that this or any other provision of the bill before the Senate should be controversial. We are simply attempting to make it possible for the Secretary of Agriculture to have the authority to carry out the terms of these laws and these programs until we can get a new farm bill enacted and signed by the President to supersede the other programs described in this bill.

In connection with some of the statements, particularly those made by the distinguished Senator from Montana [Mr. MELCHER], who is certainly one of the most knowledgeable members of our committee and contributes greatly in our debates and in the formulation of legislation in the Agriculture Committee, with respect to farm problems right now and the downturn we have seen in the export of U.S.-grown agricultural commodities, this is an area that has been very frustrating to our Nation's farmers and for administration officials alike I think, and certainly those of us in Congress who are interested in making sure that our laws and our trade practices and our strategies are the best possible to help assure profitability on the farms of our Nation, frustrating because we have seen projected some of the smallest dollar volume sales of U.S. agriculture products abroad this year than at any time in the last 3 or 4 years. It is a time when we need to be as aggressive as the law allows to make sure that our exporters enjoy the best possible success in the international marketplace. But let me say that even though it is easy to point out failings and unfortunate results of worldwide economic conditions, I think we are now seeing some very encouraging signs in terms of administration officials being conscious of the fact that we are going to have to be innovative, we are going to have to be aggressive if we are going to help work our way out of this economic situation we are now in in agriculture.

I was particularly encouraged and gratified when I saw that, at our instance, the central bankers and chief financial officers of five nations, including the United States, met in New York recently to devise a new strategy to bring in better balance the values of the respective currencies of our countries in the international currency marketplace.

I know that Senators are aware that Great Britain, France, West Germany, Japan, and the United States joined in this meeting, in this discussion, to try to come up with a way to help assure a fairer, more realistic, more economically sound balance among the values of the major currencies.

As a result of having that meeting and announcing a policy of intervention where necessary to help lower the value of the dollar in relation to some of these other currencies, we saw the dollar seek a more favorable value for our exporters immediately, just on the announcement itself, on account of the announcement itself.

Since then, there have been some indications that we will be willing to back up that agreement with action, where necessary, to establish credibility of the agreement.

I think that what this does, maybe more than anything we could do here today on the floor of the Senate, in terms of legislative changes, is to make it possible for us to sell more of our U.S.-produced agricultural commodities overseas. The reason for that is simply that, because of the imbalance of the dollar, because of the strong dollar, which is good for some things but is bad for exporting, foreign purchasers have had to suffer a 30-percent to 40-percent penalty for buying U.S. products.

Described simply, one who chooses to purchase grain from the United States instead of Australia or Canada or the European Community or some other producer country, before actually consummating the transaction, converts his own currency to dollars and in doing so loses 30 percent to 40 percent of the buying power of that currency. People who talk about the value of the dollar being overvalued and the value of the dollar making it more difficult for us to compete in the international marketplace by exporting realize that is the reason why it is important for the agreement that was reached in New York to become effective and for it to work.

I commend Secretary Baker, the Secretary of the Treasury, for his leadership in this effort. I commend the President for the initiative his administration is taking in this effort, because it illustrates a degree of imagination that we really need to bring to bear on the problem of foreign trade, of trying to do a better job of marketing our commodities.

However, no matter how much imagination or how many new laws we pass—the trade bills that many have introduced to try to redress the problems in this area—we are not going to be successful unless those with whom we are doing business are able to make the purchases. We cannot accomplish that, we cannot bolster economically a prospective purchaser, by passing a bill on the floor of the Senate or by adopting a new regulation or policy. Much of what we can do in terms of improved sales abroad depends upon the financial well-being of those with whom we are doing business.

Many suggestions have been made about enlarging the scope, the dimensions, of our concessionary sales programs, of our donation programs, and urging that this is an important way to deal with the problem.

I agree that, with respect to those who are in such bad financial shape that purchasing U.S.-grown commodities is out of the question, we need to review carefully our policies and be sure that we do have a sensitive and workable policy for donation where that is needed, for concessionary sales where that is the more appropriate way for us to get rid of a surplus and to help a needy neighbor or friend. But we also should recognize that, as a country, we are the strongest commercial agricultural Nation in the world, and we are in the agricultural business to sell. We are in business as a nation economically to be sure that we get a fair return for the work and the investment and the struggles that are taking place out on the farms in America. So we need to have a policy that encourages sales as well. We do not want to undermine the commercial strength of our country by being too generous on the side of donations or concessionary sales.

It is obvious, Mr. President, that you can give away more of something than you can sell on credit and that we can sell at a discount, or on credit at a very attractive rate of interest, more than you can sell for the full cash price. That is just an economic fact of life.

So, in pursuing a policy that aids our export effort, I think we need to keep in mind that we should not adopt a policy that has the effect of undermining our efforts to sell and to make a profit and to help assure continued economic strength and economic opportunity in the agriculture sector.

I think we are going to find that as our trading partners around the world continue to improve their own economic situations, we will be able to sell more. We are going to see those numbers improve.

It has been depressing and frustrating to see the projections from the Department of Agriculture go from $38 billion in projected sales this year to $32 billion just over the past few months. Every time there was a report, an outlook, on exports released by the Department, it was lower than the projection of the month before or the reporting period that came just before. All year, we have seen that take place.

I, along, with Senator MELCHER and others who are very much involved in trying to help make sure that we make the right decisions in the farm bill and in other legislation, want to see these numbers turned around. We want to see the projections going up from now

on, rather than down. I think the administration wants to see them go up and not down.

Declining exports are not good politics. Declining exports are not good economics. No one wants to be a part of a policy that leads to more of the same. I think that is why we are seeing now a very imaginative and strong effort being brought to bear on this problem by the administration and by many in Congress who are developing ideas for legislation, for new ways of attacking this very troublesome problem.

I think we are going to solve it. But we are not going to solve it all by just passing a bill or changing a procedure. The change is going to have to come as a result of an improved worldwide economic condition and of fairer trade by those who are competing with us in the international marketplace. We have to do a more aggressive job, a better job of convincing our friends around the world that they cannot with impunity subsidize exports to the point where we are actually cut out of markets, pushed out of markets.

We have the strongest economy in the world. We should be able to use that strength and use our diplomatic skills to make sure that fair treatment is accorded U.S. exporters by our competitors. I think we can do that.

I am pleased that, in the farm bill that will be brought to the floor later next month, we will see some new initiatives written into that bill that should make it more likely that we will compete effectively with other producer nations in the future.

To conclude, Mr. President, let me say that this bill is necessary and important for us to enact today so that we can permit the Secretary of Agriculture to continue to administer certain programs in the absence of the passage and enactment of a new farm bill. Some of these issues that are being discussed are related indirectly to the provisions of this bill. They are important for us to focus on and to think about. But I think we will have probably a better opportunity when the farm bill gets to the floor to look at fully and in detail the provisions of the bill as they relate to export enhancement and support for our export effort.

I hope we can pass that bill and send it to the President. I hope he will sign it. I think we can work together to see that it is a document that reflects responsibility from a fiscal standpoint, that it does not just simply amount to an open-ended Federal support program, but that it represents a commitment by this Government to do what is possible to help farmers have a better chance of operating at a profit, not guaranteeing a profit for every farmer, but guaranteeing an opportunity for a profit which they had not had this year—let us be honest about it—not just because of the bill that is now on the books, but a wide range of circumstances and factors, many of which are beyond the control of this body. But I think in working together, we can make sure that there is a brighter day, a better day ahead for American agriculture, and I think there will be.

Mr. President, I yield the floor.

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

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

Mr. COCHRAN. Mr. President, I think we are ready to go to third reading on S. 1691.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate now turn to H.R. 3454, Dairy Price Support Program extension, passed by the House of Representatives today.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3454) to extend temporarily certain provisions of law.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

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

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that we indefinitely postpone Calendar No. 309, S. 1691.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF APPLICATION OF CERTAIN EXCISE TAXES

Mr. DOLE. Mr. President, I understand that the distinguished minority leader will now be in a position to take up H.R. 3452, the extension of certain excise taxes.

Mr. BYRD. Yes, Mr. President, we are.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 3452.

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

The clerk will state the bill.

The legislative clerk read as follows:

A bill (H.R. 3452) to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

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

The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 3452) was read the third time, and passed.

Mr. DOLE. 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.

THE CALENDAR

Mr. DOLE. Mr. President, I inquire of the distinguished minority leader if he is in a position to pass any or all of the following items: Calendar No. 322, Senate Joint Resolution 201; Calendar No. 323, Senate Joint Resolution 189; Calendar No. 324, Senate Joint Resolution 158; and Calendar No. 325, Senate Joint Resolution 206.

Mr. BYRD. Mr. President, this side is ready to proceed.

Mr. DOLE. Mr. President, I thank the distinguished minority leader.

NATIONAL NEEDLEWORK WEEK

The joint resolution (S.J. Res. 201) to designate the week beginning September 22, 1985, as "National Needlework Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution with its preamble, is as follows:

S.J. RES. 201

Whereas needlework has been an important part of America's culture since the birth of our Nation;

Whereas needlework is not only an art form but also serves as a therapeutic outlet for and enriches the lives of many disabled and elderly Americans;

Whereas needlework, as an industry, has created new jobs, including manufacturing, specialty shops, teaching, and other productive activities.

Whereas many individuals and organizations are engaged in preserving the beautiful needlework created by our ancestors and in encouraging Americans to develop their talents in all phases of this age-old art form; and

Whereas needlework should be preserved and encouraged for its many benefits to the people of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 22, 1985, is designated as "National Needlework Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. DOLE. I move to reconsider the vote by which the joint resolution passed.

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

The motion to lay on the table was agreed to.

NATIONAL FETAL ALCOHOL SYNDROME AWARENESS WEEK

The joint resolution (S.J. Res. 189) designating the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

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

S.J. RES. 189

Whereas fetal alcohol syndrome is one of the three major known causes of birth defects with accompanying mental retardation in the United States;

Whereas fetal alcohol syndrome can result in such serious health problems as: deficiencies in prenatal and postnatal growth that are associated with mental retardation; developmental disabilities that may cause an infant to experience delays in learning to walk and speak; and heart defects, including defects in the wall between the pumping chambers of the heart;

Whereas in cases in which fetal alcohol syndrome is avoided, infants may still experience alcohol-related birth effects, known as fetal alcohol effects, which are a series of health problems that include increased irritability during the newborn period and hyperactivity;

Whereas the discovery of fetal alcohol syndrome as a major health problem is a recent occurrence, and many questions regarding the illness remain unanswered;

Whereas there has never been an infant born with fetal alcohol syndrome whose mother did not consume alcohol during pregnancy;

Whereas fetal alcohol syndrome can be prevented if pregnant women and women considering pregnancy abstain from alcohol consumption; and

Whereas the Surgeon General of the Public Health Service has issued an advisory stating that pregnant women and women considering pregnancy should not consume alcohol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning January 12, 1986, hereby is designated "National Fetal Alcohol Syndrome Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities.

Mr. DOLE. I move to reconsider the vote by which the joint resolution passed.

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

The motion to lay on the table was agreed to.

NATIONAL COMMUNITY COLLEGE WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 158) designating October 1985 as "National Community College Month," which had been reported from the Committee on the Judiciary, with an amendment: On page 2, line 3, strike "October 1985" and insert "February 1986" so as to make the joint resolution read:

S.J. RES. 158

Whereas, in the fall of 1981, there were over one thousand two hundred and nineteen community, technical, and junior colleges in which 40 per centum of all undergraduate college students in the United States were enrolled;

Whereas such colleges prepare people for employment in over one thousand four hundred different occupations or for transfer to four-year colleges and universities;

Whereas such colleges are within reasonable commuting distance for more than 90 per centum of all Americans;

Whereas such colleges provide an opportunity to obtain a post-secondary education at low cost for many people who could not otherwise afford one; and

Whereas such colleges are community-based institutions which provide flexible and diverse programs and services tailored to fit the needs of their local populations and industries: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That [October 1985] *February 1986* is designated as "National Community College Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The amendment was agreed to.

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

The title was amended so as to read "Joint resolution designating February 1986 as "National Community College Month."

Mr. DOLE. I move to reconsider the vote by which the joint resolution was agreed to.

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

The motion to lay on the table was agreed to.

MADE IN AMERICA MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 206) to authorize and request the President to designate the month of December 1985, as "Made in America Month."

MADE IN AMERICA MONTH

Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 206, which authorizes and requests the President to designate the month of December, 1985 as "Made in America Month."

The United States is the world's largest marketplace. As a free trading Nation, our market is open to many foreign goods, creating an extremely competitive environment. However, many foreign nations impede the flow of U.S. goods to their shores by erecting both tariff and nontariff barriers. This has caused a deficit in our trading account of more than $123 billion during 1984 and it is estimated that this deficit will grow to $150 billion by the end of this year.

The American people support free trade, but it must be fair trade. "Made in America Month" will make the public more fully aware of the trade imbalance and will encourage our citizens to purchase American-made products. I am confident that, if we all cooperate in this initiative, we will send a strong signal to our trading partners that they must start playing fair.

Mr. President, I urge my colleagues to act promptly on this resolution.

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

The preamble was agreed to.

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

S.J. RES. 206

Whereas the trade deficit in our country in 1984 reached a record level of $123,000,000,000;

Whereas the 1985 trade deficit is predicted to increase to $150,000,000,000;

Whereas over one and one-half million jobs have been lost in the manufacturing sector since 1980 as a direct result of imports;

Whereas imports now account for more than 20 per centum of all manufactured products sold in the United States;

Whereas imports continue to grow at an increasing rate and constitute a larger and larger percentage of all manufactured goods sold in this Nation;

Whereas the manufacturing sector of the United States economy is shrinking dramatically as a result of imports;

Whereas a continuing flood of imports of manufactured goods could permanently reduce the manufacturing capacity of our Nation and, as a direct result, threaten our ability to respond to a National emergency and make the United States highly vulnerable to embargoes of a wide range of products necessary for the National defense and the smooth functioning of the national economy;

Whereas there is little awareness of the country of origin of most products sold in the United States;

Whereas United States consumers should be aware of the impact that their purchase decisions could have on their own jobs and the economy as a whole; and

Whereas traditionally the United States Government has not effectively linked the growth of imports to the growth of domestic consumption: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of December, 1985, as "Made in America Month" and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

Mr. DOLE. I move to reconsider the vote by which the joint resolution was agreed to.

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

The motion to lay on the table was agreed to.

RECESS APPOINTMENTS

Mr. DOLE. Mr. President, I have discussed with the distinguished minority leader the real concern he has concerning recess appointments. It is my hope that we can meet sometime tomorrow or early this week with someone from the administration to allay some of the concerns the distinguished minority leader has. That might clear a number of nominations on the calendar. I would be very pleased to work with the minority leader in that effort.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. The concerns are not just those of the minority leader but also those of the Democratic conference, 47 Democrats, and I will be very happy to visit with the distinguished majority leader and anyone from the White House at some point. I thank him for his efforts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AUTHORIZATION TO FILE REPORT

Mr. DOLE. Mr. President, I have cleared this next item with the distinguished minority leader, Senator BYRD, and I now ask unanimous consent that the Agriculture Committee be authorized to have until 5 p.m. this evening to file a report to accompany S. 616, the farm bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PERFORMING ARTS LABOR RELATIONS AMENDMENTS—S. 670

Mr. MATHIAS. Mr. President, I rise today to express my support for legislation introduced earlier this year by my distinguished colleague from Rhode Island, Senator PELL. The legislation, the Performing Arts Labor Relations Amendments (S. 670), would amend the Taft-Hartley Act so that basic labor protections can be extended to performing artists. I have added my name as a cosponsor of this bill in the hope that it may aid in the effort to get the Senate to consider this worthy legislation.

Supporters of S. 670 are not seeking a drastic revision of present law. Instead, they are seeking a change that will allow musicians and other performing artists to have a chosen representative bargain on their behalf. As it stands now, performing artists, because they are viewed as independent contractors, cannot bargain collectively for the terms and conditions of their employment. Therefore, these workers, especially musicians, are often at the mercy of agents, promoters and employers who do not always have their best interests at heart.

We have come a long way since the enactment of the Taft-Hartley Act in 1947, and we should be proud that American workers enjoy rights and protections that are envied throughout the world. It therefore seems anachronistic for one group of American workers—performing artists—to be denied certain rights guaranteed to most other American workers.

I have not seen a persuasive argument not to grant these rights to performing artists. But if there are problems that need to be worked out, then I would urge my colleagues to do so. I will do what I can to assist in this effort. To delay taking action to grant these protections is inexcusable, but to not act at all would be unforgiveable.

LEAVE OF ABSENCE

Mr. MATHIAS. Mr. President, pursuant to the rules of the Senate I ask consent of the Senate that I may be absent from and including October 8 through October 15 for the purpose of conducting hearings on behalf of the Committee on Foreign Relations in San Francisco and for the purpose of attending the North Atlantic Assembly in San Francisco.

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

SENATOR MATHIAS SHALL NOT SEEK REELECTION

Mr. MATHIAS. Mr. President, to be a Member of the U.S. Senate is an experience that is rare for an American, and without parallel anywhere else in the world. The Senate is a body with jurisdiction and responsibility without precedent and the privilege of serving there is very great. For a Maryland Senator, the powerful examples of our predecessors, beginning with Charles Carroll of Carrollton, enhance the sense of duty and the honor of being a Senator, and I have appreciated every day that I have served.

In the course of my service it has been enormously rewarding to have made the acquaintance of thousands of Marylanders and to have been of some personal assistance to them. Their friendship and support have been heartwarming.

In all of this I have been loyally helped by those closest to me. My wife, Ann, and our sons, Charlie and Rob, have given not only important days of their lives but also have adjusted their personal interests and concerns. Through the years my staff has been a source of pride, not only for its professional skill, but also for its commitment to the welfare of the people for whom we work.

When I was elected to the Congress in 1960 we were a nation divided by barriers of law, custom, and practice. Today, there is no legal barrier of any kind between Americans of differing race and creed. That is change in its most positive form. I am proud to have played a role in that peaceful revolution.

But I also have to reflect that by the time my term expires in 1987 I will have been a Member of the Congress for more than a quarter of a century—one-eighth of its history. I have served with seven Presidents of the United States in a turbulent but fascinating period.

During these years a new generation of Americans has grown to maturity, a generation whose quality I see when I look at our own sons. So I know that many able hands are ready to take up the work.

Because of the necessary restraints and traditional procedures that regulate life in the Senate, it has been impossible to accomplish all that I wish to do and need to do and still be a good Senator. The total demands on a Senator's attention have precluded

myriad things that Ann and I would have liked to do together and with our sons. So it seems to me that the season has arrived to shift to a new field of activity, while retaining many of the interests and concerns that have been the focus of my life.

I shall not, therefore, seek reelection in 1986.

The principal feeling that I shall take with me from the Senate is a sense of gratitude to the people of Maryland. No honor can exceed that which they have given me. They have elected me to the general assembly, to the House of Representatives, and to the U.S. Senate in eight general elections. I know that I speak for Ann and Charlie and Rob, as well as myself, when I say thank you for the extraordinary privilege that has been given us.

Mr. President, that is all the business I have to bring before the Senate today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CIRCLE ENERGIES

Mr. EXON. Mr. President, I am very pleased to see my friend and colleague, the majority leader, on the floor. We are about to go out for the day, as I understand it, and before we did that I wish to pose a question or two for the record to the majority leader.

I would start out by thanking the majority leader for the fact that about 90 days ago this Senator came to the floor of the Senate, consulted with the majority leader, and brought to his attention the fact that we were about to have an expiration of a law that allowed the Department of Energy to make some gasohol loans under legislation that it had previously passed. This involved the State of Nebraska because Circle Energies had made an application for a substantial loan out of that fund that had to be approved by the Department. All of the paperwork had not been completed on that particular loan and there were other ethanol plant loans that were pending at that time that we thought would certainly be good and following the full intent of the original law if they could be approved by the Department.

The situation that existed at that time, Mr. President, was that Circle Energies and others had evidently not met all of the requirements as embodied in the law under the interpretation by the Department of Energy. So, basically, with the help and support of the majority leader we passed legislation that this Senator introduced at that time which was subsequently passed by the House of Representatives to give a 90-day extension for Circle Energies and others to come up with proper paperwork and loan guarantees that would be required for the approval of the Department of Energy for the loan.

I have been working for the last week with the Department of Energy on this to see if they had the necessary paperwork at hand so that they could approve at least the Circle Energies application. I did this without being contacted by Circle Energies or any of their employees and to my knowledge none of them talked to my staff. I did see a newspaper article that was in the Omaha World-Herald on Friday last, I believe it was, that indicated that there would be a bill introduced to give another extension on this so we could at least qualify possibly Circle Energies and others.

It seems that there has been an unseeming delay and I do not know whose fault it is but at least I appreciate the consideration of the majority leader.

It was my understanding that since this bill does expire at midnight tonight legislation would be introduced today and hopefully passed by the Senate and the House of Representatives before the deadline and, therefore, we could give a further extension of time to Circle Energies or others who have loans pending or have had loans pending before the Department to qualify.

I first wish to ask if the majority leader has any comments on this, have I properly stated for the RECORD the matter at hand, and for any enlightenment that he might be able to come forth with on the subject at this time?

Mr. DOLE. Mr. President, first I thank my distinguished colleague from Nebraska who has taken the lead in this effort. We have, as he has indicated, worked together to see if the Circle Energies Corp. properly qualified for the loan. We have already enacted a 90-day extension. It was action on a bill introduced by the Senator from Nebraska [Mr. EXON]. I was pleased to cosponsor that legislation.

I am now advised that if we cannot pass an extension today, even though today is the deadline, it can be made retroactive to today I would certainly want to work with both Senators from Nebraska because I am convinced, at least I think I am convinced, that this is going to be a good project. But there has to be some reason that every time we get up to a deadline it is never met.

I have visited with the Secretary of Energy about this project and told him of my interest and my staff has been working with the officials in the Energy Department. I am certain that the Senator from Nebraska has also done this. So I would certainly be willing to join other Senators to pass one further extension. This would also extend the deadline for the Maine and Minnesota projects. I assume there would be an interest by Senators from those States for an extension to see if their applications cannot qualify.

I had not indicated earlier any intention to do that, but I would say to the Senator now that I would be prepared to join him tomorrow, if we can, to draft legislation that would provide a reasonable extension. Then we can talk to the president of Circle Energies Corp., Mr. Schlesinger, to find out if there is any way they can qualify. If not, we should consider some other course of action.

Mr. EXON. I thank the majority leader very much.

Just for the record, the majority leader has not made a commitment as of now to introduce legislation, is that correct?

Mr. DOLE. That is correct. But I would be pleased to do that.

Mr. EXON. I will certainly work with him tomorrow. And since my staff has had considerable experience on this, and with all the other things the majority leader has to do, I imagine he might feel it would be proper for us to do this. After all, this is a Nebraska project.

Mr. DOLE. The Senator is correct. It is very important. It employs a couple of hundred people and if it is worthwhile we ought to go forward with it.

Mr. EXON. I certainly like the suggestion that the majority leader made with regard to the Senator from Kansas, who has been extremely helpful from the beginning on this, having a meeting with Senator ZORINSKY and myself.

Incidentally, I checked with Senator ZORINSKY today. He has not been contacted on this, either, I say to the leader. While I suspect it is something that we would be for, sometimes U.S. Senators feel that before it has become publicly indicated in the press that they have approved something, they would at least like to be contacted about it ahead of time.

So we could perhaps arrange a meeting with Senator ZORINSKY and myself, the Senator from Minnesota, and the Senator from Maine, in the company of the majority leader, to call in the principals of this matter into the majority leader's office to get a full explanation and understanding.

There has been some criticism of the Department of Energy on this. It might be it is totally unjustified. I believe we want to be fair to all parties concerned.

So I will stand ready to draft a bill that would extend this. It is too late now. The House, as I understand it, has gone out, so even if we passed legislation today, which we could do, I be-

lieve, by unanimous consent, it could not be passed and could not become law before midnight tonight, which may or may not be a critical time.

But we will work with the majority leader. I thank him for his usual consideration and understanding.

Mr. DOLE. Mr. President, I know my staff has been talking with the staff of other Members. Mr. Pettit, of my staff, indicated that this matter might be dealt with as an amendment to some other piece of legislation. I believe the best way to proceed is a separate piece of legislation, which we would try to get it out of here tomorrow, send it to the House, and see if they would accept it.

I thank my colleague.

Mr. EXON. I thank the majority leader.

ANNOUNCEMENT BY SENATOR MATHIAS BRINGS SADNESS AND REGRET

Mr. DOLE. Mr. President, I am pleased to note the Presiding Officer is the distinguished Senator from Maryland [Mr. MATHIAS]. I regret the announcement I heard last weekend. But, having discussed the Presiding Officer's future and having started in the Congress with him way back in 1961, I can certainly appreciate the difficult choice that he was required to make. And, while I regret it in one sense, I know that it was the right choice and the one that we all respect, even though, I believe, from both sides of the aisle it was met with sadness and regret.

I thank the Presiding Officer.

Mr. EXON. Mr. President, if the majority leader will yield for just a moment, I spoke briefly to the distinguished Senator from Maryland when he came into the Chamber a few moments ago. I told him that I appreciated very much his outstanding statement that he made indicating that he would not run for the U.S. Senate. I told him I was saddened by that because I believe he has been an outstanding Senator. I suspect somewhere down the line a little bit further we will have a chance to make more profound remarks and possibly more flowery.

But I just want to say to the Senator from Maryland that I believe you have been an outstanding Member of the U.S. Senate. We are disappointed with your decision and we will miss you very much.

The PRESIDING OFFICER. The Chair thanks the majority leader and the distinguished Senator from Nebraska.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on September 27, 1985, during the adjournment of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on September 27, 1985 are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bill and joint resolutions:

On September 26, 1985:

S. 818. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

S.J. Res. 141. Joint Resolution to designate the week beginning on May 18, 1986, as "National Tourism Week".

S.J. Res. 173. Joint Resolution to designate the month of September 1985 as "National Sewing Month".

On September 27, 1985:

S.J. Res. 186. Joint Resolution to designate the week of September 23, 1985, through September 29, 1985, as "National Historically Black Colleges Week".

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker pro tempore [Mr. WRIGHT] has signed the following enrolled bills:

S. 1671. An act to amend title 38, United States Code, to provide interim extensions of the authority of the Veterans' Administration to operate a regional office on the Republic of the Philippines, to contract for hospital care and outpatient services in Puerto Rico and the Virgin Islands, and to contract for treatment and rehabilitation services for alcohol and drug dependence and abuse disabilities; and to amend the Emergency Veterans' Job Training Act of 1983 to extend the period for entering into training under such Act; and

H.R. 3414. An act to provide that the authority to establish and administer flexible and compressed work schedules for Federal Government employees be extended through October 31, 1985.

The enrolled bills were subsequently signed by the Acting President pro tempore [Mr. GORTON].

At 1:58 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3452. An act to extend for 45 days the application of tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

H.R. 3454. An act to extend temporarily certain provisions of law.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 192. Concurrent resolution expressing the support of the Congress for an early and peaceful return of democratic rule in Chile.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 192. Concurrent resolution expressing the support of the Congress for an early and peaceful return of democratic rule in Chile; to the Committee on Foreign Relations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 30, 1985, she had presented to the President of the United States the following enrolled bill:

S. 1671. An Act to amend title 38, United States Code, to provide interim extensions of the authority of the Veterans' Administration to operate a regional office in the Republic of the Philippines, to contract for hospital care and outpatient services in Puerto Rico and the Virgin Islands, and to contract for treatment and rehabilitation services for alcohol and drug dependence and abuse disabilities; and to amend the Emergency Veterans' Job Training Act of 1983 to extend the period for entering into training under such Act.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1714. An original bill to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abun-

dance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes (with additional views) (Rept. 99-145).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 235. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1714; referred to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GOLDWATER, from the Committee on Armed Services: Robert K. Dawson, of Virginia, to be an Assistant Secretary of the Army.

(The above nomination was reported from the Committee on Armed Services with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly consituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Elizabeth Flores Burkhart, of Texas, to be a member of the National Credit Union Administration Board for the term of six years expiring April 10, 1991.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EXON:

S. 1713. A bill to amend the Wild and Scenic Rivers Act designating a segment of the Niobrara River in Nebraska as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 1714. An original bill to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 235. An original resolution waving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1714; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON:

S. 1713. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Niobrara River in Nebraska as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

NIOBRARA SCENIC RIVER DESIGNATION ACT

Mr. EXON. Mr. President, today I am introducing the Niobrara Scenic River Designation Act.

This legislation represents the collective effort of landowners along the Niobrara River in Nebraska—one of the most beautiful places in this great country of ours. It would designate a 76-mile stretch of this river as a national scenic river and preserve this area essentially as it is today for generations to come.

Five years ago, farm and ranch landowners along this stretch of river began to organize in order to formulate the proposal I am introducing today. In the spring of this year, a group of these landowners met with me in Lincoln, NB, and I agreed to sponsor their proposal. I am proud to be a part of such a worthwhile undertaking.

The purpose of scenic designation is to preserve the free-flowing condition of this portion of the Niobrara River and the beauty of the associated landscape for the benefit and enjoyment of future generations. Scenic rivers are free of impoundments, with shorelines and watersheds still mostly undeveloped, but still accessible by roads. Scenic designation is less restrictve than a wild river designation and would retain the character of the area in basically its present condition. The Interior Department would be allowed to purchase scenic easements from landowners along the shoreline to ensure that the beauty of this area is preserved.

At the same time, Mr. President, this legislation would ensure that an appropriate balance be maintained between the goals of preservation and development. For decades, Nebraska farmers and ranchers have helped to feed America and the world. Agriculture is our State's lifeblood and most important industry. Yet, American agriculture and the rural lifestyle is threatened today by circumstances familiar to us all.

This legislation accomplishes this needed balance by specifically providing that it will not hinder the innovative ground water recharge plan to provide irrigation water to those who need it in north-central Nebraska. Earlier this year, I introduced legislation here in the U.S. Senate authorizing this plan as a substitute for the Norden Dam which was voted down by the House of Representatives in 1982. While most of the components of this irrigation project would be downstream from and unaffected by this 76-mile portion of the Niobrara to be designated as scenic, the Springview component of the project falls within this area. Therefore, this bill provides specific authority for that portion of the project to be built within the scenic area.

Mr. President, there are many other provisions of this legislation where deviations from the basic Wild and Scenic Rivers Act of 1968 have been made. In fact, the Niobrara Scenic River Designation Act contains several significant features which are tailored specifically to the needs and desires of the landowners and others in the area. For example, the bill contains a Niobrara Scenic River Advisory Council composed of farm and ranch landowners, State, and local government representatives and others who will play an important role in developing and reviewing the Interior Department's management plan for the area. This will ensure local input and review of the management plan which will implement scenic river designation.

This bill specifically instructs the Secretary of the Interior that exising land use practices—including established agricultural and livestock operations, timber management practices, and private campgrounds—will be compatible with scenic designation. Additionally, provision is made for replacement and additional structures and the normal activities of existing irrigation projects will not be affected. The use and allocation of water rights by the State of Nebraska will also not be affected.

The Interior Department may also share in the expenses of conservation and streambank erosion control as well as local government functions such as litter control and law enforcement. It is the intention of the landowners along the Niobrara that this be a cooperative venture—with as little involvement as possible—with the Federal Government.

Mr. President, this legislation represents a tradeoff which those owning a large majority of the land on the Niobrara are willing to make. In effect, they are making a deal with the Federal Government. Landowners are willing to accept certain restrictions on development of their land in return for a longstanding commitment from the Government not to disturb the river valley's basic pastoral beauty and quality which they have preserved so well for so long.

While the bill provides for the purchase of scenic easements from landowners, private land would still remain

the property of landowners and on the tax rolls. These easements would be purchased on a "willing-seller" basis except for extreme circumstances where activities occur which pose a threat to the values for which the river was designated. Landowners will continue to control access to their land while hunting, fishing, and camping would continue to be at each landowner's perogative. Rather than Federal control, the idea behind this legislation is to create a very limited partnership with the Federal Government.

Mr. President, the Niobrara Scenic River Designation Act indeed represents a well-thought-out balance between preservation and development. Its cost is low; $3.5 million will be authorized for the purchase of scenic easements and $1 million authorized for development, principally at the public access sites at bridge crossings. This investment in our future is a bargain with enormous return.

This entire undertaking represents one of the most important and pleasurable duties of a U.S. Senator. It is truly democracy at work since it is a joining together of citizens with a common purpose who have petitioned their Government to enact their wishes into law. This bill is their bill. They wrote it and I am privileged to be their elected Representative who can help them achieve the goal for which they have worked so long and hard.

The Governor of Nebraska, Bob Kerrey, supports this legislation and I hope the rest of the Nebraska congressional delegation will join me in this endeavor once they have had the time to study it and talk to the landowners as I have been able to do.

Mr. President, the Niobrara River valley is one of the most beautiful areas in our great country. I wish I could take every Member of the Senate up there. It is rich in ecological diversity and supports an abundance of wildlife—from bald eagles to white-tailed deer to whooping cranes. Canoeing and fishing also abound. Farms and ranches along the valley are constant reminders of Nebraska's agricultural heritage and current role as one of America's principal food-supplying States.

As President John F. Kennedy said in 1961, "It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours." This is the spirit in which I introduce this legislation today and hope that this collective effort becomes law.

ADDITIONAL COSPONSORS

S. 262

At the request of Mr. BYRD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 262, a bill to provide for the preservation of the ferroalloy industry in the United States.

S. 569

At the request of Mr. BENTSEN, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 569, a bill to provide additional benefits under the Medicare part A program, and additional optional benefits under the Medicare part B program.

S. 723

At the request of Mr. MATSUNAGA, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 723, a bill to amend title XVIII of the Social Security Act to authorize payment for occupational therapy services under part B of the Medicare Program.

S. 1084

At the request of Mr. GOLDWATER, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Louisiana [Mr. LONG], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1084, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 1093

At the request of Mr. MATHIAS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1093, a bill to amend the patent law to restore the term of the patent grant in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in a patent.

S. 1107

At the request of Mr. NUNN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1107, a bill to authorize the Society of the Third Infantry Division to erect a memorial in the District of Columbia or its environs.

S. 1174

At the request of Mr. MCCONNELL, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1174, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide States with assistance to establish or expand clearinghouses to locate missing children.

S. 1432

At the request of Mr. KERRY, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 1432, a bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes.

S. 1440

At the request of Mr. MURKOWSKI, his name was withdrawn as a cosponsor of S. 1440, a bill to restrict smoking to designated areas in all U.S. Government buildings.

S. 1446

At the request of Mr. ANDREWS, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1446, a bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of wars.

S. 1449

At the request of Mr. BENTSEN, the names of the Senator from Louisiana [Mr. LONG], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1449, a bill to restore balance in international trade, to improve the operation of the Trade Agreements Program, and for other purposes.

S. 1493

At the request of Mr. HEINZ, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1493, a bill to provide comprehensive reform of the trade laws, and for other purposes.

S. 1543

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1543, a bill to protect patent owners from importation into the United States of goods made overseas by use of a U.S. patented process.

S. 1570

At the request of Mr. NICKLES, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1570, a bill to amend the Fair Labor Standards Act of 1938 to exclude the employees of States and political subdivisions of States from the provisions of that act relating to maximum hours, to clarify the application of that act to volunteers, and for other purposes.

S. 1654

At the request of Mr. STEVENS, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Ohio [Mr. GLENN], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. BOREN], the Senator from Georgia [Mr. NUNN], and the Senator from Colorado [Mr. ARMSTRONG] were added as cosponsors of S. 1654, a bill to amend title 18, United States Code, to provide for criminal forfeiture of proceeds derived from espionage activities and rewards for informants providing information leading to arrests in espionage cases.

S. 1660

At the request of Mr. DENTON, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Missouri [Mr. DANFORTH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from North Dakota [Mr. BURDICK], the Senator from Missouri [Mr. EAGLETON], the Senator from Arizona [Mr. GOLDWATER], the Senator

from Kansas [Mrs. KASSEBAUM], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1660, a bill to grant a Federal charter to the Confederate Memorial Association.

S. 1679

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 1679, a bill to strengthen provisions of the law that provide safeguards when imports threaten to impair the national security.

SENATE JOINT RESOLUTION 74

At the request of Mr. THURMOND, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to provide for the designation of the month of February 1986, as "National Black (Afro-American) History Month."

SENATE JOINT RESOLUTION 188

At the request of Mrs. KASSEBAUM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. LAXALT], the Senator from Utah [Mr. HATCH], the Senator from South Carolina [Mr. THURMOND], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 188, a joint resolution to designate July 6, 1986, as "National Air Traffic Control Day."

SENATE JOINT RESOLUTION 197

At the request of Mr. HECHT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 197, a joint resolution to designate the week of October 6, 1985, through October 13, 1985, as "National Housing Week."

SENATE JOINT RESOLUTION 199

At the request of Mr. MURKOWSKI, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of November 1985 as "National Elks Veterans Rememberance Month."

SENATE JOINT RESOLUTION 206

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Ohio [Mr. GLENN], and the Senator from North Dakota [Mr. ANDREWS] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to authorize and request the President to designate the month of December 1985, as "Made in America Month."

SENATE RESOLUTION 235—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 235

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1714, the Agriculture, Food, Trade, and Conservation Act of 1985, a bill to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes.

Mr. HELMS. Mr. President, the waiver of section 402(a) is necessary to permit consideration of statutory authority to extend the Dairy Indemnity Program; the Food for Peace Program; the Food Stamp Program; various research and extension programs; and other programs.

S. 1714 extends for 4 years the basic legislation for almost all of the Nation's major farm commodities, as well as extending the authorizations for appropriations for many of the programs specified above. The delay in reporting S. 1714 was occasioned by the complexities of developing legislation to meet the special needs of agricultural producers.

AMENDMENTS SUBMITTED

DAIRY PRICE SUPPORT EXTENSION

HELMS AMENDMENT NOS. 715 AND 716

Mr. HELMS proposed two amendments to the bill (S. 1691) to extend the current Dairy Price Support Program and suspend the noncash benefit requirement for the Puerto Rico Nutrition Assistance Program for 60 days; as follows:

AMENDMENT No. 715

On page 1, line 5, strike out "November 30" and isnert in lieu thereof "November 15".

On page 2, line 2, strike out "30" and isnert in lieu thereof "15".

On page 2, after line 4, add a new section as follows:

"SEC. 3. Section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)) is amended—

"(1) by inserting ', or within 10 days after the loan level for the related crop of upland cotton is announced, whichever is later,' after 'effective' in the last sentence of paragraph (2); and

"(2) in paragraph (4)—

"(A) by inserting 'and announce' after 'establish' in the first sentence; and

"(B) by striking out the second sentence.".

AMENDMENT No. 716

At the end of the bill, insert a new section as follows:

SEC. 4. The last sentence of section 17(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)) is amended by striking out "until October 1, 1985" and inserting in lieu thereof "through November 15, 1985".

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION ACT, 1986

GORE AMENDMENT NO. 717

(Ordered to lie on the table.)

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H.R. 3037) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1986, and for other purposes; as follows:

On page 57, line 22, insert before the period a colon and *"Provided,* That a portion of the funds appropriated under this heading shall be used to complete, by June 1, 1986, the safety evaluation of sulfiting agents".

QUAYLE AMENDMENT NO. 718

(Ordered to lie on the table.)

Mr. QUAYLE submitted an amendment intended to be proposed by him to the bill H.R. 3037, supra; as follows:

On page 55, line 13, strike out the period and isert in lieu thereof the following: ": *Provided further,* That funds appropriated by this paragraph may not be used to award any contract under title II of such Act at a price higher than the lowest landed cost (as provided in part 1496 of title 7 of the Code of Federal Regulations) in order to utilize United States vessels or other flag vessels.".

● Mr. QUAYLE. Mr. President, I intend to offer an amendment to the agriculture appropriations bill for fiscal year 1986, which would require that commodity purchases and procurement of transportation services under the Public Law 480, Title II Program be conducted on the "lowest landed cost" basis. This amendment is intended to bring about a substantial savings to USDA and to spread more evenly, the employment and economic benefits resulting from these shipments. This amendment is, let me emphasize at the outset, completely consistent with the traditional administration of our cargo preference laws.

In order to understand my amendment, it is necessary to give some background on how the Public Law 480, Title II Program is administered by the USDA and the Agency for International Development. USDA's Kansas City Commodity Office is responsible for evaluating bids by both commodity suppliers and shippers. The lowest combined total of these bids is known as the "lowest landed cost" and represents the most economical price USDA should pay to purchase and transport Public Law 480, title II commodities to recipient nations.

As applied to the Public Law 480 Program, cargo preference laws require that 50 percent of Government cargoes be shipped in American vessels, if such vessels are "available at fair and reasonable rates." Until 1984, title II shipments were assigned to available American vessels, if shippers could match the lowest landed cost bid. However in 1984, USDA began paying more than the lowest landed cost bid in order to meet the 50-percent participation of American-flag vessels in the Title II Program. According to USDA, these excess payments amounted to $20 million in 1984. By the end of this year, USDA projects spending $55 million on excess costs for U.S.-flag shipments. Such excess payments were not considered necessary in the past—and my amendment would prohibit them in the future.

The effect of these excess payments is to divert funding from the purchase of agricultural products for export and we are all concerned with the need for agricultural exports. These shipments are essential to our Nation's farmers and to our economic and trade interests. In my own State of Indiana, we have witnessed the decline of agricultural exports from $1.9 billion in 1981, to $1.5 billion in 1984—or roughly half a billion dollars in just 3 years.

Exports of food commodities under Government programs such as Public Law 480 have become a mainstay for farm income, economic development, employment and a wide range of other business interests in the Great Lakes region. The Public Law 480, Title II Program is unique among our export programs in that the U.S. Government pays both the cost of purchasing and transporting commodities to overseas destinations. In this time of budget austerity, it is essential that we spend these funds in a cost efficient manner, so that title II resources are utilized to the maximum extent for the purpose for which they are intended.

Public Law 480, title II is a food assistance program intended to benefit poor and famine stricken countries. We have witnessed this program at work with the shipments of tremendous amounts of cargoes destined for Africa. However, with payment of higher transportation costs associated with U.S.-flag vessels, USDA diminishes its funds earmarked for the purchase of agricultural goods.

I do not need to remind my colleagues of the worldwide attention which has been focused on the hunger crisis in Africa because of several years' drought. This summer, the Live Aid concerts in Britain and this country riveted our attention to the plight of starving people. Concert promoters claim an estimated $50 million was raised to purchase and transport food, yet USDA will pay this same amount this year from the purchase of agricultural commodities, just to make those excess payments for U.S.-flag ships.

The importance of agricultural exports is vividly demonstrated in the Great Lakes region. In Indiana last year, 76.3 percent of all man-hours worked at the Port of Burns International Harbor was associated with the Public Law 480, title II commodities. These cargoes are the magnet that attracts ships to the Great Lakes which then seek additional commerical cargo in the region. This illustration is repeated in other Great Lakes ports. In Milwaukee, 92.5 percent of all export activity and job hours is related to title II; in Duluth and Green Bay, this figure is approximately 90 percent. Other Great Lakes ports such as Cleveland and Superior, WI, have committed to port improvements and capital expenditures based on the availability and importance of this cargo.

As chairman of the Senate Subcommittee on Employment and Productivity, I believe it is important to note how these cargoes translate into jobs. Longshoremen, railroad workers, grain elevator and grain mill employees, and vessel maintenance personnel in the Great Lakes region are dependent on the Public Law 480, Title II Program. The International Longshoremen's Association estimates that each ton of Public Law 480 cargo generates 1½ man-hours of work.

With these facts in mind, we must correct a situation that has developed in the past several months. The Great Lakes ports have lost nearly 50,000 tons of Public Law 480, title II cargo and 75,000 man-hours of labor because of USDA's decision to make excess payments and divert this cargo to other coastal ranges in order to find scarce U.S.-flag vessels. As a result of these diversions, USDA will pay higher transportation and commodity costs from the Public Law 480, title II budget; money which otherwise could be used to purchase more commodities for needy people throughout the world.

My amendment is not in opposition to the concept of cargo preference; further it applies only to the commodity exports under title II of the Public Law 480 Program and not to other agricultural export programs. Compared to other agricultural export programs, title II tonnage is relatively low, yet the U.S. Government pays for the entire cost. We should ensure that the purchase of commodities and transportation services under that program be conducted on the competitive lowest landed cost basis, as was practiced by USDA until 1984. My amendment will preserve funds and extend benefits of the program to a wider range of beneficiaries, both abroad and here at home.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER, AND RESOURCE CONSERVATION

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the Public Lands, Reserved Water and Resource Conservation Subcommittee of the Energy and Natural Resources Committee will conduct a hearing on Thursday, October 10, 1985, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building, Washington, DC. The subcommittee will receive testimony on the following bills:

Senate Joint Resolution 187, designating Patrick Henry's last home and burial place, known as Red Hill, in the Commonwealth of Virginia, as a national memorial park to Patrick Henry.

S. 1596, to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia.

S. 1116, to amend the act of October 15, 1982, entitled "An Act to designate the Mary McLeod Bethune Council House in Washington, District of Columbia, as a national historic site, and for other purposes."

Those wishing to testify should contact the Subcommittee on Lands, Reserved Water and Resources Conservation of the Committee on Energy and Natural Resources, room SD-308, Dirksen Senate Office Building, Washington, DC 20510. Oral testimony may be limited to 3 minutes per witness. Written statements may be longer. Witnesses may be placed in panels, and are requested to submit 25 copies of their testimony 24 hours in advance of the hearing, and 50 copies on the day of the hearing. For further information, please contact Patty Kennedy of the subcommittee staff at (202) 224-2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, September 30, 1985, in order to receive testimony concerning S. 850, to create a Federal criminal offense for operating or directing the operation of a common carrier while intoxicated or under the influence of drugs.

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

ADDITIONAL STATEMENTS

JAPAN'S UNFAIR TRADE PRACTICES

● Mr. HEINZ. Mr. President, I would like to direct the attention of my colleagues to an insightful article that appeared in the September 12 Far Eastern Economic Review entitled "Japan to the Barricades" by Bruce Roscoe. The article analyzes Japan's efforts to restrict textile imports from developing nations while still enjoying a surplus in its overall trade position.

The article points out that, ironically, the measures proposed by Japan resemble the legislation that is pending before the Congress, S. 680, and like that, they would reduce the amount of textile imported from developing nations. While this bill attracted widespread and adverse publicity in the United States, Japan's proposals seem to have gone by unnoticed.

Examining this week's newspapers made this irony even more apparent to me. In the September 23 Washington Post, Evans and Novak wrote:

> It is recognized at the Treasury that the hand-on negotiating with Congress * * * if applied today to trade, would propel Reagan down the route that Herbert Hoover took 55 years ago to the Smoot-Hawley disaster.

Smoot-Hawley seems to be a favorite example of these free traders; never mind that the effects of it could not possibly have been felt before the fall of 1930 and by then the Depression was well underway, that it covered less than 1 percent of world trade, that in 1930-32 duty-free imports into the United States fell at almost the same percentage rate as dutiable imports. Even our President has climbed aboard the bandwagon; in his televised press conference of September 17 he said:

> A mindless stampede toward protectionism will be a one-way trip to economic disaster. Thats the lesson of the Smoot-Hawley tariff in 1930.

In the Wall Street Journal's editorial of September 23 the antiprotectionist publicity continued. I quote:

> The protectionists have about as much understanding of the problem and a solution as a bawling baby.

In the same day's edition of the Wall Street Journal Gary Hufbauer wrote:

> Most of the 300-odd bills in the Congress are nonstart nonsense, but some are dangerous protectionism.

Of course most of those famous 300 bills are duty suspensions on individual items, which, if they have any significance at all, are trade-promoting.

The New York Times' editorial of the same day wrote:

> Mr. Reagan valiantly resists this protectionism as damaging to trade and growth in the world over.

Newsweek of that day joins in this attack on protectionism:

> Most of the measures proposed by Congress attempt to repeal the law of economics in an ill-fated effort to revise the terms of trade.

What about Japan, our biggest trading partner? Do we read about their new textile legislation? Well, that same article in Newsweek that refers to protectionists in the United States as repealing the laws of economics says of Japan:

> Japan where well-publicized obstacles to imports coupled with broad access to foreign imports, have helped Japanese industry to flourish at the expense of competition.

When America envisages protectionism we are on the road to world depression. Meanwhile Japan's import barriers help its industries flourish. The President says he will "strongly oppose and veto" protectionist legislation; yet he will not "stand by and watch American businesses fail because of unfair trading practices abroad." If he will not stand by and watch, what will his position be?

Mr. President, I ask that the article from the Far Eastern Economic Review be printed in the RECORD.

The article follows:

JAPAN TO THE BARRICADES

(By Bruce Roscoe in Tokyo)

Within two months of announcing its market-opening "action programme" aimed at easing US complaints against its import barriers, the Japanese Government is implementing a series of measures designed to restrict surging textiles imports from China, South Korea, Taiwan and Pakistan.

Japan has not decided at this stage to invoke formally provisions of the Multi-Fibre Arrangement (MFA), which under the General Agreement on Tariffs and Trade permits developed nations to limit growth in their imports of textiles from developing nations to 6% a year. Instead, the import restrictions will be in the form of "administrative guidance" given to textiles importers by the Ministry of International Trade and Industry (Miti). The ruling Liberal Democratic Party (LDP) also has put pressure on trading companies to cut textiles imports.

The measures, in effect, amount to Japan's version of the US' Jenkins Bill. (Drafted by Ed Jenkins, who chairs the US House of Representatives textiles committee, the Jenkins Bill is intended to reduce drastically US imports of textiles from developing nations.) But while the Jenkins Bill has attracted widespread publicity, Japan's measures, because of their lack of transparency, seem to have gone unnoticed.

In 1984, Japan's imports of cotton yarn and cotton fabrics from China, Pakistan and South Korea grew by about 50%, while imports of knitwear from China, South Korea and Taiwan rose by 60%. Pakistan, whose cotton-yarn exports to Japan jumped 69.4% in January-June this year, worries the Japan Cotton and Staple Fibre Weavers' Association most.

Led by the Japan Textile Federation, several industry associations have exerted pressure on the government to limit imports. Earlier this year, the textiles federation argued for invocation of the MFA. But Miti opposed this on the grounds that Japan could not be seen to be restricting imports when Prime Minister Nakasone had committed the nation to trade liberalisation. Some Miti officials also noted that a case for invoking the MFA would be weakened by the fact that many Japanese spinning companies recorded an increase in profits for the year ended 31 March. Japan has not applied the MFA before—the US, on the other hand, has applied the MFA against Japan on about 18 textiles items.

Nonetheless, the industry's lobby was strong enough to persuade Miti to exempt cotton yarn, cotton fabrics and knitwear from the July tariff reductions, which formed a part of Nakasone's import-action programme.

Undaunted by Miti's cool reception to the idea of using the MFA, the federation took its case to the LDP's special committee on textiles. At a meeting on 4 June the LDP committee sided with the Japanese industry, and produced a statement advising Miti that Japan was within its rights to invoke the MFA. This statement also advised the ministry to "make efforts" to protect the local textiles industry from imports.

On 29 August, the LDP committee met in Tokyo to finalise the protective measures. According to a participant of the meeting, committee members said that on 28 August they had approached several trading houses to request that textiles imports be conducted in an "orderly" manner—on Japanese, "orderly" or *chitsujo* is often used euphemistically to denote informally restricted marketing or importing.

The committee further decided to ask the Ministry of Finance to appropriate an emergency fund from this year's budget of Y 5 billion (US $21 million) which would be distributed as low interest loans to small and medium size textiles companies to enhance their competitiveness. The size of a single loan would be set at Y 30 million, and interest would be 5% a year. The loan programme was to be launched by 1 October at the earliest.

Yoshibumi Muto, who chaired the LDP meeting, later was reported as saying: "There is no difficulty in invoking the MFA within the current mood of promoting liberalisation of Japan's markets. If orderly importing does not produce results, we will invoke the MFA, and if imports of cotton yarn from Pakistan continue to increase at crazy levels, we will adopt tough measures."

The textiles federation, in papers presented to the LDP meeting on 29 August, pointed out that the state of Japan's textiles trade met all the criteria used by the Reagan administration to justify invoking the MFA. Under the Reagan guideline, recourse to the MFA can be made if total textiles imports rise by more than 30% over a one-year period, if total imports exceed 20% of domestic production, or if imports from a single country exceed 1% of domestic production.

Another point made by the federation was that Japan's textiles trade was in deficit last year. MoF figures for 1984 showed exports of US$6.7 billion against imports of US$7.6 billion. But, these figures ignore the fact that the trade actually produced a surplus for Japan of about US$4 billion, if the value of textiles imported only for processing into export items were to be deducted from total imports. If this deduction is made, figures show Japan has enjoyed a trade surplus in textiles since 1975.

Some industry officials would go further than the federation to block imports. The chairman of synthetic fiber producer Asahi Chemical Industry Co., Kagayaki Miyazaki, who also chairs the federation, has warned that if government measures to reduce im-

ports were to be ineffective, he would personally draw up an anti-dumping bill and lobby LDP members to railroad it through the Diet.

Japanese textiles importers, however, point out that local synthetic fibremakers are not threatened by imports of cotton yarn, cotton fabric or knitwear, and ask why they are complaining. The usual answer is that they are extremely concerned about the increased synthetic-fibre production capacity in Taiwan and South Korea. Taiwan, reportedly, already has greater capacity than Japan for the production of polyester long- and short-fibre textiles. Invocation of the MFA or other direct restrictions to curb the cotton and knitwear trade would set a precedent which the synthetic fibre-makers could later use, if necessary, against imports of synthetic fibres.

Importers also reason that the textiles industry is distorting trends in Japan's textiles trade by highlighting only the 1984 figures. While growth in imports was rapid last year, average yearly growth has not been alarming. For example, average growth in imports of textiles products from 1974-84 was 4.2%; for cotton yarn, 19.6%; cotton fabric, 9.9%; knitwear outer garments, 2.7%, and knitwear under garments, 4.1%.

Apart from asking trading companies to cut back on imports, Miti recently has sent officials to China and Pakistan to ask for export restraint. Miti officials say China has complied, but not Pakistan. The Japan Spinning Association, whose members produce cotton yarn from imported raw cotton, sent a delegation to Karachi in August in an attempt to persuade the All-Pakistan Textile Manufacturers Association to reduce exports of cotton yarn. The attempt failed, but the two sides have scheduled another conference to be held in Tokyo this month, and a further meeting in Hongkong in October.

"There is still a problem with Pakistan," says a Miti official. "We are not telling them they cannot sell more. We just want them to slow down the growth in their exports." He said Pakistan was rejecting the request on ground that last year its total trade with Japan was in deficit by US$608.8 million, up from a deficit of US$497.5 million in 1983.

Taiwan and South Korea, too, have been asked to restrain exports of knitwear, and Miti appears to be happy with the results so far. Imports of sweaters, for instance, declined 12% in volume in the January-July period compared with the same period last year—in July alone, they fell by 15%.

While Miti has not said it will not seek to apply the MFA—some officials reportedly have referred to the MFA as Japan's "trump card" in the event administrative guidance fails—the ministry appears to recognize that invocation of the MFA would cast Japan in a dim international light. For one thing, Japan would be the only country to take such action while enjoying a surplus in its overall textiles trade.●

U.S. RELATIONSHIP WITH TAIWAN

● Mr. LUGAR. Mr. President, all Senators are aware of the history of the United States relationship with Taiwan. Under the language of the Taiwan Relations Act, Congress has a special role with regard to this relationship. Likewise, I believe that all Senators attach a special importance to the thought that Taiwan's future be a peaceful one. For this reason, I wish to insert into the RECORD an exchange of letters between Ambassador Han Xu of the People's Republic of China and myself concerning press reports of remarks by General Secretary Hu Yaobang. I believe that these letters offer useful clarification, and I ask that they be printed in full in the RECORD.

The letters follow:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, August 6, 1985.

His Excellency HAN XU,
Ambassador of the People's Republic of China.

DEAR MR. AMBASSADOR: I wish to express my appreciation for your letter of July 8, 1985 concerning reports of General Secretary Hu Yaobang's statements with regard to a peaceful settlement of the Taiwan question.

Your comments were helpful in making clear the position of the People's Republic of China on this extremely important issue. As you are well aware, the American people have strong ties to the people of Taiwan. The principles of the Taiwan Relations Act as well as the Shanghai Communique and other policy statements which form the basis of our understandings on the Taiwan issue are sustainable only as long as the American people are convinced of the peaceful intentions of the People's Republic of China.

Again, thank you very much for clarifying the press accounts of the General Secretary's remarks. I am glad to have a firm restatement of your government's position on the Taiwan issue.

I intend to enter your letter of July 8 and the present letter into the Congressional Record.

Sincerely,

RICHARD G. LUGAR,
Chairman.

THE EMBASSY OF THE
PEOPLE'S REPUBLIC OF CHINA,
Washington, DC, July 8, 1985.

Senator RICHARD G. LUGAR,
Chairman of Senate Foreign Relations Committee, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LUGAR: I am writing to ex press my concern about Senator Pell's statement in the Congressional Record June 17 issue No. 80 and similar statements by Congressmen Whitehurst and Oxley in Congressional Record June 20 and 25 issues Nos. 83 and 86, regarding General Secretary Hu Yaobang's recent interview with correspondents on China's policy of reunification of our motherland. As indicated in the Record, all these statements are based on press reports. Here, I would like to point out that one should not rely on press reports for precise information and that the foreign press reports on Hu's interview with correspondents are inaccurate.

In his speech, Hu reaffirmed our principled stand on the Taiwan issue, stating that peaceful reunification of the motherland is China's set policy, because it is in conformity with the fundamental interest and common aspiration of the Chinese people on both sides of the Taiwan Strait. We sincerely hope to solve the Taiwan issue by peaceful means and we persevere in this course of action with patience. The solution of the Taiwan issue, however, does not depend entirely on us. We have never made any commitment not to resort to non-peaceful means. The reason is very simple. Once that commitment is made, peaceful reunification will be impossible.

I would greatly appreciate it if you could place the above-mentioned principled stand of the Chinese Government and our assessment of the aforesaid press reports in the Congressional Record.

I look forward to meeting you soon.

With warmest regards.

Sincerely yours,

HAN XU,
Ambassador.

WEEKLY BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report for the week of September 23, 1985, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 30, 1985.

Hon. PETE V. DOMENICI, *Chairman,*
Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal years 1985 and 1986. The estimated total of budget authority, outlays, and revenues for each fiscal year are also compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 32. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through September 27, 1985. The report is submitted under Section 308(b) and in aid of Section 311(b) of the Congressional Budget Act.

Since my last report Congress has completed action on H.J. Res. 388, making continuing appropriations for 1986.

With best wishes,

Sincerely,

RUDOLPH G. PENNER.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE—99TH CONGRESS, 1ST SESSION AS OF SEPTEMBER 27, 1985

[In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Fiscal year 1985:				
Current level [1]	1,062.2	946.4	736.5	1,823.8
Budget resolution, Senate Concurrent Resolution 32	1,062.1	946.3	736.5	[2] 1,847.8
Current level is:				
Over resolution by	.1	.1		
Under resolution by			(3)	24.0
Fiscal year 1986:				
Current level [1]	1,067.1	980.3	792.8	1,823.8
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by		12.7		
Under resolution by	2.6		2.9	255.0

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has

enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects of all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in Senate Concurrent Resolution 32 will not be included until Congress sends the legislation to the President for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $1,823.8 billion.

[3] Less than $50 million.

FISCAL YEAR 1985: SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			736,650
Permanent appropriations and trust funds.	686,253	607,885	
Other appropriations	542,981	516,642	
Offsetting receipts	−182,025	−182,025	
Total enacted in previous sessions.	1,047,209	942,502	736,650
II. Enacted this session:			
Famine relief and recovery in Africa (Public Law 99–10).	784	289	
Appropriations for the MX missile (Public Law 99–18).		79	
Agriculture supplemental appropriation (Public Law 99–71).	1,000		
Federal supplemental compensation phaseout (Public Law 99–15).	160	160	
Statute of Liberty—Ellis Island Coin Act (Public Law 99–61).	18	16	
Contemporaneous recordkeeping repeal bill (Public Law 99–44).			150
United States-Israel Free Trade Act (Public Law 99–47).			(1)
State Department authorization (Public Law 99–93).			−1
Supplemental appropriations bill (Public Law 99–88).	(13,029)	(3,369)	
Offsetting receipts	(−48)	(−48)	
Bill total	12,981	3,321	
Total enacted this session.	14,943	3,865	151
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory items requiring further appropriation action.			
Total current level as of September 27, 1985.	1,062,152	946,368	736,499
1985 budget resolution (S. Con. Res. 32).	1,062,100	946,300	736,500
Current level is:			
Over budget resolution	52	68	
Under budget resolution			1

[1] Less than $500 thousand.

Note.—Numbers may not add due to rounding.

FISCAL YEAR 1986 SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			792,800
Permanent appropriations and trust funds.	717,652	631,009	
Other appropriations		185,348	
Offsetting receipts	−162,006	−162,006	
Total enacted in previous sessions.	555,645	654,351	792,800
II. Enacted this session:			
Appropriations for the MX missile (Public Law 99–18).		368	

FISCAL YEAR 1986 SUPPORTING DETAILS FOR CBO WEEKLY SCOREKEEPING REPORT—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Famine relief and recovery in Africa (Public Law 99–10).		421	
Statue of Liberty—Ellis Island Coin Act (Public Law 99–61.	−15	31	
Contemporaneous recordkeeping repeal bill (Public Law 99–44).			13
United States-Israel Free Trade Act (Public Law 99–47).			−8
State Department authorization (Public Law 99–93).			2
Supplemental appropriations bill (Public Law 99–88.	36	3,138	
International Security and Development Cooperation Act (Public Law 99–83).	−25	−25	
Federal supplemental compensation phaseout (Public Law 99–15.			10
Total enacted this session.	−4	3,932	17
III. Continuing resolution authority:			
Continuing appropriations, 1986 (H.J. Res. 388).	535,987	347,011	
Offsetting receipts	−27,233	−27,233	
Total continuing resolution authority.	508,754	319,778	
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Payment to the CIA retirement fund.	10	10	
Claims, defense	7	3	
Payment to the Foreign Service retirement trust fund [1].	(7)	(7)	
Range improvements	1		
BLM: Miscellaneous trust fund.	(2)		
Payment to air carriers, DOT.	18	17	
Retired pay—Coast Guard	21	19	
Maritime, operating-differential subsidies.		3	
BIA: Miscellaneous trust funds.	(2)	(2)	
Higher education facilities loans and insurance.	4		
Retirement pay for PHS officers.	12	6	
Medicaid	1,617	1,285	
Payment to health care trust funds [1].	(1,011)	(1,011)	
Child nutrition programs	254	234	
Advances to unemployment trust fund [1].	(516)	(516)	
Special benefits (general retirement and Federal employee retirement).	48	48	
Black lung disability trust fund.	85	85	
Assistance payments	573	573	
Veterans pensions	10		
Salaries of judges	3	1	
Payment to civil service retirement [1].	(214)	(214)	
National wildlife refuge fund.	(2)	(2)	
General revenue sharing [1]	(1,142)	(1,142)	
Total entitlements	2,663	2,284	
Total current level as of September 27, 1985.	1,067,059	980,345	792,817
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining:			
Over budget resolution		12,745	
Under budget resolution	2,641		2,883

[1] Interfund transactions do not add to budget totals.

[2] Less than $500 thousand.

Note.—Numbers may not add due to rounding.●

PATENT PROTECTION

● Mr. D'AMATO. Mr. President, I rise today to add my name as a cosponsor to S. 1543, a bill to protect patent owners from importation into the United States of products made overseas by use of a U.S. patent process.

My interest in patent protection was heightened at two recent Joint Economic Committee hearings that I chaired on international trade relations in my home State of New York. I was shocked as I heard testimony from officials of some of our leading companies—pioneers in their respective fields—describe the predatory practices that some foreign competitors are using. I learned that the patent systems of certain foreign nations discriminate against U.S. firms and even encourage illegal copying of valid U.S. patents.

The United States has always been a leader in research and development. We have always allowed our inventors to recoup R&D costs and a profit for a limited time. However, current U.S. law fails to protect fully one kind of patent—the process patent. The law fails to allow an inventor protection against the importation of a product made offshore using his or her patented process. This must end.

This bill, introduced by my distinguished colleague from Maryland, will provide for the necessary protection of U.S. ingenuity. In a competitive global marketplace, we can ill afford to allow foreign competitors the opportunity to steal our inventions.

Mr. President, I urge my colleagues to strongly support this legislation.●

CONWAY HIGH SCHOOL SELECTED FOR HONOR

● Mr. PRYOR. Mr. President, tomorrow, officials of Conway High School in Conway, AR, will be in Washington to receive an award from the President as one of the outstanding secondary schools in the country. The high school is one of 212 public secondary schools from across the country receiving the award.

I want to congratulate the students and faculty of Conway High School, and also, the citizens of the community for their fine work that brought this well-deserved recognition.

Mr. President, I ask that an article from the Log Cabin Democrat, the newspaper in Conway, be printed in the RECORD. I should like to point out one remark made in the article by James Clark, Conway High School principal, about an evaluation of the school. Mr. Clark noted that one item of great importance to the person evaluting the school was the community involvement. This is vital to the continued role of public schools and strong support from the community as a whole means strong public education.

The article follows:

CONWAY HIGH SCHOOL SELECTED FOR HONOR

Conway High School has been selected for recognition in the national 1984-85 Secondary School Recognition Program.

In a letter to principal James Clark, federal Education Secretary William J. Bennett said CHS is one of 212 public secondary schools in the United States that are being recognized for success "in providing high quality education to all their students."

Clark, who received the letter this morning, said the recognition "is something the whole community can be proud of. We truly have a community school." He added that one reason the school could win such an award was "that with a good community you have good parents, which have good students, which means good faculty."

The program, in its third year, recognizes secondary schools that will serve as models to other schools and districts. CHS is only the fourth Arkansas school to receive the recognition.

Clark said the process to receive the recognition begins when individual schools apply through the state Department of Education. A group of panelists then study the applicants and determine which applications to send to a group of panelists in Washington, D.C.

Applications from Arkansas High School, College Hill Junior High School and North Heights Junior High School, all at Texarkana, were sent with Conway's application to Washington to be evaluated among about 300 other schools from around the United States, Clark said. Schools were then chosen for site evaluations, he said, adding that Conway was the only Arkansas school to be selected for evaluation.

Conway's application was then verified by Florence Rivette, principal of Grace King High School in Metairie, La., in a visit to the school in April, Clark said.

Clark said one thing Ms. Rivette "really wrote up big" in her report was the community aspect of the school.

Another panel then interviewed Ms. Rivette and other officials who evaluated other schools to make the final decision on the award recipients.

Clark said the program was started by former Education Secretary Terrel Bell to "take a positive approach to public and private education." Clark added that the program shows that "in spite of mediocre educaton in America, we do have pockets of good eduation."

Although the confirmation letter did not reach Clark until today, Clark said he was contacted yesterday morning by a secretary in 2nd Dstrict Congressman Tommy Robinson's office to extend congratulations for the award. "I asked the secretary if she was sure (of the award)" because the school had not been notified yet, Clark said.

He said the selected schools were to be notified sometime between June 11 and 15 and that, when no notifiation came, "I had given up. I thought we didn't make it."

School representatives will attend a national recognition ceremony in Washington, where they will receive a plaque, an American flag and meet President Ronald Reagan, Clark said.

"Then we'll hang up our plaque and keep going," he added.●

TRIBUTE TO SINCLAIR LEWIS ON THE 100TH ANNIVERSARY OF HIS BIRTH

● Mr. DURENBERGER, Mr. President, there is no escaping the truth that, as a man, Sinclair Lewis was just as disconcerting, individualistic, abrasive, and poignant as the novels he wrote. However, opinions on his gifts as a novelist and on his relative importance in 20th century American literatrue diverge greatly. He himself felt equal ambivalence: He was the first American to decline the Pulitzer Prize and, 5 years later, in 1930, became the first American to win the Nobel Prize in Literature. His complex and divided self was expressed in his novels.

Lewis' five big novels, "Main Street," "Babbitt," "Arrowsmith," "Elmer Gantry," and "Dodsworth," all of which appeared between 1920 and 1929, demonstrate that he could write with stunning originality, superb craftmanship, and genuine passion. He also exposed to the light of day the underside of contemporary America's middle class, something that no American novelist had done before him. To middle Americans and their leading citizens, he presented a devastating image of themselves, one marked by suffocating respectability, foolish pretensions, profiteering, and spiritual bankruptcy. In the Middle West of Lewis' creation, places like Gopher Prairie and Zenith were populated by exponents of a vociferous boosterism; and beyond their creed of pep, punch, and progress there was nothing more, nothing on the inside.

How did Harry Sinclair Lewis, born February 7, 1885, in Sauk Centre, MN, become the bad boy of American letters? What motivated him to charge that America was a country where mediocrity reigned, supremely and unabashedly?

The advantage conveyed by his relatively privileged station as the son of one of the two physicians in that prairie village did not work in his favor, for he lacked most other assets that could contribute to success in life. As a boy, he was considered so unattractive and inadequate in the requisite manly skills that he was spurned. Yet it was the resulting isolation which made him turn inward and read extensively, forging his writer's capacity for observation and detached appraisal.

After high school, Lewis departed Sauk Centre for 6 months of college preparatory study at Oberlin Academy in Ohio. If he had hoped for readier acceptance as a member of the group, Lewis did not find it at Oberlin. It was not until arriving at Yale College in 1903 that he managed to rid himself of the aura of odd man out; for once, he was not disliked. More sophisticated easterners might have looked askance at Lewis, in all his naivete, but they tolerated him as an individualist.

The sense of liberation offered by his new environment encouraged Lewis to express himself. It was at Yale that he began his career as a writer. He was the first member of his class to publish in the Yale Literary magazine, of which he was eventually elected an editor, and wrote poetry of a very romantic, Tennysonian type.

Before graduation, he detoured briefly for a stint at Helicon Hall, Upton Sinclair's utopian experiment in communal living in Englewood, NJ. The experience was not to his liking, but that trip was symbolic: Besides being a demonstration of his idealism, a quality manifested clearly in his novels, the trip was to be part of a lifelong itinerancy, here as well as in Europe.

Various jobs in journalism over the next couple of years brought him to Iowa, New York, California, and Washington, following which he spent 5 years employed by New York publishers.

His so-called ascendant period as a novelist began with the appearance of "Our Mr. Wrenn," in 1914. This and four succeeding novels were thought to provide a bridge between Theodore Dreiser's naturalism and Booth Tarkington's sentimental gentility.

But serious literary critics, not to mention the American reading public, found room for more ardent controversy than an American novelist had ever evoked when "Main Street," Lewis' rendition of Middle West provincial life, burst on the scene in 1920. The likes of H.L. Mencken praised "Main Street" for its vivid representation of the speech and manners of a group of typical Americans. Its "new realism" was animated by an opulence of detail so authentically and tellingly American that readers pronounced the book everything from a social document of a high order to an unpatriotic aberration.

Having become one to watch on the literary horizon, Lewis now addressed an audience of unprecedented size, who engaged in vigorous, sometimes virulent, discussion of his new portrait of America.

With "Babbitt," some felt that Lewis had abandoned the essential optimism and sense of comedy he had previously shown, while others argued that it bested anything he had yet produced. Rebecca West said that unlike "Main Street"—competent and informative though it was—"Babbitt" achieved a level of true artistry. She felt that Lewis' satiric likeness of George Babbitt and his standardized life was distinguished by the author's unique personality. Moreover, it was "saturated with America's vitality."

Next came "Arrowsmith," an expose of a different kind, in which Lewis took an entirely different turn in fiction by searching the psychology of

the scientist. His new heroes, Martin Arrowsmith and Max Gottlieb, were drawn with tenderness and frank idealism. On less firm ground when writing about the research laboratory, Lewis still succeeded in penetrating pretensions in the medical profession. Malcolm Cowley credits "Arrowsmith" as the highest point in Lewis' growth as a novelist.

If "Main Street's" effect was shocking, Elmer Gantry's" was uproarious. Many readers reacted with nothing less than violent outrage to Lewis' latest countericon of American culture. Elmer Gantry, the treacherous opportunist, represented an indictment of the church which would enable the rise to power of such a pharisee. Regardless of the impact he might have wished for by writing "Elmer Gantry," Lewis could hardly have imagined the response it drew. While certain clergymen raged, municipal bans against the book indignantly erupted all around the country in 1927. And, as a fitting grace note, the graduating class of New York University that spring voted Sinclair Lewis its favorite author. Perhaps Lewis' admirers and detractors would have agreed equally with one assessment of "Elmer Gantry" as "a sort of cathedral in which every stone is a gargoyle."

"Dodsworth," which was published in 1929, was the last of his well-respected novels, although others were to follow. Some saw "Dodsworth" as a vindication of the American middle class, a more effective satire because the author had written with his heart and shown new kindliness toward his central figure. To Lewis Mumford, no one since Henry James had written so well about the quandaries of the untutored American in Europe.

The remainder of his life was spent in both literary and personal decline. Although he continued to write novels which examined social and moral problems in America, he wrote with less depth, originality, and success than before. None were easy novels, however, and the sheer effort was admirable.

Consistently, Lewis had been praised as a photographic realist whose unerring eye focused accurately, even unbearably, on the merest detail. Toward the end, that eye had become clouded. Even for one who possessed the detachment of the close observer, "Photography," E.M. Forster said, "is a pursuit for the young."

The other literary tool that Lewis had developed to an exceptional degree was that of mimicry. The typical speech and the typical gesture he could reproduce with astonishing plausibility, accentuated by touches of the burlesque. Possibly his crucial disadvantage as a novelist was his failure to exceed the limitations of mimicry as a literary device. All too often he captured the authentic without reaching for the transcendant. In the end, when he seemed to have lost touch with contemporary America, his characters' speech had lost its lustre and begun to sound painfully out of date.

To some, Sinclair Lewis was strictly out of an older American tradition, not truly an original voice but a representative fabulist. They saw in his novels the earmarks of American frontier, fabulists: prosaic material, a romantic mood, and a typically American exuberance and air of discovery. The novels were basically stories about stock characters: the small businessman, the truthseeker, the opportunists.

Some saw his characters, especially George Babbitt and Elmer Gantry, as parodies of human nature, overblown fragments pretending to be whole. It was Robert Frost, they said, who deserved the Nobel Prize for Literature in 1930.

To others, Lewis was to be valued as the reformer as much as the novelist. He jolted Americans out of unconsciousness by dramatizing social evils. And although he discomfited the middle class by persistently defining unlooked-for sins, he was not relentless. An essential compassion softened his message.

Sinclair Lewis' darker satires, particularly "Main Street," "Babbitt," and "Elmer Gantry," achieved something unequalled. They provide a social history of an America in which vulgarity held sway. And since it could have left no record of itself, no one other than Lewis could have recorded it with such precision.

He forced America to be truer to itself.●

THE HUMAN RIGHTS SITUATION IN AFGHANISTAN

● Mr. HUMPHREY. Mr. President, the human rights situation in Afghanistan today is deplorable, and shows no signs of improving. Violations of human rights have been widely documented by many visitors to that troubled nation. It is quite clear that the Soviets are engaged in a policy which is effectively decimating the population of Afghanistan. The report commissioned by the Economic and Social Council of the United Nations on Human Rights in Afghanistan concludes that "humanitarian norms have been flouted in the conflict taking place, and the resulting situation is fraught with danger for the population as a whole." Too many times in this century, massive violations of human rights have either gone unnoticed or were discovered too late.

In the case of Afghanistan, these violations have gone largely unnoticed due to deliberate efforts by the Soviet Union to shield the Afghan war from the rest of the world.

Mr. President, I commend National Review for recognizing this fact and for dedicating a substantial portion of their October edition to this tragedy. Two articles, one entitled "The Awful Logic of Genocide," written by Jean-Francois Revel, and another entitled "The New Holocaust" by Rosanne T. Klass, address the fact that a largely unnoticed policy of Soviet perpetrated genocide is exterminating the Afghan people. I ask that these articles be printed in the RECORD.

The articles follow:

THE AWFUL LOGIC OF GENOCIDE

(By Jean-Francois Revel)

The occupation of Afghanistan by the Red Army, which has been going on for almost six years now, continues to provoke in the Western democracies a reaction that Montaigne calls "voluntary ignorance." This deliberate neglect of the facts is a wonderful prophylactic against the temptation to act. In this sense, Afghanistan is a reflection of our cowardice. It offers an instructive look at the way the democracies justify, or conceal, their failures in the face of totalitarian expansionism.

Information on Afghanistan is scarce, to be sure, because of Soviet censorship. The Communist powers enjoy an unwritten but tacitly accepted privilege, a privilege practically legalized by international consent, to shape and to ration information that concerns them. By closing Afghan territory to TV teams and non-Communist reporters, by imprisoning journalists and even doctors who have entered the country clandestinely, the Soviets have kept the Afghan horror story from being told by the mass media. Thus they have prevented the vast wave of worldwide opprobrium that would engulf a democracy guilty of far lesser crimes but accessible to news coverage by nature of its politics and principles.

But the blindness of certain Western elites does not result in the main from the practical difficulties of finding out what is going on. The practical difficulties can keep the story from the television screens, but there are nevertheless enough stories in the Western press—if they were taken seriously. There is sufficient information available for anyone who wants to think seriously about the situation of the Afghan people. If the free world discards this information or relegates it to the margins of its awareness, that is because it fears it will have to start questioning certain soothing interpretations of Soviet behavior and be forced to face the gravity of the crimes committed against the Afghan people. We can thus, we Western democracies, by looking the other way, withdraw from our moral responsibility and close our bored minds to the continuation of the Soviets' foreign policy. We will spare ourselves from seeing it in order to excuse ourselves from having to oppose it.

The first reason for our resistance to listening to news about Afghanistan (the only form of resistance the West has shown as yet in the Afghan affair) has to do with our desire to interpret the invasion of Afghanistan as an *accident* of Soviet foreign policy. Reread what all our oracles have written about it in the last six years: It was a mistake . . . a marginal act . . . unrepresentative of the fundamental thinking of the Soviet leaders. The Soviets acted without premeditation; they were "caught up in a situation"; they fell "into a trap." The

Western powers should, consequently, help them to get out of it, "to save face." How? By not bullying them, by not reawakening their well-known "sense of insecurity."

This analysis, made by most of the statesmen in power in the West during the invasion of 1979, remains the attitude of a great number of commentators today. It entails certain practical prescriptions: We must abstain from arming the Afghan resistance, for fear of provoking the Soviets. Only the fear of foreign intervention, they tell us, will delay the spontaneous departure of the Red Army. In view of the insignificance of our military aid to the Afghan resistance, one wonders how much further this would have to be reduced to "reassure" the Soviets, and how long it will take for their supposed desire to evacuate the country to be demonstrated. And, once gone, will they permit the local Communist regime to be swept out of Kabul, as without doubt it would be after the withdrawal of the Soviet military presence?

Such resignation is both unlikely and illogical given that the 1979 invasion took place precisely because the pro-Soviet Communist regime in Afghanistan could not, given the hostility of the people, remain in power without Soviet help. To imagine that the Soviet army will evacuate Afghanistan without having first gained acceptance for Communism there is to believe that the USSR would withdraw its "advisors" from all countries where it believes the local Communist government lacks local support—a totally unsupported belief. Up until now, quite the opposite has been the rule: The USSR keeps larger troop contingents in place in countries where the pro-Soviet regime is most fragile, most menaced. Which is, to be sure, perfectly rational.

The explanation that the Soviet seizure of Afghanistan is a result of unhappy chance is rooted in a more general theory. According to many politicians and students of politics, the Soviet Union does not nourish long-term foreign-policy objectives, at least not aggressive objectives. Nothing more greatly rouses the fury of certain politicians and international experts, whether journalists or academicians, than references to a global design on the part of the USSR. They admit, to be sure, that the USSR has an overall vision, but they believe it to be strictly defensive. The notion that the Soviet Union has an expansionist design, an imperialistic outlook both ideological and strategic, a program patiently pursued, long planned, unfailingly prepared for setbacks, could only emanate—in their view—from an *idée fixe* dating from the cold war. Never mind the classic writings on the subject and the best-attested historical facts. The Soviet Union, they say, does not have, cannot have, a coherent imperialistic plan.

Unhappily, there are few cases where even a summary knowledge of history so completely pulverizes that theory as Afghanistan. From the start of the Revolution in 1917, the new Soviet power moved to eliminate British influence from Central Asia. A Soviet-Afghan treaty of friendship was signed on September 13, 1920, a prelude to a long series of treaties destined to tighten the Soviets' ties with Kabul. The Soviets took up again the geopolitical objective of czarist Russia; but—and this is a major innovation—they added to it their panoply of ideological weapons. In November 1918, in a proclamation entitled "Do Not Forget the Orient," Stalin spoke of the need to "inspire the workers and peasants of these countries with the liberating spirit of the revolution." In characteristic fashion, this liberation ideology was evidently not to be practiced within the USSR itself: The Bolsheviks, who had never stopped denouncing the annexation of Moslem territories by the Czar, refused, once in power, to give these same regions their independence, instead putting down by force the insurrections that followed.

After the Second World War, the Soviet Union capitalized on the void left by Britain's retreat from India, the end of British influence, and above all the new situation that resulted from the creation of Pakistan to tie Kabul's foreign policy to her own. Indeed, why not? There was nothing scandalous in what the USSR was doing. But the democracies should at least have understood what was going on. Alas, the United States understood nothing of what the Soviet Union was up to in Central Asia. In December 1954, John Foster Dulles refused military aid to Afghanistan and threw that country into Moscow's arms.

Sardar Mohammed Daud, prime minister from 1953 to 1963 and president from 1973 to 1978, permitted the Soviet Union to take over the task of equipping and training the Afghan army. In 1955, Khrushchev and Bulganin, despite their concerns in Europe and at home that year, made one of their first foreign trips to Kabul and accorded Afghanistan a grant of $100 million, the biggest grant given by Moscow to any country beyond the Iron Curtain. Such a démarche is incompatible with the thesis that Moscow never had any long-term plans for Afghanistan.[1]

After the coup of July 16, 1973, which brought Daud back to power, the internal Soviet conquest of Kabul was accelerated. While he himself was not a Communist, Daud thought himself strong and wily enough to risk putting Communists in key posts. He did not understand the weakness of his position, given an army in which thousands of officers and men had been trained by the Soviet Union for twenty years. When, on April 27, 1978, the army assassinated Daud and installed a Communist regime in his place, it was picking ripe fruit from a tree planted long before.

Here too the Western experts and commentators who date the Sovietization of Afghanistan from the invasion of December 27, 1979, prove, at best, that they are professionally incompetent. The protectorate had been in the works for decades. The satellization of Afghanistan, in the classical form of "a friendly government" installed in 1978, was the real turning point. Soviet garrisons took up their positions at various locations in Afghanistan starting early in 1979. Was this the result of "a chain of unfortunate accidents"? Was there no plan behind this?

In August 1979, the Afghan garrison in Kabul realized that the unpopularity of Communist President Nur Mohammed Taraki was starting to provoke rebellion in the country Taraki was starting to provoke rebellion in the country and that it would be prudent to replace him with someone less openly under the orders of Moscow. This garrison was then massacred by Soviet troops, including air units already stationed in the area. How could Western governments not have known about it? After having first killed Taraki, then his successor, Hafizullah Amin, and installed in their place a "faithful friend," Babrak Karmal, the Soviets knew that no Communist leader in Kabul could stay in power without strong Soviet support. The invasion and the occupation were anything but an "accident" since they constituted the natural consequences of a systematic course of action.

The second reason the West resists information about Afghanistan is the Soviet violations of human rights in that country. These violations are so widespread that our governments are scared even to raise the question, knowing very well that Moscow will, in its usual humiliating manner, refuse even to discuss it. That is why the press and other media greeted so tepidly the February 19, 1985, United Nations report on the condition of human rights in Afghanistan by Felix Ermacora, Special Rapporteur—a report whose very existence is practically miraculous and which deserves a salute on that ground alone, but which was quickly relegated to obscurity. What does it teach us?

The repression takes two forms: the torture and execution of opponents and resistance fighters, and the massacre and deportations of the civilian population. In "*Le Grand Jeu Afghan*" (*Politique Internationale*, Spring 1985) Michael Barry reports that between April 27, 1978 (the date of the pro-Soviet coup d'état), and January 1980, 27,000 people were executed in the Poli Charki concentration camp, situated six miles east of Kabul. "This is not an estimate," writes Barry. "This is the simple addition of the names of the victims posted by the regime in public places to discourage the families from crowding around the gates of the prisons with packages of clothing and food." A major portion of the educated elite, the author adds, perished in this carnage: diplomats, doctors, professors, engineers, non-Communist officials, spiritual leaders. While estimating the number of those shot at "only" 12,000, the UN report corroborates the basic story.

In this context, according to the information received, a number of political prisoners were also tortured. One of the complaints relates to Mr. Sayed Abdullah Kazim, a former dean of the Faculty of Economics, imprisoned at Poli Charki at the same times as Mr. Ludin. In this connection, Mr. Ludin, himself arrested in June 1978 and detained until 11 January 1980 in the Poli Charki prison, reveals that he himself was present during the torturing of Mr. Kazim, who had the fingers of both hands crushed under the legs of a chair on which two of his torturers sat. Having himself been tortured, the witness drew the attention of the Special Rapporteur particularly to events which had taken place on the nights of 31 May to 1 June 1979 in the Poli Charki prison. Shots fired in the prison courtyard had been heard by the witness, who was told by the prison guards that about 118 prisoners were being executed. The shooting was followed by the departure of buses carrying the bodies, some of them still showing signs of life. The testimony of a former female detainee of Poli Charki likewise revealed that during her detention between May and November 1978, she had several times heard shooting in the prison courtyard along with the departure of the corpses of prisoners in buses. The same witness spoke of the existence of a section of the prison reserved exclusively for women, and the Special Rapporteur had the occa-

[1] For the inadequacy of American diplomacy at that time, and its consequences in this part of the world, see "The Failure of American Diplomacy in Afghanistan," by Léon Poullada, *World Affairs*, 1982-83, Vol. 143, No. 3, *Special Issue on Afghanistan*.

sion to interview a woman who had been incarcerated in that prison."

However, one must add to the official figures the number of those shot unofficially. Amnesty International estimates that 4,854 prisoners have been liquidated more or less clandestinely. And the United Nations report says that approximately nine thousand individuals "disappeared" in Kabul before the coup of December 27, 1979, much has happened in Argentina during the military dictatorship, but without touching off the same indignation in the free world.

As to the massacres of the civilian population, I cite several examples, all drawn from the UN report.

"In addition, *numerous cases of assassination of women and children* were brought to the notice of the Special Rapporteur. They were described as having taken place frequently in villages, as reprisals following skirmishes between the troops and elements of the opposition movement.

"Eyewitnesses told the Special Rapporteur of alleged *massacres of civilians during the bombardment of villages.* According to these witnesses, such acts were part of a deliberate policy, especially over the last two years, *to force the people to take flight.* In this connection, one witness declared that the country's *economy had been completely destroyed by the systematic bombing of rural areas* housing about 85 percent of the population, and in fact occupied by the resistance and regarded as liberated zones.

"On 13 September 1982, approximately 105 persons were killed in the village of Padkhwab-e-Shana in the province of Logar, including 61 victims from the village itself. In the course of an infantry operation in the village, the population, consisting of children, old people, and a few combatants, took fright and hid in an underground channel used for irrigation (Karez). To dislodge them, troops poured a whitish liquid mixed with white powder into three outlets of the channels and set fire to it. Charred and decomposed bodies were brought out by the villagers. The corpses were said to include 12 children.

"On 12 October 1983, in the villages of Kulchabat, Bala Karz, and Mushkizi in the province of Kandahar, 360 persons were executed in the village square, including twenty girls and about twenty old people.

"In March 1984, several hundred civilian were massacred in the villages of Dash-e-Bolokhan and Dash-e-Asukhan in the Kohistan region.

"In November 1984, some forty civilians were massacred in the village of Zirvq situated in the Urgun region after two weeks of steady bombardment. According to the witnesses, several houses were destroyed and the cattle decimated."

Furthermore, the use of poison gas and booby-trapped toys has largely been proved, according to the report.

The devastation of the countryside and the villages, and the deportations of the people (in last 1980, the Soviets emptied Pamir of its entire population), have brought the expected and desired result; famine. This famine is a chronic fact of life for about half a million civilians (close in proportion to the Ethiopian famine). According to the group of doctors known as *Médecins sans frontières,* infant mortality caused by malnutrition reached a stupefying 85 per cent in the winter of 1984-85.

Another result was the exodus. More than four and a half million Afghans (a figure we're fairly certain about) have fled their country since 1978, mostly to Pakistan. Given that the official figure of displaced persons worldwide, according to the UN High Commissioner for Refugees, is approximately ten million, that means that *nearly one out of every two refugees on this planet today is an Afghan.* If you add to this figure the number of resistance fighters killed, of those executed, of civilians massacred or starved to death (a figure that can prudently be put at a million) this means that of the 13 to 14 million inhabitants of the country in 1978 there remain today on Afghan soil about eight million. Put otherwise, nearly 40 per cent of the population is either in exile, or dead.

If one notes that the repression started 18 months before the invasion of December 27, 1979, and was directed from the start by Soviet advisors already in place, one cannot escape the conclusion, once again, that the USSR was carrying out a well-thought-through program. It is not credible, as the commentators who wish at all costs to exculpate the Soviets claim, that they gave way to momentary panic. The great "liberal" Mikhail Gorbachev seems to have not the slightest intention of modifying the Soviet political plan for Afghanistan. One of his first declarations on the subject, in March 1985, was to threaten reprisals against Pakistan if that country continued to "meddle in the internal affairs" of its neighbor, which in Soviet language means if Pakistan continues to shelter Afghan refugees instead of repelling them across the border to be massacred on the other side.

Must one conclude that the Soviet Union is invulnerable and can—as South Africa, or Chile, cannot—violate human rights with impunity, shielded by the discreet complicity of an international opinion that knows it is powerless? Perhaps not. What the discreet people find a bit upsetting are the anti-Communist guerrillas: in Angola, in Nicaragua, and above all in Afghanistan. For the first time, the United States Congress, in July 1985, openly recognized the importance of this phenomenon and voted official aid—$15 million to the Afghan resistance.

THE NEW HOLOCAUST

(By Rosanne T. Klass)

Afghanistan is being turned into a charnel house.

It is not only that the Soviets and their puppets have executed or tortured to death thousands of political prisoners.

It is not only that they attack civilian targets—wedding parties, farmers in their fields, villagers in the bazaars—or that they single out medical facilities for destruction.

It is not only that they pursue, rocket, and strafe the slow, plodding caravans of refugees—women and children, mostly—fleeing to sanctuary in Pakistan and Iran.

It is not only that they burn crops, destroy granaries, and kill flocks and herds to induce famine, or that they smash the irrigation systems and spread poisons on the land to turn it into a permanent desert, in emulation of Genghis Khan.

No, I am referring now to the deliberate Soviet policy of sending Soviet ground forces into the villages of Afghanistan to rape, to loot, to burn, and to murder most horribly, leaving the mutilated dead as a warning and an omen to survivors. The message is clear: submit, get out, or die hideously.

These are not the sporadic actions of uncontrolled troops gone berserk. They are systematic campaigns of butchery, carried out by Soviet—not Afghan army—troops, some of them special units. The massacres occur in all parts of the country, as would be expected in a calculated policy of terrorization.

The policy is not new; it began with the invasion in 1979. Two years ago, in Oslo, an Afghan from the Panjsher Valley told a human-rights panel about returning to his village in 1980 and finding the village elders, including his own father and grandmother, decapitated by Soviet soldiers who had, with grisly cynicism, put the men's heads on the women's bodies, the women's on the men's.

The number, ferocity, and frequency of these atrocities are increasing as the Russians move methodically to crush and empty out the country. They are becoming commonplace. Yet one sees nothing about them in the press, hears nothing on the air. No American journalists bothered to cover the Oslo hearings, though they were invited and Europeans came. Survivors and eyewitnesses can be found in the Afghan refugee camps in Pakistan, but reporters do not seek them out. Indeed, when their stories are made public, they are usually not reported; and when, occasionally, they are reported, they usually don't get into print. A top editor at a major U.S. news organ told me three years ago: "Torture is not news."

The editors' explanations are always the same: With journalists barred from Afghanistan, the information cannot be verified.

What newspaper, one wonders, declined to publish the news of Lidice in 1942 because it couldn't get a reporter into Nazi-occupied Czechoslovakia? Or who, before reporting the massacre at Oradour-sur-Glane, insisted on smuggling a reporter into occupied France to make sure that the Résistance was not exaggerating? For that matter, what reporter has yet made an investigative tour of the Gulag camps to make sure they really exist? When did the press begin to assume that what they cannot see for themselves does not exist, no matter how extensive and detailed the eyewitness testimony?

In May, freelance journalist Rob Schultheis went to the Munda refugee camp in Pakistan and interviewed survivors of an atrocity campaign carried out by Russian troops in the Laghman Valley in eastern Afghanistan in late April. In a single district, nearly eight hundred people were slaughtered, from pregnant women and newborns to the aged—shot, burned alive, hanged, bayoneted, tortured to death, killed with grenades, decapitated, beaten to death, mutilated. Schultheis's taped interview was broadcast on National Public Radio in June. It went unnoticed by the press.

Dr. Juliette Fournot is director of the Afghanistan program of *Médecins sans Frontières* (Doctors without Boundaries), the French humanitarian organization that has been sending medical teams into Afghanistan clandestinely since 1980. A petite young woman who spent part of her childhood in Afghanistan and speaks the languages, Dr. Fournot has since 1980 logged thousands of miles inside Afghanistan on horseback and on foot, checking on the operation of the MSF program. In May of this year, just about the time Schultheis was interviewing the Laghman survivors, she was in the southern province of Paktia, interviewing survivors of another, similar atrocity committed six months earlier far to the north, beyond the high mountain ranges, in Baghlan Province. With the snows melted, the few survivors had abandoned their destroyed homes to seek safety in Pakistan's refugee camps.

Dr. Fournot took notes on the interviews with the cool precision of a doctor writing up a patient's medical history. Based on those interviews, this is her account of the massacre:

On 15 Kaous [December 7], a group of Soviet soldiers entered the village of Bilwom at Issa Khel and searched the houses looking for young men to impress into the Afghan army. During the search, several women were raped and a grenade thrown into their house as the soldiers left the village. The Mujahedin in the region, hearing of this, set up an ambush in the path of the returning Soviet troops and attacked the convoy at Chardara. The sixty men of the band were under the command of Sher Mohammed Khan. Seven tanks were destroyed by rocket fire and burned; one tank hit a mine and exploded. At the end of the hour-long battle Sher Mohammed had been wounded in the face, one Mujahed was dead, and six others had been wounded.

On December 12, five days later, at about 11 a.m., four hundred Soviet soldiers circled the villages of Rarao Keshlok Payan, Rarao Keshlok Bala, Tal Gouzar, and Sar-e-Washa, which were close to the site of the December 7 ambush. Tank reinforcements arrived about 2:30. The Soviet troops then systematically entered every house, killing all the occupants, including women and children, often by shooting them in the head. Three pregnant women were disemboweled. The houses were put to torch, and the fires burned for five days. The troops carried off the money and valuables that the villagers had brought them in the hope of saving their lives. Commandant Mohammed Wali (Mullah Raz Mohammed is his *nom de jihad* [the resistance in Afghanistan has been proclaimed a "jihad," a holy war]), alerted to the attack, arrived about 4 p.m. and attacked the Russians. During the fighting between the Russians and the "Muj" [short for Mujahedin] the survivors in the stricken villages fled.

The following morning, Mohammed Wali rounded up carts and filled each with the corpses of twenty or more women and children and sent them into the town of Kunduz, escorted by old people.

The people of Kunduz, horrified by the massacre, closed their shops and took to the streets in protest. The riots spread to all parts of the town. The Parchamis [Afghan Communist Party members] joined in as well. By the end of the day the Soviets had broken up the demonstrations. They threw the bodies of the victims (women and children) outside the town. The Mujahedin then carried them back to their native villages (Rarao, Tal Gouzar, Sar-e-Washa), and they were buried. After several days of digging through the ruins of the burned houses, a total of 630 people were buried.

Subsequent to her on-the-spot interview with Mohammed Wali, Dr. Fournot received a complete list of the names and ages of the dead, village by village, and has provided the author with a photocopy. It contains the names of 620 men, women, and children. One page is missing, which apparently contains another 11 names, bringing the total to 631—twice the number murdered at Lidice, where the Nazis killed only the men. Correspondents for Reuters and Agence France-Presse interviewed the atrocity survivors in Pakistan. But the story never appeared. AFP in Paris told an inquirer that no report had been received by the home bureau but that, in any case, AFP would not be interested in the story.

When the first reports of the Nazi slaughter of the Jews emerged from occupied Europe in 1942, they were dismissed as "unsubstantiated," their sources labeled as hysterical and unreliable. A decade ago, nobody was willing to belive what was happening in Cambodia until half the nation was dead. We hear constant regrets, not that nothing was known about these events until it was too late. We hear the slogan, "Never again."

But Afghanistan is "again" and it is happening now. Already an estimated one million Afghan civilians have been murdered and the killing continues every day.●

REAUTHORIZATION OF THE NATIONAL SCIENCE FOUNDATION AND THE EDUCATION FOR ECONOMIC SECURITY ACT—S. 801

● Mr. QUAYLE. Mr. President, I rise in support of the bill, S. 801, to reauthorize the National Science Foundation [NSF] and the Education for Economic Security Act, commonly known as the math and science bill. S. 801 was unanimously reported out of the Labor and Human Resources Committee and deserves the support of the full Senate.

S. 801 would extend for 1 year the programs administered by the National Science Foundation and make a number of small changes to its authorizing statute. S. 801 would also extend for 3 years, through fiscal year 1988, the programs that the Congress approved late last year to provide for the improvement of math and science education in our country. The math and science programs being administered by the Department of Education are only now just getting underway and this September 1985 will be the first school year these programs are in operation. The math/science programs administered by the NSF have not yet been implemented, so it is doubly important that these programs be reauthorized so implementation can be carried forth.

One important change S. 801 makes is the transfer of the Partnerships in Education Program from the National Science Foundation to the Department of Education. For many reasons, the Partnerships in Education Program will be better placed in the Department of Education, and the members of the Labor and Human Resources Committee anticipate that the Office of Education Research and Improvement will administer this program. I, for one, am anxious to see this program up and running, and know of a great deal of interest in the partnerships concept around the country.

For instance, in Indiana, a Partners in Education Program has been started in the Indianapolis, Elkhart, Muncie, and Hammond schools. The Governor of Indiana and the business community stand firmly behind the partnerships concept. Last year, when the program was announced, over 100 school districts indicated their interest in the partnership concept. The residents of Indiana realize that a strong economic development program must be matched with an equally strong educational system and see the partnerships program as a way to achieve that goal.

The teacher shortage in our schools has not abated in the 2 years that we first started talking about the math/science crisis. When we wrote the math/science bill in 1983, we were responding to an emergency in our schools. Mr. President, the emergency still exists, and we have done little to remedy the situation. S. 801 will provide needed assistance to our schools and colleges to retrain math, science, and engineering faculty and teachers, and the Partnerships in Education Program will encourage the private sector to assist in this effort. I urge my colleagues to support S. 801 to reauthorize the National Science Foundation and our very important math and science education programs at our Nation's schools and colleges.●

DEATH OF H.K. THATCHER

● Mr. PRYOR. Mr. President, Arkansas has lost one of its champions in the development and enhancement of our water resources with the death of H.K. Thatcher.

H.K. Thatcher was one of the great pioneers in river navigation, an Arkansan who has made a difference. H.K. Thatcher of Camden, AR, my home town, was for over 40 years the single most important factor in the development of the Ouachita River in Arkansas and Louisiana. As a young man growing up in Camden I came to know at an early age that this man, who had devoted his entire life to the economic development of the Ouachita River basin, was the most respected authority on river navigation in the area, and perhaps within the State of Arkansas. He was well known by the congressional committee chairmen before whom he testified for so many years. I should add, Mr. President, that Mr. Thatcher was a very effective spokesman for the interests that he represented, and the developments that we now see on the Ouachita River is proof of his influence in the Congress.

Mr. President, I would like to include some excerpts from H.K.'s personally prepared resume dating to 1980 which reveal the character of this giving man. The excerpts follow:

I have spanned a life from the horse and buggy days to the moon walkers. Scientific and economic advancements are spectacular but people are always the most interesting because it is their actions that implement progress.

It has been my priviledge to have known, even though briefly, many individuals of note. As a small boy I remember seeing Mark Twain with his bushy white hair. I have heard Teddy Roosevelt, William Howard Taft and William Jennings Bryan speak. I once saw Woodrow Wilson in his tall silk hat ride by in a carriage drawn by

two beautiful black horses. My favorite, of course, is Herbert Hoover.

During my Washington tour of duty I had the opportunity to visit Franklin D. Roosevelt at the White Office with several different groups who had urgent business with the President. Ten minutes was always the allotted time. FDR would talk for nine minutes and then ask, "What was it you wanted to see me about?"

Had several office visits with Harry Truman when he was only a "run of the mill" U.S. Senator from Missouri. Spent two minutes with President Eisenhower during a water conference trying to convince him of the need and value of government built water supply reservoirs. At Princeton University one day listened to the brilliant mathematican Albert Einstein talking on human relations. I am sure he knows much more about the movement of light and the stars than he did about habits and desires of the races.

I met Lyndon Johnson on several occasions while he was a U.S. Senator from Texas, but never suspected that he was presidential caliber. Of course, I have seen, heard and shaken hands with John F. Kennedy but then who hasn't. Met Bobby Kennedy on several occasions in Senator McClellan's office: thought he was overrated, later I knew this for a certainty. I don't ever remember seeing Warren Harding and up to now have never had a personal contact with Richard Nixon.

In my younger days there never was a generation gap that I was conscious of, perhaps the application of the parental strap and paddle took care of that. It seems a paradox that there can be a generation gap now. If there is such a gap it exists only because the idea is spurred on by certain hairy feeble thinking society misfits, many of whom may never live long enough for them to learn that the only generation gap is their youth being unable to flow smoothly into the type of life nature uses to enable man to dominate and rule the Earth.

Won't it be interesting to see this generation of hippy thinkers trying to persuade their sons and daughters that there really is no such thing as a generation gap but only the rough waters which must be sailed in trying to reach maturity.

So be it.●

NATIONAL SECURITY SAFEGUARDS

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1679, a bill to strengthen the provisions of the law that provide safeguards when imports threaten to impair the national security. This important legislation has been introduced by my distinguished colleague from Iowa.

Mr. President, I was appalled by testimony of witnesses as they described to me the illegal and unfair practices of our trading partners at two recent Joint Economic Committee hearings I chaired in New York on international trade relations. These practices include foreign nations subsidizing targeted industries, dumping their products into the U.S. marketplace, and using fraudulent methods to circumvent U.S. customs laws. The use of these methods have a deleterious effect on our industrial base.

One company that testified was Houdaille Industries, Inc., a diversified manufacturer of industrial products including machine tools. They related the existence of a Japanese machine tool cartel, and the wide range of financial assistance made available to the cartel by the Government of Japan. It is Houdaille's belief that this government assistance has given the Japanese machine tool industry the ability to control more than 50 percent of the U.S. market.

Mr. President, unfair foreign competition is the reason that the domestic machine tool industry has requested temporary relief pursuant to section 232 of the trade laws. Section 232 requires that the Secretary of Commerce conduct immediately an investigation and report the findings of his investigation and his recommendations to the President within 1 year. However, the statute does not include a time limitation in which the President determines whether he agrees or disagrees with the Secretary's determination, a lag which causes further harm to the domestic industry and possibly could jeopardize our national security.

In the immediate case, the President has failed to act for 18 months, notwithstanding a reportedly favorable finding for the machine tool industry by the Secretary of Commerce. It is therefore necessary that section 232 be amended to include a 90-day deadline in which the President must make a decision to impose restrictions on imports for national security reasons.

Mr. President, I urge my colleagues to act on this legislation so that future delays will be prevented in reviewing import cases involving U.S. national security.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at the point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, September 25, 1985.

In reply refer to: I-12316/85ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-53 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to the Netherlands for defense articles and services estimated to cost $32 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

HENRY H. GAFFNEY,
Acting Director.

Transmittal No. 85-53

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: The Netherlands.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$30
Other	2
Total	32

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Seventy-eight SM-1 Standard missiles with containers, dorsal fin assemblies, telemetry exercise heads and standard missile spares.

(iv) Military department: Navy (AEM).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: September 25, 1985.

POLICY JUSTIFICATION

NETHERLANDS—STANDARD MISSILES

The Government of the Netherlands has requested the purchase of 78 SM-1 Standard missiles with containers, dorsal fin assemblies, telemetry exercise heads and Standard missile spares. The estimated cost is $32 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the Netherlands; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The Standard missiles being provided will replace older Netherlands inventory and missiles expended in training. Netherlands will have no difficulty absorbing these missiles into its armed forces.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.S.

Government personnel or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

Transmittal No. 85-53

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

CLASSIFIED ANNEX ITEM NO. VI

1. [Deleted]

2. (U) Release of this technology is within the classification guidelines for disclosure to the Netherlands as stipulated in National Disclosure Policy (NDP-1).●

ORDER OF BUSINESS

Mr. DOLE. Mr. President, let me indicate to my colleagues that there will be no rollcall votes today. We had hoped to have before the Senate one or two appropriation bills, but there are still discussions going on between the chairman of the Appropriations Committee and the chairman of the Budget Committee and others with reference to those bills, so we are not in a position to call up any of the appropriation bills today.

It is my hope that on tomorrow, we can dispose of the imputed interest conference report in rather quick order, move to some appropriation bills and perhaps the compact of free association measure. I think it is fair to say that there will be rollcall votes tomorrow. I alert my colleagues to that.

ORDERS FOR TUESDAY

RECESS UNTIL 11 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 a.m. on Tuesday, October 1.

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

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be special orders in favor of the following Senators for not to exceed 15 minutes each—Senator GOLDWATER, Senator NUNN, Senator PROXMIRE.

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

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that, following the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

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

RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. DOLE. I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m. tomorrow for the weekly policy luncheons.

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

ORDER OF PROCEDURE

Mr. DOLE. As indicated, when we reconvene at 2 p.m., it will be the intention of the majority leader to turn to any of the following items—the imputed interest conference report, available appropriation bills, the compact of free association. I can not think of anything else that might be available at that time, but we could expect rollcall votes.

RECESS UNTIL 11 A.M.

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and, at 4:25 p.m., the Senate recessed until Tuesday, October 1, 1985, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate September 27, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF STATE

Joseph Verner Reed, of Connecticut, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Fred L. Hartley, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the U.S. Exhibition for the International Exposition, Vancouver, British Columbia, Canada, 1986.

THE JUDICIARY

John S. Rhoades, Sr., of California, to be U.S. distict judge for the southern district of California vice Leland C. Nielsen, retired.

Lyle E. Strom, of Nebraska, to be U.S. district judge for the district of Nebraska vice Albert G. Schatz, deceased.

Jose Antonio Fuste, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico vice Juan R. Torruella del Valle, elevated.

Richard H. Battey, of South Dakota, to be U.S. district judge for the district of South Dakota vice Andrew W. Bogue, retired.

DEPARTMENT OF THE INTERIOR

Ross O. Swimmer, of Oklahoma, to be an Assistant Secretary of the Interior, vice Kenneth L. Smith, resigned.

Executive nominations received by the Senate September 30, 1985:

DEPARTMENT OF STATE

Robert L. Barry, of New Hampshire, a career member of the Senior Foreign Service, class of Career Minister, for the rank of Ambassador during the tenure of his service as U.S. Representative to the Conference on Confidence and Security Building Measures and Disarmament in Europe.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Julius W. Becton, Jr., of Virginia, to be Director of the Federal Emergency Management Agency, vice Louis O. Giuffrida, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Francis S. M. Hodsoll, of Virginia, to be chairman of the National Endowment for the Arts for a term of 4 years, reappointment.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Lee Edwards, of Maryland, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1990, vice Paulette H. Holahan, term expired.

Frank Gannon, of New York, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1990, vice Charles William Benton, term expired.

EXTENSIONS OF REMARKS

THE SANDINISTAS: OLD FRIENDS OF MIDDLE EASTERN TERRORISTS

HON. WM. S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. BROOMFIELD. Mr. Speaker, we often overlook the fact that the Sandinistas have old and well established ties with terrorists from the Middle East. These continuing links and the presence of known terrorists in Nicaragua today present a real threat to countries in this hemisphere.

Sandinista-PLO ties were cemented in the late 1960's when Comandante Tomas Borge and other Sandinistas were trained in PLO terrorist camps in Lebanon. Sandinista guerrillas participated in the attempted overthrow of King Hussein of Jordan and a Sandinista was killed while assisting in a PLO hijacking. These close ties continue today. The PLO has an embassy in downtown Managua, and the PLO provides arms and trainers to the Ortega regime.

Libya, another terrorist-supporting country, has close diplomatic and trade ties with Nicaragua. Libya has also given financial support and arms to that country.

Managua maintains close ties with Iran, another nation which uses terrorism as an instrument of its foreign policy. That country has provided arms to the Sandinistas and has signed a large trade agreement with the Comandantes.

The Sandinista government provides passports to undesirable radicals and other terrorists from the Middle East, Europe and Latin America. PLO operatives use Nicaragua as a base for their terror operations in Central America. Known terrorists from the Basque terrorist group, the ETA, the German Basdar-Meinhof and other murdering gangs make Nicaragua their home.

Comandante Ortega is exporting revolution and terrorism in this hemisphere. Terrorism is nothing new, however, to the Sandinistas.

I commend the following excerpts from a State Department publication on Nicaragua and terrorism to my colleagues in the Congress.

THE SANDINISTAS AND MIDDLE EASTERN RADICALS

(An unclassified report on Sandinista ties to Middle Eastern radicals, including Sandinista participation in Middle East aircraft hijacking and terrorism in 1970, and their continuing relations with these groups and states in the 1980s)

INTRODUCTION

Foreign policy analysts and the news media have noted Sandinista relations with the Cubans and Soviets and Sandinista dependence on Eastern-bloc aid, arms, and advisers. It is recognized that those relations are inimical to United States and hemispheric interests. This report notes a different yet related aspect of Sandinista policy: the relationship between the Sandinistas and radical Middle Eastern groups and states, including terrorist elements supported by those groups and states. Their ties with the Palestine Liberation Organization (PLO) reach back more than ten years before the revolution in Nicaragua. Libya has given the Sandinistas both pre- and post-revolution aid, at first in conjunction with or through the PLO, and eventually through its own agreements with the Sandinista government. More recently, the Sandinistas have developed closer ties with Iran.

Relations between the Sandinistas and Middle Eastern radicals result from years of carefully developed contacts between radical forces in Central America and the Middle East. This report describes how the relationships started, the mutual assistance that the PLO and the Sandinista National Liberation Front (FSLN) have given each other, and the Sandinistas' relationships with Libya and Iran.

THE FIRST CONTACTS: TRAINING AND ARMS

The PLO made its international debut in 1966 in Havana, Cuba, at the First Conference of the Organization of Solidarity of the Peoples of Asia, Africa, and Latin America (also known as the Tri-Continental Conference). At this conference, Fidel Castro brought together 500 delegates from radical leftist groups around the world to devise a strategy for what they called the global revolutionary movement.

Results of that conference soon became apparent. In the months following the conference, guerrilla training camps appeared in various countries, with major clusters in Cuba, the Soviet Union, Lebanon, and Libya. Members of the PLO were among the first to be trained in the Cuban and Soviet camps, thanks to the close ties developed at the Tri-Continental Conference.

Training courses at these camps generally lasted six months and included ideological indoctrination as well as practical training in the use of weapons and explosives. The indoctrination focused on the theories of Marx, Lenin, and Stalin. Lecture topics included: "Russian Ties to the Third World," "The Struggle Against Imperialism," "The Soviet Contribution to Palestinian Liberation," "Zonist Ties to Imperialsim," and "The Reactionary Nature of North Yemen and Saudi Arabia." Practical training in techniques of warfare included blowing up munitions dumps, bridges, and vehicles; planting personnel mines; the rudiments of biological and chemical warfare; marksmanship and camouflage; urban and field tactics; and the use and maintenance of Soviet equipment such as rockets and shoulder-borne missile launchers.

SANDINISTA PARTICIPATION IN MIDDLE EAST TERRORISM IN THE 1970'S

The investment in training Nicaraguans had some immediate dividends for the PLO. When the PLO and its radical component groups, including the Popular Front for the Liberation of Palestine (PFLP), attempted to overthrow the government of King Hussein of Jordan in 1970, PLO-trained Sandinistas participated.

One PLO-Sandinista operation was discussed in an interview by Sandinista spokesman Jorge Mandi with al-Watan, a Kuwaiti newspaper: "A number of Sandinistas took part in the operation to divert four aircraft which the PFLP seized and landed at a desert airfield in Jordan. One of our comrades was also wounded in another hijack operation in which Leila Khaled was involved. She was in command of the operation and our comrades helped her carry it out." He continued, "Many of the units belonging to the Sandinista movement were at Palestinian revolutionary bases in Jordan. . . . Nicaraguan and Palestinian blood was spilled together in Amman and other places during the 'Black September battles.'" Mandi's reference to a "hijack operation" concerned the hijacking of an El Al airliner en route from Tel Aviv to London, on September 6, 1970. Sandinista Patrick Arquello Ryan was killed in this hijacking attempt; he had been trained at one of the PLO camps. Arguello is now revered by the Sandinistas as a hero and a large dam under construction has been named in his honor.

THE SANDINISTA REVOLUTION AND PLO INVOLVEMENT IN THE LATE 1970'S

The Sandinistas who trained in PLO camps in the Middle East gained an asset almost as valuable to them as their guerrilla training: contacts with sources of aid and arms. Again, Tomas Borge was the major go-between in aid and arms negotiations. While acting in his dual capacity as the Sandinista's PLO liaison and as Castro's emissary, the wide range of contacts he amassed in the radical Middle East served him well as he prepared for the Sandinistas' own revolution.

Borge used PLO assistance to obtain arms from North Korea and Vietnam for the Sandinistas. Libyan money helped pay for some of these arms. Reportedly, other shipments of supplies and arms came from the PLO itself. In July 1979, one planeload was intercepted when it stopped in Tunis. This PLO-chartered aircraft, ostensibly carrying medical supplies from Beirut for Nicaraguan refugees, was found instead to hold 50 tons of arms, including an anti-aircraft gun. The Tunisian government did not allow the shipment to go through.

REVOLUTIONARY SOLIDARITY: MILITARY AND ECONOMIC TIES

Shortly after the Sandinistas seized power, they rewarded the PLO for its assistance in their revolution by granting it unprecedented "government to government" ties. In most countries the PLO was at best permitted to open an "office"; in Managua it was permitted to open an "embassy," with the ranking representative holding the title of "ambassador." The PLO ambassador and his staff were accorded full diplomatic privileges.

In July 1980, Yasser Arafat made a four-day "state visit" to Nicaragua to formalize full diplomatic ties between the Nicaraguan government and the PLO. On July 22 at a

reception in his honor Arafat praised "the strategic and military ties between the Sandinista and Palestinian revolutions." Interior Minister Borge responded, "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." Arafat replied: "The links between us are not new. Your comrades did not come to our country just to train, but also to fight. Your enemies are our enemies." Arafat expanded on this theme in an interview with Radio Sandino the same day: "the Nicaragua people's victory is the victory of the Palestinians. . . . The freedom in Nicaragua is the same in Palestine. . . . The only way, then, is for increased struggle against imperialism, colonialism, and Zionism." He closed the broadcast by reiterating, "Together against imperialism, colonialism, and Zionism." In a speech at the Cesar Augusto Silva Convention Center (also on July 22), standing with Borge and several other of the nine comandantes, Arafat said, "Anyone who threatens Nicaragua will have to face Palestinian, combatants."

THE SANDINISTAS AND LIBYA

Although the PLO, serving as an intermediary, had helped to develop the early Sandinista ties with the Libyan government, by the time the Sandinistas came to power in 1979, they had developed close direct relationships with the Qadhafi regime. Tomas Borge and Construction Minister Moises Hassan were key figures in working with Libya. Both were instrumental in obtaining a $100 million loan in 1981.

As with the PLO, Libya's support for the Sandinistas has not been purely economic. The Libyans have sent arms shipments to the Sandinistas. One huge arms shipment was intercepted in Brazil during April 1983. Four Libyan planes had made a stop in Brazil for technical reasons. The crew claimed that the planes were carrying medical supplies to Colombia. The Brazilians became suspicious when the pilots could not produce cargo manifests. The planes were searched by skeptical Brazilian authorities, who found about 84 tons of arms, explosives, and other military equipment.

THE SANDINISTA-IRAN-LIBYA AXIS

Recently the Nicaraguan relationship with Libya has strengthened both in deed and word. For example, on September 1, 1984, Tomas Borge represented the Sandinista government at the fifteenth anniversary celebration of Qadhafi's overthrow of King Idris of Libya (an event ignored by prominent moderate Arab leaders). Qadhafi, acknowledging Borge's attendance, stated: "Libyan fighters, arms, and backing to the Nicaraguan people have reached them because they fight with us. They fight America on its own ground." Qadhafi's reference to "fighters" can be taken literally, as there have been reports of Libyans assisting the Sandinistas in the fight against the armed democratic resistance as well as serving as advisers and pilot trainers.

Economic ties between Libya and the Sandinista government continue. On January 16, 1985, the Sandinistas announced a trade agreement regarding Libyan oil. The amount of the agreement is $15 million.

On January 23, 1985, Prime Minister Mirhussein Musavi went to Nicaragua and met with Daniel Ortega (their third meeting), and other members of the Sandinista government. Reports varied on the content of the meeting between Ortega and Musavi; most observers agreed that shipment of small arms from Iran and an oil deal were discussed. An ABC news report stated that Prime Minister Musavi is believed to control Iran's terrorist operations.

The Sandinistas admit that an oil deal with Iran was discussed, but they deny that arms shipments were agreed upon. Nevertheless there were reports that on January 25, 1985, two shiploads of arms were under way from Iran, to be transferred to Nicaraguan ships at some point, and that there may be some Iranian funding for the international terrorist presence in Nicaragua.

A HAVEN FOR SUBVERSIVES

The FSLN government has issued Nicaraguan passports to radicals and terrorists of other nationalities, including radicals from the Middle East, Latin America, and Europe, thus enabling them to travel in Western countries without their true identities being known. PLO agents working in Central America and Panama use Nicaragua as their base of operations. The Sandinistas' willingness to provide new documentation and a base from which to travel is undoubtedly one reason why Nicaragua has become a haven for terrorists and radicals from Europe as well as Latin America. Groups with a known presence in Nicaragua include the Basque Homeland and Liberty organization, known as ETA, the German Baader-Meinhof Gang, and Italy's Red Brigades. As in the case of the PLO, some members of these groups use Nicaragua as a base for carrying out regional work of their organizations. Others are in Nicaragua for "revolutionary solidarity" and participate in the war against the armed groups of the democratic anti-Sandinista resistance. Still others, usually professionals and technicians who because of their fugitive status could not work in their homelands, went to Nicaragua to find jobs, replacing the technical and managerial class that is fleeing the imposition of a communist system in Nicaragua.

CONCLUSIONS

The Sandinista connection with the PLO and radical Middle Eastern states is more than a decade and a half old. Sandinistas received PLO training in Lebanon and Libya, and fought beside the PLO against King Hussein of Jordan well before the Sandinista revolution was under way. In building their own capacity for revolution, the Sandinistas relied on the PLO and Libya for arms, money for arms, and help in transporting of arms.

Once the Sandinistas were in power, these relationships continued. The PLO sent them loans and military trainers; the Libyans sent them millions of dollars in financial assistance, plus arms, pilots, and military advisers. The PLO was granted full diplomatic status and was allowed to participate in military and guerrilla training camps in Nicaragua. The political ties between the Sandinistas and the PLO, and the Sandinistas and Libya, are strong, and the political solidarity manifest in deeds and during visits and anniversaries underlines the strength of these ties.

Beyond Sandinista political, military, and economic cooperation with Middle East radical states and the PLO is Nicaragua's connection with international terrorism. The Sandinistas have not been able to conceal the fact that Nicaragua has become safe haven for international terrorist groups such as the German Baader-Meinhof Gang, the Italian Red Brigades, and the Basque Homeland and Liberty organization (ETA). The Middle Eastern entities Nicaragua has chosen to deal with—the PLO, Libya, and Iran—have had known involvement in terrorist activity, including the planning, training, financing, and implementation of terrorist acts. Sandinista ties with this network pose increasing danger of violence for the Western Hemisphere.

TRIBUTE TO REPRESENTATIVE WYCHE FOWLER

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. RAY. Mr. Speaker, recently, the Atlanta Constitution, one of the Nation's finest newspapers, did a profile on a member of the Georgia delegation and our colleague, Representative WYCHE FOWLER.

I am sure that Members will find this article to be of interest, and I commend it to their attention.

WYCHE FOWLER IS A MAN ON THE RUN

(By Keith Graham)

From the looks of his battered jogging shoes, Wyche Fowler is a man on the run.

Not that the Fifth District congressman, generally a pretty progressive fellow, is making much progress wending his way through the aisles of Atlanta-Fulton County Stadium just before a Braves game.

He has set out for a hot dog, preferably one slathered with mustard in a way that gives new meaning to the term, "yellow dog Democrat." But the 44-year-old Atlantan knows how to make the most of the home park advantage.

Everywhere he turns, there's a hand to shake or a familiar face to wave to. An 11-year-old boy wants Fowler's autograph on a ball. A constituent wants to discuss a burning political issue: the way the post office mistreats stamp collectors. Fowler, who wears faded jeans and a blue knit shirt, listens and promises to look into the matter. He shakes more hands.

Many of the people greeting William Wyche Fowler Jr. would be startled to know that he once wanted to be a preacher. But not one would be surprised to hear that he answered to another high calling: He became a politician.

"The state-of-the-art politician," says Temi Silver, and Atlanta political activist who met Fowler in the 1960s when he was a congressional aide. Ms. Silver campaigned for Fowler's opponent when Fowler won election to Congress in 1977, but she's now a staunch supporter.

A moderate centrist—by conviction and by voting record—Fowler has represented the State's most liberal congressional district for eight years, but he's thinking seriously of running for the Democratic nomination to challenge Republican U.S. Sen. Mack Mattingly next year.

If he enters the race, he'll be an underdog. But don't underestimate him, says Fulton County Commissioner Chuck Williams, who often holds joint October birthday parties with the congressman. To compare the political skills of Fowler and Mattingly, Williams says, is like comparing the baseball prowess of Hank Aaron and Brad Komminsk.

Even Fowler's foes agree that the congressman is a savvy—and even charming—politician.

Not infallible, though, as Fowler himself admits. For a fellow who's considering a

statewide race, he made a political mistake at a "very early" age: "I was born in Atlanta."

Fowler's family roots, however, run deep in the soil of middle Georgia. Wyche Fowler Sr. was born in Warrenton. Emelyn Fowler, the congressman's mother, hails from Albany and grew up in Washington, a Wilkes County community. Both worked as educators in several towns before the elder Fowler took on better-paying jobs, selling textbooks, then insurance, in Atlanta.

The Fowlers lived in Decatur when their son was born—at Emory University Hospital—in 1940, and for several years immediately after World War II they lived in Marietta. When Wyche Jr.—five years older than his only sibling, a sister—was in the fourth grade, the family moved to the northside Atlanta home where they've lived ever since.

From his father, a stern taskmaster, Fowler learned discipline and dedication. From his mother, whom many say he favors, he gained wit. "They taught me to do right, to try to do right, no matter what the consequences," the congressman says.

Religion—as practiced at the Second Ponce de Leon Baptist Church—was also a profound influence on Fowler's youth. "They couldn't have anything at the church that I wasn't there," he says. "I believed with all my heart that I was going to be a minister. I had this absolute determination that that's what the Lord wanted me to do."

As a member of the Northside High School class of 1958, Fowler helped start an interfaith fellowship group, and he often spoke at church meetings. Wyche Fowler Sr., now 75, recalls that his son, a great believer in tithing, even gave the church 10 percent of the money he made bagging groceries.

That's not to say the future politician wasn't an all-American boy. Without working too hard, he made decent grades, but he was capable of behaving like "a mischievous brat." As an 11th-grader, he even ran afoul of the law. Although juvenile authorities decided against booking them, Fowler and two friends were suspended from school briefly for unleasing live pigeons from the balcony of the Fox Theatre. The future congressman learned his lesson. "I do not take pigeons to movies any more," he says.

Like most teenagers, Fowler also loved music and sports. "Buddy Holly was my hero and Chuck Berry," he says.

He can still recall the lyrics of almost every song popular between 1952 and 1960. And, according to a longtime friend, Joseph Robinson, first-chair oboist for the New York Philharmonic, "He can sing from dusk to dawn and never miss a line or repeat himself."

While in high school, Fowler hung out at black clubs, the Royal Peacock and the Walahaje, where he heard the Drifters and Ray Charles. At the old Municipal Auditorium, he rocked to the sounds of Chubby Checker and Fats Domino.

Even earlier, as a child of 9 and 10, he had sung and played the guitar at friends' birthday parties. At 11, the budding troubadour went big-time. He sang "I'm Sending You a Big Bouquet of Roses" on Freddie Miller's "Stars of Tomorrow," a popular local TV show that resembled Ted Mack's "Amateur Hour." He won top prize—24 Brock candy bars—and was invited back later to perform a duet with another winner, a 7-year-old from Augusta named Brenda Lee. He sang high tenor and she sang bass on "The Old Rugged Cross."

"I went on to penury and politics," he says, "and she went to stardom."

Six-feet tall, Fowler started at guard on his high school basketball team and ran distance events for the track team. As a cross-country runner, he won all-state honors.

After flirting with the notion of attending either Mercer University or Wake Forest, Fowler settled on North Carolina's Davidson College, where he gave up varsity sports for his studies. An English major, minoring in Biblical studies, he joined Phi Delta Theta fraternity, served on the student council and found time to teach a Sunday School class, volunteer at an orphanage and coach a teenaged black basketball team on the side.

Davidson made him "really examine, my faith, make it stronger and be able to back it up," Fowler says. By the time he finished college in 1962, however, he was less certain about a career in the ministry and enlisted for a two-year hitch in the Army.

In 1963, while serving as a first lieutenant in Army Intelligence at the Pentagon, Fowler read a news story about Charles Longstreet Welter. A representative from Atlanta, Weltner—at the peak of the civil rights movement—condemned racist attacks on blacks and proclaimed, "We must not compromise with hate."

Fowler was so moved that he called the congressman, who invited him over. Now a state Supreme Court justice, Weltner recalls: "I thought he was extremely bright and attractive . . . . He's a very remarkable person. He was brought up with a sense that you ought to be here to help other people."

As a result of their meeting, Fowler started working after hours for Weltner, and, when his Army duty ended, stayed on as the representative's chief of staff.

After Weltner chose not to seek re-election in 1966, Fowler went to the London School of Economics, then returned to Atlanta where he enrolled at Emory Law School.

The first hint of his political ambition came in 1968 when he contacted Atlanta Mayor Iran Allen and suggested someone should hang around City Hall at night and on weekends to answer the phone. "That is a wonderful idea. What fool can we get to sit down there?" the mayor replied.

The "fool," of course, turned out to be Fowler himself, but there was nothing foolish about his approach to the post. Although he had originally told the mayor he'd be a "duty officer," Fowler—"with a twinkle"—soon suggested to an inquiring reporter that he was "sort of a night mayor."

The newspapers promptly picked up the title, and Fowler made the most of it in the next year's elections. Although he was still a few months away from graduation from law school, a sign proclaiming "The Night Mayor Is Running for Alderman" appeared on his 1963 Corvair and a political career was launched.

At 29, Fowler won a city-wide post and was promptly dubbed the "bright young man of Atlanta politics." In 1973, he was elected president of the Atlanta City Council, and in '77 when Andrew Young went to the United Nations, he won the Fifth District seat he's held ever since.

Though he never made it to seminary, the congressman says there's been a consistency in his life's ambition. "I'd like to think the essence of good politics is a moral basis," he says. "What is a budget but a reflection of a nation's moral priorities? What is an environmental policy but a policy of stewardship? In a nuclear age, the moral question of life and death and the policies that bring us away from the brink or closer to the brink are the questions that we have to decide."

Today, Fowler leads a "relatively modest" dual life, divided between Washington and Atlanta.

In Washington, he rises at 5 or 6 a.m., reads the newspapers, breakfast on coffee and fruit and then walks the five minutes from his Capitol Hill home to the Rayburn Office Building, usually to swim for a while before settling into work.

"I'm just like any other middleaged American," says Fowler. "I try to stay in shape and lose the battle."

Generally, he's returning phone calls by 7:30 a.m. and works straight through, with a break for a hot dog at lunch, until 9 or 10 p.m.

He enjoys "an occasional medicinal drink" of King George IV Scotch, and he tries to go to bed early. "I'm not interested in Georgetown cocktail parties," Fowler says. "I'm a bit of a loner."

On vacations, he enjoys the great outdoors. "I'm not political like some people who have to live it and breathe it," he says. "I like to get away from it. Fishing and hiking are my second loves to baseball. My hiking and fishing are not just sports but that is a way of stepping back." He has climbed Mount Fujiyama in Japan and Mount Kilimanjaro in Kenya. During the just completed congressional recess, he went trout fishing with several friends in the Grand Tetons.

In his spare time at home, Fowler reads and occasionally sees a movie. "I just have to have a mental wash of fiction. I have to have somebody telling me a story and get away from all the reams of facts." He likes potboilers by Robert Parker, the poetry of William Butler Yeats, the novels of his favorite author, Anthony Trollope.

Most weekends, the congressman flies—tourist class—to Atlanta and visits with friends, constituents and his parents, at whose home he stays, though he owns a house in Virginia-Highland.

In his travels around the Fifth District, he drives a 1970 Oldsmobile Cutlass, well broken in with 150,000 miles but a symbol of modernity compared to the '66 Buick Riviera he drives in Washington.

In addition to attending Braves games, he catches three or four Falcons football games a year and likes to stop by Manuel's Tavern or the White Dot. He's occasionally seen jogging around the park near Peachtree Battle and Northside Drive.

Sunday mornings, he goes to church; a few times a year to his own, Central Presbyterian, more often to the churches of his constituents.

Divorced 12 years, Fowler is the father of a 14-year-old daughter. Since she lives with her mother in Dallas, he doesn't see her as often as he'd like, he says.

He has never remarried. "That still sort of haunts me," he says. "I always thought that there'd be a calmer time when I could marry again." On the other hand, he says, his mother has suggested every politician should be a bachelor—and an orphan.

Fowler dates, of course, though that's an aspect of his life he prefers not to talk about. "I live in a fishbowl," he says, "but I do not like to involve any women by being named."

"He likes the ladies but he's not a flirter," says Temi Silver. "He can talk to 80-year-old ladies in the same way he talks to delicious 30-year-olds."

The Atlanta Braves are batting late in the game, but their owner, sitting next to Wyche Fowler in the stands, is making a pitch: a curveball.

Ted Turner winds up and fires. Wyche Fowler, he says is, "the only—make that one of the many—honest men in Congress."

Fowler chuckles. He frequently enjoys a sort of Braves Banter Night seated next to Turner. Fast friends, he and Turner were drawn together, in Fowler's view, by enjoyment of challenge, a willingness to get big goals and take risks.

Turner says baseball drew them together, though it's true that Fowler has influenced him in ways that have nothing to do with the game: "He's made me more of a moderate. I just like him a lot. He's very likable, honest, caring and, I think, intelligent. Capable, too."

Stylishly dressed from his green velvet jacket to his shiny black loafers, Turner points to the railing where both he and Fowler have propped their feet. "He has worse shoes than mine, too," the Braves' owner says. "That's another reason I like him."

MORAL AND PRACTICAL DILEMMAS OF HEALTH CARE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. BEREUTER. Mr. Speaker, the following excellent editorial essay from the September 23, 1985 issue of the Lincoln (NE) Star discusses the terrible conflicts generated by ballooning health care costs that have more than doubled as a percentage of the gross national product over the past 15 years.

All Americans should be concerned about the fact that excessive health costs have the effect of preventing the Nation's poor from securing adequate health care. The health care that the poor do not receive ranges from important, but elective surgeries, to routine preventive health care.

Furthermore, astronomical health care costs affect the middle-income segments of our society as well. The problems of health care, then, become problems that society as a whole must solve, for they are moral and practical both.

The editorial essay follows:

HEALTH CARE SYSTEM LOSING MORAL FOOTING

In a speech in Lincoln last week, a Creighton University philosophy professor warned that soaring medical costs exclude the poor from adequate health care. The professor's moral judgment is correct but his perspective is too limited.

Soaring medical costs exclude more than the poor from adequate medical care. When a brief encounter with the health care system can cost well into the three-digit range, you quickly become reluctant to use the system.

For most people, that system includes dental care, physician services and prescription drugs. At times, it will include hospital care, and that can greatly compound the problem.

Not all hospitals are the understanding institutions that they used to be. Today, some will dun you intensively for payment of your account. Little patience is shown before the threat of a collection agency is tossed in the consumer's lap, adding to whatever medical trauma is present.

Matters become compounded in the middle-income range as health care costs increase, health insurance premiums rise and benefits are curtailed. That double whammy makes you think a long time before you avail yourself of the system.

The economics of the system rule out preventive health care treatment for vast numbers of people. That, in turn, ultimately is an added burden on the system and a further stimulant to still higher costs.

In the past 15 years, health care costs have more than doubled as a percentage of the nation's gross national product.

The situation more severely affects the poor but is felt well into the middle-income range. The future shows on promise of relief.

The administration of President Ronald Reagan has changed some thinking on this subject. Where there were once many there are now few who believe that the country is heading toward socialized medicine.

We are headed in two directions. One movement is toward growing use of such collective operations as health maintenance organizations. The other movement directs us toward the denial, by economic necessity, of adequate health care to millions of people.

It is this limited access to the system that presents the moral imperative of which the Creighton professor speaks. The more the system becomes a luxury item the more of a moral problem it presents.

As a society, it is immoral for us to permit something as fundamental as decent health care to become more and more a service that is unavailable to those on the lower end of the economic scale.

REFERENDUM STRIKES A BAD NOTE

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. MARLENEE. Mr. Speaker, the idea of a farm producer referendum is a lot like get rich schemes that populate the back pages of comic books: it looks and sounds great but it isn't real and it certainly isn't helpful. Or worse, it builds up false hope to a problem that it worsens rather than corrects.

The Farm Policy Reform Act, or producer referendum, hits a sour note. The following article, published in the Washington Times and other newspapers throughout America, explains why the referendum is a concept that would doom American agriculture to an unmelodious, unprofitable future.

Perhaps a country-western singer should write a new hit: "Mama, Don't Let Your Babies Grow Up To Be Farmers Who Have To Vote on a Referendum."

Mr. Speaker, I encourage my colleagues to read the following article "The Harkin Plan: 'Fascist' Farm Policy?" and keep it in mind as we continue debate on the most important farm bill in history:

[From the Washington Times, Sept. 26, 1985]

THE HARKIN PLAN: "FASCIST" FARM POLICY?

Tom Harkin, the freshman U.S. senator from Iowa, makes little secret of his far-left ideology and associations.

As a congressman he regularly boosted the programs of, and was closely associated with, the Institute for Policy Studies—Washington's most radical-left think tank.

Last spring, Mr. Harkin volunteered to try to sell Washington the Sandinista's new "peace plan" in order to stop aid to the Nicaraguan "contras."

This fall, however, he has dropped his socialist foreign-policy hat in favor of a blatantly fascist approach to domestic agricultural policy. Mr. Harkin is on the verge of getting that approach adopted by Congress, using last Sunday's Farm-Aid Concert as a front to "sell" it to taxpayers.

If he succeeds, America's agricultural preeminence will be lost forever—and we soon could be importing most of our food.

Mr. Harkin's proposal, most of which was recently adopted by the House Agriculture Committee, involves arbitrarily reducing domestic production by up to 45 percent to support a 40 to 50 percent price increase for all major feed and food grains, shifting the cost of subsidizing farmers from taxpayers to consumers.

Farmers would be forced to participate in a national referendum on "an offer they couldn't refuse"—either vote for large, nationally imposed cutbacks in production in return for a 40 percent increase in the domestic loan (support) rate—or accept reductions in that loan rate of 5 percent a year for three years.

When they had approved this plan (as they would), the secretary of agriculture would set national production quotas on every crop, and issue marketing "certificates" to every farmer who accepts these mandatory crop-reduction quotas.

In return, participating farmers would be given an immediate increase in crop loan rates from $2.55 to $3.61 a bushel on corn, and from $3.30 to $5.01 a bushel on wheat. And they would not be allowed to sell their grains for less than the loan rates.

To protect the farmers from "unfair competition" either from lower-cost imports or from those producers who don't sign up, Mr. Harkin's plan would make it *illegal* for any U.S. food manufacturer to buy grain from anyone without a certificate.

Farmers who don't "participate" could only sell their products overseas and without subsidies—and, without certificates, they would be committing economic suicide.

To keep these mandated higher prices from killing U.S. exports, the Harkin-House plan would give "export bonus payments" to exporters who bought grain from certificated producers and sold it overseas at the lower world prices. This would establish a "two-tier" pricing system on completely fungible food commodities which, without massive policing, manufacturers could easily buy more cheaply from any other country.

The USDA estimates that these export "bonus payments" would cost $6 billion a year—$18 billion over three years—or slightly *more* than deficiency payments now cost on *all* crops.

Aside from the monstrously immoral idea of shutting down 30-40 percent of the world's most productive agricultural economy at a time of worldwide hunger and famine, the Harkin proposal would do

almost incalculable damage to the U.S. agricultural economy.

As a result, total four-year input expenditures (seed, energy, farm machinery, fertilizers, and pesticides) would fall by $12 billion, killing off 130,000 jobs. Net farm income would actually fall amother 10 percent, even as consumers would be hit by a $20 billion increase in food prices—whose impact would be 2½ times as great on low incomes as average households.

It would also surely invite exactly the kind of worldwide protectionist trader war that brought on the Great Depression.

Under the Harkin-House plan, by 1989, planted acreage would have been cut from 270 million to 205 million; 40 percent higher feed costs meat and poultry consumption by 7 would cut meat and poultry consumption by 7 percent; raise broiler and hog prices 15-30 percent; and cut the already marginal returns of beef operators by $75 a head, cutting the current record-low cattle herd from 110 million to 97 million.

Mr. Harkin's draconian proposal was successfully "fronted" in the House by his ideological Bobbsey Twin, Rep. Tom Daschle, D-S.D., who arranged for last May's maudin appearance of Jane Fonda, Sissy Spacek, and Jessica Lange before Congress, the same women who poured out their compassion for farmers last Sunday and publicly endorsed the Harkin plan.

Now, suddenly Rep. William (solo-junket-to-Brazil) Alexander, D-Ark., has jumped in to help Mr. Harkin get his entire "mandatory" approach adopted on the floor in today's scheduled debate. So as bad as the present House bill is, it could get much worse.

Thus, the Beverly Hills Bleeders have gone on record for cutting U.S. food-grain output 30-40 percent while Africa is starving—in a plan identical to one first used by Bismarck of Prussia.

If you were looking for a more devilish way to undermine the U.S. and world economy—you could find nothing to equal the Harkin-House approach which Congress is now racing to ratify.

TRIBUTE TO SHIRLEY SARGENT

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. COELHO. Mr. Speaker, an excellent article appeared recently in the Los Angeles Times about the foremost historian of Yosemite National Park, and a good friend of mine for many years, Ms. Shirley Sargent.

Shirley has lived in Yosemite since her childhood, when she arrived there with her parents in 1936. Her father was an engineer who helped to build roads allowing greater access to the high country of the park. Shirley became so fascinated with Yosemite's unique natural magnificence and beauty that she could not leave it, and she has lived there ever since.

Shirley has dedicated her life to chronicling the park's colorful social history, writing books on such diverse topics as the life of John Muir, the contributions of women pioneers to the park, and the history of the Ahwahnee Hotel. Not content only to write, Shirley also co-owns her own publishing company, Flying Spur Press. Her special role in Yosemite has been recognized by the park's concessionaire, the Yosemite Park & Curry Co., which has made her its official archivist.

Shirley has worked hard to preserve the colorful and unique history of Yosemite for the enjoyment of park visitors for many generations to come, and for this I would like to thank her. Her excellent books make visits to the park even more enjoyable by explaining the stories behind all the attractions. The Los Angeles Times article that I mentioned earlier discusses Shirley's many contributions to Yosemite, and gives a glimpse of the positive spirit that she is so well known for. In recognition of all her accomplishments, I insert this article here in the RECORD:

[From the Los Angeles Times, Sept. 15, 1985]

TELLING TALES FROM THE SIERRA BY A BIOGRAPHER FOR YOSEMITE

(By Kay Mills)

FORESTA, CALIF.—Writer Shirley Sargent knows her place and lives it—Yosemite National Park.

For years she has been writing the histories that appear on bookshelves in park shops, books like "John Muir in Yosemite" and "Pioneers in Petticoats," as well as those on the landmark Ahwahnee and Wawona hotels. The connections between her work and being are fundamental.

Yosemite fascinates Sargent, and she wants to help others know its spell. "Solitude is one of the reasons this park is so loved. This park to me is a magnet. It's a lodestone. It's a home to me and I'm lucky. It's a place of singular beauty and multiple interests."

Knowing about the people who fought to preserve the park and its solitude and who made it their home should enrich any visitor, Sargent believes. "It will mean more to them if they're at Camp Curry and they know that the Currys started with seven tents and sleeping out in the rocks. Anytime you can make people real it helps," said the writer, who may have been a social historian long before it became academically acceptable.

"I don't like just plain history with a lot of facts. I want something that makes the people real to me. I want the death and the blood and the tears and the triumph, too.

"Say you're a tourist in the valley. You may look up and see a pillar of rock and say, 'Wow, look at that,' and then you remember from what you've read that a woman first climbed it in 1875. Wouldn't that make it more singular to you, more exciting?"

Sargent's books tell the Yosemite visitor what could have happened as well as what did. Not only was the Hetch Hetchy Valley dammed to provide water for San Francisco but there were plans years ago to dam the South Fork of the Merced River, which would have flooded the area around the present Wawona Hotel and golf course on the southern edge of the park. "There have been tons of threats against the park," said Sargent, citing a present-day attempt to dam the Merced at El Portal, just west of the park boundary. "It's all greed, greed, greed."

Sargent, 58, first came to Yosemite in 1936. She lived with her parents in Tuolumne Meadows, at 8,600 feet in the high country, while her engineer father helped build new park sections of the Big Oak Flat and Tioga roads. Several years passed before she came down from Tuolumne to see the valley because she remembers always being carsick on the winding roads. She had a nomadic experience as a child, living in national parks and attending two or three schools each year.

Today she lives off the Big Oak Flat Road a few turns and a few bumps beyond Big Meadow, just 200 feet outside the park's western boundary. Her home occupies a clearing where you can hear the wind in the pines and catch the arresting scent of "mountain misery," a pungent plant with medicinal aroma. The house stands on the foundations of a home once owned by Theodore Solomons, the man who mapped what became the John Muir Trail along the crest of the Sierra. The original stone fireplace from Solomons' house keeps her warm during the long winters of snow and solitary writing for her next book, a biography on, of course, Theodore Solomons.

Sargent insists on downplaying one aspect of her life, a rare disease that has confined her to a wheelchair since she was 14. After she graduated from Pasadena City College in 1947, she said she wanted to continue her education and applied to several universities, "but in those days it was pretty difficult for a handicapped person to get accepted." She was finally admitted by Whittier College, but by then she was already writing and decided "the best way to learn to be a writer is to sit down and work day after day."

She acknowledges few limits. "Tuolumne is so level that there's a lot of places you can go in a wheelchair. You can also go by mule or horseback. Of course that's expensive. . . . You can't always do everything. Old people can't do everything either."

Nonetheless, she's glad the improved Tioga Road went through in 1961—although many conservationists opposed it—to ease the trip to Tuolumne Meadows, "because it means many people, the old and the infirm, can see parts of the park they would never see otherwise. Now a lot of people are just too lethargic to tackle anything more than just a stroll. I'm a firm believer in getting out of the car and seeing, reacting."

Sargent was a nosy kid who knew she wanted to write. "I had always been curious about the past. I'd wonder who lived in some old run down farm house. And I'd go ask." Granny Meyer, who lived in a ranch house in Big Meadow and who had first come to Yosemite in 1883, could answer. Sargent put her and the women Meyer knew about—writers, cooks, innkeepers and hell-raisers—in "Pioneers in Petticoats," published in 1966.

Elizabeth Meyer's life "had spanned a tremendous amount of development here," Sargent recalls. "She was witty and she made a good subject because I knew her. She turned me on to history. I was still writing fiction, teen-age novels. One of my teen-age novels was called 'Ranger in Skirts.' Guess where she was located? Yosemite."

Most kids want to be a nurse one day, a teacher the next, Sargent recalled. "I was always going to be a rich, famous writer. Here I am at the age of 110," she added with a laugh, "rich in environment, in family and friends. And a writer."

A writer whose books (most published by Flying Spur Press, which she co-owns) sell steadily. "John Muir in Yosemite," published in 1971, is the biggest seller, and she says her book on the Ahwahnee sells about 2,500 copies a year. Her newest is "Dear

Papa," letters between Muir and his two daughters.

Sargent is the archivist for Yosemite Park & Curry Co., now owned by MCA, the giant movie and entertainment company. She says her relationships with the Concessionaire are excellent. "They weren't always that way." When she was younger, she says, "I was a complete rebel. . . . I used to call it the Yosemite Park & Robbery Co."

Does MCA ownership make any difference?

"When MCA came in here in 1974, it came in like gangbusters and they renamed Degnan's (a landmark park restaurant) the Great Yosemite Food and Beverage Co. It was really tacky, one of those city-type names. There was talk of 10-story convention centers, which I knew would never happen because the National Park Service controls all that. But within a very short time they calmed way down."

With all she knows about park hotels, a visitor tells Sargent, she could have been the Authur Hailey of Yosemite, writing about sordid scenes in the back country. She had, after all, wanted to call "Pioneers in Petticoats" by a steamier title, "Sex in the Sierra."

Sargent now grins at the thought. "I have a friend who's bugging me to do a novel about Yosemite. There's a lot of drama. But I know too much about recent history. There are things of course I didn't put in 'Yosemite and Its Innkeepers' that might have made it a little spicier. But I didn't want it to be. They'd say, 'Oh, here she comes again, digging up all the dirt.' Sure there's dirt anywhere you go. There are power fights wherever you go. . . . It's not that I avoid controversy but I don't think I want to do the Great American Novel on Yosemite.

"You have to add so much sex, so much blood and gore to appeal to readers today. There's enough drama in the geological forces in Yosemite.

DANNY ORTEGA—AN IMPORTER ON THE SLY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. BROOMFIELD. Mr. Speaker, who can be both a revolutionary and a smooth businessman? The answer: Commandante Daniel Ortega of Nicaragua. Believe it or not, that outspoken Marxist-Leninist, who criticizes capitalists whenever he can, is in business and doing well for himself; he may already be a millionaire. What, however, has he done to improve the life of the average Nicaraguan? In fact, very little.

According to an article by Jack Anderson, the commandante and his brother, Humberto Ortega, have a large import business. The two companies, Alfa Commercial and H.M. Corp. handle all goods and materials imported into that country. These commandantes also reportedly own numerous houses in Managua along with beach houses. They frequent private restaurants that are closed to all but them and their guests.

In addition to betraying the original promises of the Nicaraguan revolution which would have created an open democratic state, these Sandinista leaders are fattening themselves and their families by taking advantage of their prominent positions in that long-suffering country. While they pretend to help the people, they are really only interested in their own welfare.

Once again, the well-being of the Nicaraguan masses is ignored by those at the top who think only of themselves and hard currency. Rather than trying to upgrade the living conditions of Nicaraguans, the Sandinistas have destroyed the economy of that country. They have essentially turned that poor land into a closed police state. The church has been attacked and the opposition has been intimidated. At great cost, they are exporting their failed revolution to neighboring states. Again, corruption is alive and well in downtown Managua.

With these concerns in mind, I commend the following Washington Post article to my colleagues in the Congress.

[From the Washington Post, Sept. 20, 1985]

SANDINISTA NOW SPELLS CORRUPTION

(By Jack Anderson and Dale Van Atta)

Are the revolutionary rulers of Nicaragua trying to surpass the late, corrupt Anastasio Somoza's record as the hemisphere's greediest dictatorship? The word we get from Managua is that the Marxist Sandinistas are making a good run for Somoza's title.

In fact, the Sandinista leaders and their cronies are so blatant about their pursuit of luxury and wealth that the long-suffering Nicaraguan people know all about it, and some of them cynically refer to the revolution as el engano, meaning the trick or hoax.

From U.S. intelligence and other sources, we've pieced together this story of a people's revolution betrayed by the Marxist millionaires who stole control:

The three commandantes who dominate the Sandinista junta, Daniel Ortega, Humberto Ortega and Tomas Borge, have divvied up the country's import market through two monopoly companies. What the Ortega brothers don't control, Borge does.

Daniel Ortega is the president of Nicaragua; Humberto is minister of defense and head of the army. Their key company is Alfa Comercial, which handles goods imported for the government. It is like the U.S. General Services Administration, except that the Ortegas are allowed to skim a percentage off the top of each transaction.

Rivaling their official pillage is the empire being built by Borge, the only surviving founder of the Sandinista movement. He is in charge of the police and internal security.

Borge walks with a pronounced limp, a souvenir of torture in the same Somoza prisons where his enemies are now mistreated. Borge was liberated in 1978 during the dramatic takeover of government buildings in Managua by Eden Pastora, now an embittered foe of his old Sandinista comrades.

Borge's import company, H M Corp., imports whatever goods the Ortegas don't.

Like the Ortegas, Borge has his own elegant private restaurants, off-limits to everyone but the Sandinista leaders and their guests. The government pays the tab. Borge also owns the Mau Mau, a discotheque in Managua that is the favorite of U.S. Embassy Marine guards.

Borge and the Ortegas flaunt their nouveau riches. Each owns more than half a dozen houses in the capital, according to competent sources. The Ortega family has nine beach houses in the San Juan del Sur resort.

Mansions that once were Somoza's also are available for the Sandinista leaders' use. They are known as "protocol houses" in a transparent attempt to make them look official.

This is the tragedy of the Nicaraguan revolution. A popular uprising after years of repression and exploitation has been totally corrupted. The people still live in poverty.

Footnote: A spokeswoman for the Nicaraguan Embassy denied "absolutely" that Borge and the Ortega brothers owned any houses other than the ones they live in. She also maintained that only one company imports goods used by the government and it is state-owned. All of the restaurants in question, she added, are owned by the state.

A LETTER TO THE PRESIDENT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. PORTER. Mr. Speaker, as the November summit between President Reagan and Secretary General Gorbachev approaches it is important that the issue of human rights in the Soviet Union is addressed as a high priority concern. We must remember the individuals and their families in the Soviet Union who are the victims of harassment and suffering. Therefore, I submit for the RECORD a letter that I will be sending to President Reagan on behalf of Zachar and Tatiana Zunshine, who are longing for the day they will be allowed to leave the Soviet Union.

SEPTEMBER 27, 1985.

Hon. RONALD W. REAGAN,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: The American people have long cherished and represented the value of human liberty for all people. Therefore, as you prepare for your upcoming meeting with Secretary General Gorbachev I would like to express my concern that the issue of human rights remains high on the agenda and that the individuals in the Soviet Union who are victims of human rights abuses are addressed specifically.

I would like to bring your attention to the plight of Zachar and Tatiana Zunshine, a family that has become very important to my wife, Kathryn, and I. We have had the opportunity to directly correspond with Tatiana and learn from her firsthand of the suffering that she and her husband have endured. Zachar Zunshine has been imprisoned in the Soviet Union since March 6, 1984. His crime is that he desires to leave the Soviet Union and to live freely in Israel. The Zunshines first applied to emigrate in 1981, but were subsequently denied that right.

Since being imprisoned Zachar has been suffering poor health and has been receiving insufficient medical treatment. While her husband suffers in prison, Tatiana is living a nightmare and will continue to do so until Zachar is released. Recently, life has become especially difficult for Tatiana as she has been struggling with Soviet authorities in an attempt to visit her husband in prison. These Soviet authorities are not only overlooking the Zunshines rights as

guaranteed by international human rights doctrines, but they are also denying Tatiana her rights as a Soviet citizen.

Mr. President, I know that you share my concern for those whose fundamental freedoms are being overlooked. Your meeting with Mr. Gorbachev is crucial to the freedom of people who are being persecuted in the Soviet Union. It is important that Mr. Gorbachev recognizes that the United States government cares about people like Zachar and Tatiana Zunshine.

America has long symbolized the principle of freedom for the oppressed peoples of the East. The U.S. must reaffirm its commitment to act upon that principle at this critical juncture for U.S.-Soviet relations and for the Jews of the Soviet Union.

Sincerely,

JOHN E. PORTER,
Member of Congress.

ECONOMIC SUCCESS HASN'T TRICKLED DOWN EVERYWHERE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. FLORIO. Mr. Speaker, I would like to draw the attention of my colleagues to a thoughtful analysis of the southern New Jersey region. Mr. Joseph T. Tarquini, Jr. of the Tarquini Organization, Camden, NJ, has very adequately described the difficulties faced by our area in these times of supposed economic growth.

I suspect that the southern New Jersey area, which includes the First Congressional District which I have the privilege of representing, is not alone in today's economy. Mr. Tarquini's article may elicit comparisons with other districts with similar problems. I encourage my colleagues to read it.

The article appeared in the Philadelphia Business Journal of September 16–22. The article follows:

ZERO SUM GAME NOT FOR SOUTH JERSEY'S FUTURE

(By Joseph T. Tarquini, Jr.)

When the PATCO High Speed Line was being planned as the link between Philadelphia and the burgeoning South Jersey communities to the east, the City of Camden was expected to be a prime beneficiary.

Unfortunately, the rail link was no boon to Camden. Instead of making it possible for businesses to move in, it gave the professionals still in the city—medical people and attorneys, mainly—a ticket out of Camden. They could still work "downtown," but from offices in Haddonfield and other towns made conveniently accessible by the Speed Line. Growth, winner, loser, Zero-sum development.

Over the years, Atlantic City too had gone the way of Camden—orphaned by changing tastes and new demographic realities. As Camden was orphaned in the years after World War II by a newly-mobile population whose autos and superhighways allowed them to live far from where they worked, so Atlantic City fell prey to the changing tastes of tourists who were more affluent and, perhaps, less easily entertained than their parents.

Camden has been engaged in valiant efforts to turn itself around in recent years. A number of new governmental and institutional buildings and the commitment of Campbell Soup to build new headquarters on the riverfront are excellent signs of progress. However, these developments are not sufficient to recapture a viable tax base. Until there is a major commitment by a residential developer, which will in turn attract the movie theaters, restaurants and shops that make a city come alive, Camden's revitalization will be a slow march forward.

Atlantic City was supposed to have been turned around by the introduction of casino gambling. But the city made a fundamental planning error at the very beginning by placing all of its chips on one spot—the boardwalk. As a result, there was no hub provided by casino development around which other, smaller commercial development could take place.

Today, Atlantic City is isolated from itself. The city and the boardwalk are two different worlds. Growth, winner, loser, Zero-sum development.

Atlantic City also is isolated from the rest of South Jersey—in fact, from the entire Northeast Corridor, because the proposed rail link between the city and Philadelphia (the so-called "Gambler's Express") is tied up in special interest wrangling.

If that line were built, and included appropriate local service, all of South Jersey could benefit by being connected to the rail lines linking the East's major cities from Washington to Boston.

South Jersey is too often a collection of competing enclaves.

What South Jersey does not need is a state level planning body. On the other hand, the myriad planning bodies in South Jersey communities vary in their sophistication and, in almost all cases, are simply unaware of what neighboring communities are doing with development that may impact them.

South Jersey would benefit if county-level planning bodies were to establish an informal communications mechanism to coordinate planning efforts and, in turn, to pass needed information down to local planning bodies.

While no entity would be in a position to veto another's development plans, improved communications would allow communities to plan future growth with the knowledge of what was being done in neighboring areas, and how they can best adjust to or take advantage of it.

South Jersey in the next century will be a region shaped by decisions made today. It will either be strong and vital or weak and declining.

Unless we take steps to insure that local planning is done with a view to potential regional impacts, we may see another 20 years of zero-sum development. And that would mean more South Jersey communities becoming the orphaned cities of the next century.

Joseph T. Tarquini Jr. is president of The Tarquini Organization, the Camden-based professional association of architects, planners and interior designers.

PRESIDENTIAL VETOES

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. COURTER. Mr. Speaker, I would like to make my colleagues aware of a recent column by Donald Lambro in the Washington Times, which makes the point that President Reagan can, and should, be more aggessive in his use of the Presidential veto power.

As long as the House and Senate ignore the growing public concern over Federal deficits, the President must use every weapon he has available to whip Congress into shape. I hope legislators on both sides of the aisle will read this column.

The article by Mr. Lambro follows:

From the Washington Times, Sept. 26, 1985]

BRUSHING UP ON VETOES

Memo to President Ronald Reagan: George Washington vetoed two bills during his presidency, neither of which was overridden by Congress.

President Abraham Lincoln vetoed seven bills, and none was overridden.

President Franklin D. Roosevelt vetoed 635 bills during his 12 years in office, and only nine, or 1.2 percent, were overridden.

The all-time veto champion was President Grover Cleveland, who averaged 73 vetoes each year he was in office, but was overridden only seven times, or on 1.2 percent of the 584 bills he rejected.

In the 196 years since George Washington was president, a total of 2,431 bills have been vetoed, and only 98 of them, or a scant 4 percent, have been overridden.

Just think if it, says freshman Rep. Fred Eckert of New York, "Throughout American history, presidents have been able to make their vetoes stick 96 percent of the time—96 percent of the time!"

During your August vacation and convalescence at your mountain ranch, Mr. Eckert sent you the complete veto messages of President Cleveland, hoping it would encourage you to emulate his penchant for vetoing bills, not to mention FDR's.

He, along with a number of your allies in Congress, wants you to begin wielding your veto pen as aggressively as past activist presidents have, in a major offensive to curb runaway spending.

Stephen Moore, policy analyst for the Heritage Foundation, says that in a veto fight you would hold all the trumps to make your vetoes stick.

A study of presidential vetoes by political scientists David Rohde and Dennis Simon found that two major factors have prevented Congress from overriding vetoes more frequently: the president's "public standing" and "control of Congress by the president's party."

Certainly your standing has never been higher, according to all the polls, and you enjoy Republican control in the Senate, something that President Dwight Eisenhower didn't have—though the vast majority of his vetoes were upheld.

According to the Heritage Foundation's analysis, if you "can keep Republican defections in the Senate below 30 percent on override attempts," you will be able to sustain all of your vetoes, even if you don't win a single Democratic vote.

There will be those who will advise you to compromise on the spending bills Congress will soon be sending down Pennsylvania Avenue for your signature. "Confrontation is not the way to run a government," according to the conventional wisdom in this town. And many of Washington's politicians and pundits have been urging you not to

take the veto approach to controlling federal spending.

The reason your adversaries are doing so is because they know it will work and that it will, to a large degree, strengthen your position in Congress and revalidate your 1984 mandate to get tougher on the deficit.

Pick your veto targets carefully, make known your determination early to veto specific bills that exceed your budget, then take your case to the people aggressively and ask for their support to uphold your veto.

It's a high-yield strategy tailored to turn your summer defense into a fall offense and regain the pre-1984 momentum of the Reagan Revolution.

MEXICO IN NEED

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. LAGOMARSINO. Mr. Speaker, the tragic earthquake in Mexico has dealt another severe blow to the battered economy of that nation. As a neighbor and ally, Mexico's importance to the United States cannot be overstated. Our concern and assistance in this time of adversity for Mexico is vital. Yet, as Jorge Castaneda writes in his commentary "Mexico in Need," that assistance must be made in a way that preserves the pride and self-respect of that nation.

I urge my colleagues to read Professor Castaneda's views contained in the following article:

[From the Washington Post, Sept. 22, 1985]

MEXICO IN NEED

(By Jorge G. Castaneda)

When things go badly, Mexicans commend themselves to the Virgin of Guadalupe, the country's patron saint, for help and deliverance. Slow and inefficient at best, she was particularly inefficient last week. Mexico was struck by the worst natural disaster in its recorded history and received the latest installment in a seemingly never-ending succession of economic bad news.

Saudi Arabia leaked to the press—and privately made it known to Mexico—that it was increasing its petroleum exports to around 4 million barrels per day, thereby ensuring a new drop of $2 or $3 per barrel in the price of oil. Every one-dollar reduction implies a $540 million drop in Mexico's yearly hard-currency earnings. After two price cuts during the past nine months, the country can ill afford another one. Most likely, such a move would make interest payments on its $96 billion foreign debt exceedingly difficult, if not impossible.

To complicate matters further, on Thursday—the day of the earthquake—the International Monetary Fund tactfully announced that it was revoking its loan agreement with Mexico, freezing the pending disbursement of $900 million in loans. More than the money itself, the IMF's decision will affect Mexico's already battered credit rating, making its attempt to obtain fresh funds on the world market practically hopeless.

Despite the ominous implications of these economic and financial calamities, they are clearly dwarfed by the destruction and misery wrought by last week's earthquake. The dead, the maimed and the injured are yet uncounted but will certainly run over 10,000. Property and economic damages are massive if incalculable. Worst of all, the harm done to the psyche of the capital's 17 million inhabitants may take years to mend. Mexico City ceased to be a pleasant, healthy or safe place to live years ago, but, because of the quake, all of its ills and drawbacks will multiply many times over for years to come. Moreover, since Mexico City is the economic, political and cultural heart of the country, the catastrophe's effects will reverberate throughout the nation.

This is the bad news. The good news is not yet in sight. It can, nonetheless, be hoped for and, though Mexico's wish list today is infinite, it does have priorities. Obviously first among them is humanitarian aid from abroad—and from the United States. It is needed, will be welcomed and accepted, but on Mexico's terms.

Requirements have not yet been ascertained, although some help has already begun to arrive. France and other European countries have sent planeloads of supplies and specialized rescue equipment. The government of the United States has offered assistance; it will undoubtedly be useful. The international community, and the United States in particular, should, however, work in close cooperation with Mexican authorities and institutions in choosing and channeling the aid to avoid overlaps, bruised feelings and conditionality of any sort.

Under present circumstances, Mexico's pride is one of its most precious assets. It should be handled with care and, above all, with tact. With phone lines down, friends and relatives out of touch and television screens filled as never before with scenes of Mexico and its people, Americans could perhaps reflect on how close and how relevant Mexico is. It is a cliché to say that only tragedy brings attention and interest, but it is also, in this case, a tragic irony. If Mexico City's earthquakes of Sept. 19 and 20 mark the beginning of a new American awareness of Mexico's problems, promise and reality, they will have generated something positive—however minimal.

Finally, the earthquake could offer the country's creditors—governments, banks and international agencies—an opportunity to ease up on Mexico. For some time it has been clear to many that Mexico would soon have to stop sacrificing its long-term economic development to meet interest payments on its foreign debt. If the earthquake makes this fact easier to realize, live with or justify, then once again the international financial community will have done the right thing for the wrong reasons. the economic costs of reconstruction will be enormous. But the political costs of not helping to rebuild the devastated areas of Mexico City could be far greater.

If there ever was a time when a country needed a break, the time is now, and the country is Mexico.

THE 50TH ANNIVERSARY OF THE UKRAINIAN GOLD CROSS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Ms. OAKAR. Mr. Speaker, on Saturday, October 5, 1985, the members of the Ukrainian Gold Cross will hold a banquet and commemorative meeting in Cleveland to observe the 50th anniversary of their organization. The Ukrainian Gold Cross, organized in Cleveland in 1935, has provided half a century of humanitarian service, assisting their fellow Americans, as well as Ukrainians who were victimized by war and political repression.

The Ukrainian Gold Cross was organized in response to the desperate need of Ukrainians who suffered from the horrors of Stalinist terror in the thirties. After World War II, the Gold Cross sponsored and assisted refugees and displaced persons who were forced to abandon their land of birth and emigrate to America. The refugees, who had been traumatized by the horrors of communism, fascism, and global war, found a safe haven in the United States and generous assistance from organizations like the Gold Cross. Members of the Gold Cross helped the new Americans to find housing, learn a new language, and become acquainted with new customs and a fresh way of life.

Today, the Ukrainian Gold Cross assists victims of hunger, disease, disaster, and hardship on a local, national, and international level. The organization conducts nursery schools and summer camp for adolescents and sponsors scholarships for underprivileged students who seek higher education. An important aspect of the Gold Cross efforts is the preservation of Ukrainian customs, arts, and crafts, and the perpetuation of ancient traditions. Through their efforts, the rich Ukrainian heritage lives in this country in the hearts of Ukrainian Americans. The Gold Cross also works to provide moral and material support for political prisoners in Ukraine and their families, who have been targeted for repression on the part of Soviet Secret police and judicial organizations.

Most recently, members of the Ukrainian Gold Cross participated as a nongovernmental organization in the U.N. International Women's Conference in Nairobi, Kenya, this past summer. The Ukrainian participants provided information on Ukrainian culture and solicited support for the efforts of Ukrainian women who are struggling for human rights and national self-determination.

I congratulate the Ukrainian Gold Cross on the occasion of its 50th jubilee and wish its members continuing success in their service to the American and Ukrainian communities.

BEWARE OF SPIES IN PINSTRIPES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. BROOMFIELD. Mr. Speaker, there are many Soviet agents masquerading as diplomats here in the United States. The large Soviet presence allows their intelligence services to vacuum up valuable intel-

ligence from this country. Our Government must continue to do everything possible to stop the outflow of sensitive intelligence information.

In spite of Mr. Gorbachev's recent comments that Soviet-American relations are at an all time low, the Soviets still maintain a huge presence in the United States. In their Embassy in Washington and in their Consulate in San Francisco, there are about 279 official Soviet diplomats and staff personnel. The United States presence in Moscow and Leningrad is smaller.

Given the Soviet tendency to ignore international agreements, I am amazed that their U.N. office is so large. Their mission in the United Nations has 147 diplomats. Their staff in the U.N.'s Secretariat totals 275. Fortunately, our Government recently imposed travel restrictions on the Soviet staff there.

About 50 percent of the Soviet Secretariat staff is employed by the Soviet intelligence services. About 35 percent of Soviet diplomats in this country are assumed to be intelligence officers. Using this formula, there are about 300 Soviet spies working in this country.

Soviet spies buy, steal, and ferret out sensitive diplomatic intelligence and military secrets, and they monitor our communications. The Walker case is probably one of many operations that the Soviets are conducting in our open society.

While we cannot stop Soviet espionage completely, upgrading our counterintelligence efforts is a step in the right direction. Fortunately, communications security is also being improved. I commend the administration for its deep concern about this critical issue.

CAMDEN COUNTY PARKS COMMISSION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an example of county government providing a valuable service to its constituents. Camden County, NJ, in my congressional district, has a long history of providing to its residents outstanding park facilities and events for recreational and entertainment purposes.

Regular services offered in Camden County parks include lunchtime concerts, children's theatre, and wide variety of leagues and recreational activities for residents to enjoy. Special attractions and events include the Edward Payton Weston Six-Day Race; the Commissioners' Invitational Mile; and the Taste of South Jersey Food Festival in Cooper River Park.

This year, it appears the Camden County Parks Commission, under the leadership of Freeholder John Radano and Commission President David Venella, has outdone itself. Along with the fine array of attractions and activities offered by the commission, a series of top-name entertainment has been assembled, featuring the finest big bands in the world. Among the top names which have performed are the Glenn Miller Orchestra, Guy Lombardo's Royal Canadians, and the Count Basie Orchestra.

On Sunday, October 6, the Camden County Parks Commission will feature the Maynard Ferguson Band in the final big band concert of this special season. Clearly, Camden County provides fine recreational facilities and services, but this concert series has presented residents with the finest musical entertainment anywhere for an incomparable admission price—free of charge.

Mr. Speaker, I am certain that my colleagues would join me in congratulating Freeholder John Radano and Commission President David Venella for making Camden County's parks among the finest in the State, and assembling such a fine array of talent. The residents of Camden County deserve no less.

INDUSTRY EXPLORES NEW WAYS TO BENEFIT FROM FEDERALLY SUPPORTED TECHNOLOGY DEVELOPMENT PROGRAMS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mrs. LLOYD. Mr. Speaker, during the past year, Congress has expressed a strong interest in extending the ability of the private sector to obtain technology funded within the Federal research and development programs at our national laboratories. This interest stems from our concern that the United States must reap the maximum benefit from its investment of tax dollars in the development of new technologies. A recent hearing, which was held in Oak Ridge, TN, jointly by my Subcommittee on Energy Research and Production and the Subcommittee on Science, Research and Technology, chaired by Mr. WALGREN, suggested that there exists within the private sector great interest in obtaining rights to use in the commercial marketplace technology funded by the Federal Government and developed at our national laboratories.

A recent article, which I would like to include in the record from Nucleonics Week, August 22, 1985, describes how one company, Westinghouse, instituted a pilot program with an initial investment of $250,000 to explore the opportunities available for transferring technologies from our national laboratories to corporate interests related to their nuclear industry development programs. As a result of these investigations, Westinghouse was able to form four separate companies that service the nuclear industry in various capacities. These companies, which are subsidiaries of the parent Westinghouse Corp., were formed as a direct result of the transfer of technology from nuclear research and development programs at laboratories, such as the Oak Ridge National Laboratory.

Another corporation, Sundstrand, has also contracted with Argonne National Laboratory for the purpose of utilizing their expertise to solve specific technological problems associated with certain product interests of the Sundstrand Corp. Both Westinghouse and Sundstrand perceive these associations with the national laboratories as highly cost-effective. Rather than making extensive corporate investments in developing the internal R&D capabilities that already exist at the national laboratories, these innovative companies have found that they can best obtain solutions to their technological problems by utilizing the expertise of the national laboratories at substantially lower costs. Westinghouse, for example, notes that for a minimal investment of some $40,000 to $50,000 at a national laboratory, they can obtain the results of research programs that, if performed within the corporate structure, would cost on the order of $400,000. In addition to the costs, it would most probably take a much longer time to obtain results.

I applaud the innovative approach to technology transfer taken by these corporations. It is an example of how industry and the Government can work together in order to maximize the benefits of Federal investment in research and technology programs. Moreover, it is only through such cooperative efforts that the United States can hope to compete with foreign nations in which new technology developments are often subsidized by their national governments.

NATIONAL LAB TECHNOLOGY TRANSFER TO NUCLEAR INDUSTRY INCREASING

An increasing number of companies in the nuclear industry are tapping federally funded national laboratories for technology to better compete in U.S. and foreign markets while saving on in-house development expenditures, said Gene Stark, the chairman of the Federal Laboratory Consortium for Technology Transfer (FLC). As an example of this trend, Westinghouse helped start up four new nuclear-related businesses in the last year as an outgrowth of research projects at such laboratories. Mike Korenko, who spearheaded a Westinghouse program to investigate the potential for technology transfer, said. "It's better to put $50,000 into a national laboratory than to reinvent the wheel for $400,000 within the corporation."

One powerful catalyst in the now fluid laboratory-to-industry technology transfer process was a 1982 internal policy change at DOE that instituted a class waiver of DOE rights to patents in favor of the laboratory operators for much lab research, said Stark, who also serves as the industry initiative officer for Los Alamos National Laboratory. Lab operators then became much freer to issue licenses to industry and to help guarantee company investments in the labs. "In the past there were problems with patents, and companies stayed away from research labs like the plague. For a long time, there was only one case of a licensing agreement to industry every five years, but in the last year and a half, there have been at least ten. There has been quite an acceleration of inquiries from business in the past year," he said.

"Now a company can put research dollars into a lab and get exclusive U.S. and even foreign patent rights. In most cases the government will simply negotiate a reasonable royalty agreement," Stark said. Last fall legislation was passed which will have further positive impact on patent rights for lab operators, according to Alan Claflin, the director of the laboratory management division of DOE's energy research office. The Commerce Department is expected to issue regulations soon which will require government departments like DOE to grant patent rights to federally financed labs operated by small businesses and nonprofit organizations. DOE is also working on case-by-case waivers for labs operated by big business, as in the situation of Martin Marietta at Oak Ridge, Claflin said. "The net effect of the legislation and the waivers is that there will be a lot more industry activity at the labs in the next few years," he said.

Korenko summarized Westinghouse's interest in acquiring lab technology: "We found that foreign countries and companies and good customers, but that they are also strong competitors. So we decided to utilize the technology of the U.S. labs, which are supported by U.S. tax dollars. There are a number of foreign parties terribly interested in penetrating these labs, and indeed, there have already been penetrations. It's a bit of a commercial war."

To take advantage of federally financed technology, Westinghouse executives set up a one-year pilot program in late 1983 to establish a conduit for technology transfer from the labs to the company. Since the end of the pilot program last August, Westinghouse has fostered the startup and growth of four small entrepreneurial businesses. The four companies provide services to the nuclear industry or supply nuclear manufacturers. Korenko said, declining to identify the companies for proprietary reasons. "These are the first fruits of the seeds sown by the pilot program," he said.

Westinghouse is the only major nuclear vendor to institute a formal pilot project for technology transfer so far, Korenko believes. The company initially looked at technology available at Hanford Engineering Development Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Sandia National Laboratories, Battelle-Northwest, Battelle-Columbus and several university laboratories. There are some 730 federally supported labs in the U.S. Korenko said. "The primary difficulty was not with the labs. Finding the technology was easy. The lab folks virtually laid the technology at our feet." he said.

"The obstacle to the technology transfer process generally occurs within the corporations. Companies have their own research projects, and it takes a certain effort to look beyond your in-house lab to see what's available. Typically, it takes six months just to work up to a good level of cross talk," Korenko said, describing the evolution of a transfer process. "Within 8 to 18 months, small contracts are in place to nurture and desired application. Then, within one to three years, a small business can emerge as a result of the research," he said.

"In a typical transfer process, the business wants the technology for free. Indeed, 50% to 80% of the information a business might want is available for free. But a small contract worth anywhere from $20,000 to $200,000 will plug a company into the flow of development. Most small contracts with the labs are probably only worth $40,000 t0 $50,000, which buys about a one-half man-year effort. This allows you to cherry pick the technology," he said.

One way businesses can make contact with researchers is through the FLC, Stark said. The FLC is an ad hoc organization which functions as an informal information exchange network, he said. FLC utilizes an electronic mail system to link some 300 federal labs, which receive about 85% of the federal government's investments in research and development. "Westinghouse's Advanced Power Systems came to us for help in locating a particular application, and we were able to quickly forward the request, notifying a great number of researchers at the laboratories around the country," he said.

Westinghouse has spent about $250,000 on technology transfer from the national labs since setting up the pilot program, Korenko estimated. Westinghouse has absorbed technology from the labs in areas of dosimetry and nuclear waste, including elements of packaging, handling, and transportation, Korenko said.

Other major vendors, like General Electric, as well as manufacturers and service companies, have also been active in the absorption of technology from the national labs, Korenko said. "We went to a number of other U.S. companies and explained what we had managed to do at the labs. It became something of a national effort in the foreign technology war," he said.

One national laboratory official responsible for technology transfer to private business was critical of DOE's speed in granting patent rights: "DOE has been the worst foot-dragger among the government departments and agencies when it comes to allowing patent rights. Two years ago, DOE came out with a big plan to promote the transfer of lab research to private industry, but it has not come off as smoothly as everyone hoped, mainly due to snags in patent legislation. Exclusive rights waivers are in many instances still very hard to get or very time consuming," he said.—*Charles Thurston, New York*

A TRIBUTE TO WAYNE A. CAWLEY, JR.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. DYSON. Mr. Speaker, I rise today to pay tribute to Wayne A. Cawley, Jr., on his recent election to the presidency of the Southern Association of the State Departments of Agriculture.

Mr. Cawley, who has served the State of Maryland as Secretary of Agriculture for the past decade, is highly noted for his work with Federal officials in designing a national model project for Federal crop insurance in Caroline County, MD. In 1974, in recognition of his 25 years of dedicated and distinguished service to Caroline County's farm community, Wayne received the accolade, "Outstanding Farmer."

So for those of us in Maryland's First Congressional District who work hard to address the concerns of the American farmer, it comes as no surprise that Wayne now assumes the leadership of an organization that oversees agricultural developments in 17 States, plus Puerto Rico and the Virgin Islands.

It is with great pride, then, that I take this opportunity to salute Wayne for his untiring and unselfish commitment to his State, his country, and to all of us who rely on the labors of the American farmer for our daily sustenance.

THE RETIREMENT OF MR. PAUL D. LAVINE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. COELHO. Mr. Speaker, Mr. Paul D. LaVine will retire from his position as director of the Stanislaus County Cooperative Extension after more than 30 years of service to agriculture in the Modesto area.

Paul was born in Los Angeles. After graduating from high school, he served in the Navy for 4 years. He received his bachelor of science degree in horticulture in 1950 from New Mexico State University, and his master's degree in 1952 from Oklahoma State University. For the next 2 years, Paul worked as a horticulturist with New Mexico State University. In 1954, he became a farm adviser with the Stanislaus County Cooperative Extension, specializing in grapes, small fruits, and walnuts. In October 1981, he was appointed director of the extension.

During his career with the extension, Paul has worked hard to promote greater political participation by farmers and the use of advanced technology in agriculture. He was instrumental in organizing the Grape Improvement Association, which has become a significant factor in the area's agricultural politics. The fine work of the association in the area of weather forecasting has received national attention. The 11 computerized weather stations operated by the association provide area farmers with reliable weather forecasts. Paul has also testified twice before congressional committees in support of the National Weather Service.

Paul's efforts have been widely recognized by the agricultural community. He has been named honorary chapter farmer by the Future Farmers of America, received a certificate of appreciation from the Grape Growers of California, and was recognized by the Viticulture Department of California State University, Fresno, to name but a few.

Paul has also been very active in local community service organizations. He founded three Toastmasters Clubs in Stanislaus County, and is presently a member of the Free and Accepted Masons and the Rotary Club. In 1983, he was the recipient of the Good Egg Award, the most prestigious award for community service in Stanislaus County.

The agricultural industry will certainly miss Paul's leadership at the Cooperative Extension. He leaves behind him a legacy of service and innovation that will certain-

ly be hard to replace. I would like to commend Paul for all his help in making the Stanislaus County agricultural industry one of the most successful and productive in the Nation, and I wish him continued health and happiness in his retirement.

MINORITY ENTERPRISE DEVELOPMENT WEEK

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. FROST. Mr. Speaker, the first full week in October has been proclaimed Minority Enterprise Development Week in honor of our Nation's minority business men and women. I'm proud of the growing number of minority-owned businesses in Dallas and am pleased to have this opportunity to salute those successful entrepreneurs and to encourage others to join with them in developing new enterprises.

America has long been regarded as a land of opportunity—a place where any individual can find success through talent and hard work. For some, however, hard work and talent were not enough. The American dream was real, but not all of our people were invited to share in it. Those minority entrepreneurs who succeeded did so against tremendous odds. Fortunately, their successes inspired others, and their efforts helped to knock down barriers and open new opportunities to all Americans.

Today, minority enterprises are an important and rapidly growing part of our economy. That growth can and should be encouraged by Government policy. Our Nation's economic vitality in the future will largely depend upon creativity and diversity in our business community. To meet the challenges facing us, we'll need a large measure of cooperation between the Government and business community, and we must work to ensure that minority-owned businesses will play an active role in that partnership. Minority enterprises have made an invaluable contribution to the Dallas community and will, I'm confident, continue to do so.

Recently, 12 Dallas-Fort Worth area businesses were presented with "Quest for Success Awards." This award, presented by the Dallas Morning News, the Miller Brewing Co., and the Dallas Black Chamber of Commerce, recognizes outstanding achievement by minority business owners. Three of the businesses honored were located in my congressional district: Proline Corp., Dodd, Frazier & Associates, and Pettis Norman, Inc. I'm proud of these firms and congratulate them on this much-deserved award. I look forward to their continued success and to more outstanding contributions by minority enterprises.

A TRIBUTE TO MISS KRISTIE WOOD

HON. PAT SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. SWINDALL. Mr. Speaker, I would like to take this opportunity to congratulate Miss Kristie Wood, the 17-year-old daughter of Mr. and Mrs. Don Wood, Jr., of Covington, GA, who was recently named Miss Georgia T.E.E.N.

Kristie's accomplishment is particularly impressive because she competed against girls from a State that is known for its bright and beautiful young ladies.

The State of Georgia can certainly expect great things from Kristie who is presently very involved in the Beta Club, Key Club, Y Club, and student council. She has also been president of the Newton General Hospital Candy Stripers and "Teens Against Drugs" and she is very active in the youth group at First Baptist Church. Kristie also plays the piano and flute and enjoys classical ballet and modern dance.

I hope my colleagues in the House of Representatives will join me in congratulating Kristie Wood for her outstanding achievement and we all look forward to great things from her.

TO COMMEMORATE THE PRESIDENCY OF MORLAND G. McMANIGAL OF THE NATIONAL ASSOCIATION OF LIFE UNDERWRITERS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. FAZIO. Mr. Speaker, I rise today in tribute to Mr. Morland G. McManigal, who has recently been elected to the presidency of the National Association of Life Underwriters [NALU].

Mac McManigal comes to this important and responsible position experienced in the insurance business and the workings of the National Association of Life Underwriters. He has experience and knowledge of local, State, and national issues and has an impressive record of civic and organizational involvement. Active in the insurance business for more than 30 years, Mac McManigal is now the agency manager for the State Farm Insurance Co. in Fairfield, CA, which is, I must note, State Farm's leading life agency in California and consistently ranked in the top 1 percent of the company's more than 1,000 agencies nationwide. Mac has also been active in insurance-related organizations, having served as president of the Solano-Napa Association of Life Underwriters, as well as in numerous leadership posts for the California association. At the national level, he has been a member of nine NALU national committees, an NALU trustee, secretary, president-elect, and now president.

In addition to his impressive business and professional achievements, Mr. McManigal is also active in his community in Solano County, CA. A past president of the Green Valley Country Club, YMCA and school board, he is also a director of the Suisun Valley Bank and is active with girls' softball, having taken several teams on international trips and served as host for many foreign teams.

I have every confidence that Mac McManigal will be a hard-working, enthusiastic, and strong president and will no doubt accomplish all of the goals that he has set for himself and for NALU. I ask therefore, that you please join me today in tribute to the new president of the National Association of Life Underwriters.

THE PROMISE OF BETTER RELATIONS WITH TURKEY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. GILMAN. Mr. Speaker, in a few days we shall be noting the 25th anniversary of the establishment of the Republic of Cyprus. In all probability, that anniversary will become an occasion for debate over the role now played by Turkey in the continued division of that island. It is not my purpose to engage in such a discussion at this time. The record of my views on the subject are clear. However, as we consider those issues, it is important not to lose sight of our Nation's relationship with Turkey.

In order to appreciate both the current benefits and the possibilities in our relationship, we must understand clearly the vital and constructive role that Turkey plays in the defense of the Western alliance and in contributing to peace in the Middle East. Turkey's present and potential role in these areas is frequently misunderstood. It is important that public debate in the United States proceed from a common, well-reasoned understanding of the true nature of the Turkish Republic's actual—and potential—contribution to international peace and stability.

In reviewing the importance of Turkey's role, we must not overlook our strong ties with the other NATO power in the Eastern Mediterranean, Greece. Because of its strategic location and longstanding ties with the Western alliance, Greece plays an important part in NATO's plans—a part we hope it will continue to play in the future. Our strong ties to both Greece and Turkey should help them bridge the gap existing between them. By fully appreciating the legitimate concerns of both of our allies, we will demonstrate that we deserve the trust that they place in our efforts in the region.

Turkey occupies a unique geographic and social position. It straddles Asia and Europe; it has an overwhelmingly Muslim population and at the same time a political orientation that is unmistakably Western. Strikingly, while it is one of only two Euro-

pean members of NATO bordering the Soviet Union, it also borders both parties to the Iran-Iraq war.

NATO has assigned Turkey an awesome responsibility—guarding NATO's southeastern flank from attack by the vast forces in the southwestern portion of the Soviet Union. Turkey must deter, and if necessary repel, any attack which might be launched in coordination with a Soviet thrust in the central theater of Europe. At the same time, Turkey must be able to act to bottle up the Soviet Black Sea fleet by closing the Dardanelles in the event that an attempt is made to use that fleet in opposition to NATO interests.

Turkish soldiers and sailors, while willing to exert every effort to carry out their duties, are hampered by obsolete equipment. Turkey and the United States have been engaged in a long-term effort to upgrade the armaments available to the Turkish Armed Forces. Although Turkey is the third largest recipient of American aid, it still has not achieved the needed modernization.

Turkey has provided the United States with access to many bases from which we gather vital intelligence on the Soviet Union. Continued access to that information is important to our ability to detect Soviet military action. Moreover, Turkey plays an important role in our ability to verify the strategic arms control agreements, on which our national security depends. With the loss of important intelligence collection centers in Iran following the fall of the Shah, its role has become even more important.

Turkey's role in the Middle East is of course of great importance. It has remained neutral in most regional issues but is respected by and has cordial ties with most countries in the area, including, for instance, both Iran and Iraq. Thus, while it is capable of exerting military force to maintain the regional stability it seeks, it has not aligned itself with any force outside the Middle East with respect to purely regional issues. Given its special position in the area, the United States would do well to pay attention to Turkey's views on regional issues.

The United States is grateful for Turkey's cooperation in another arena that in my view is vital to our national security—our war against drugs. In 1968, about 80 percent of the heroin coming into the United States originated in Turkey. Many Turkish farmers were economically dependent on opium cultivation. Yet the Turkish Government's courageous leadership, which has been sustained through all of their political changes, has gradually led to the elimination of illicit opium cultivation in Turkey. We have repeatedly pointed to the Turkish initiative as a model for other nations to follow.

No discussion of Turkey's potential contribution to the Western alliance would be complete without an examination on the progress made in the economic and political spheres in recent years. Turkey has made giant strides in controlling the economic stagnation and inflation—formerly 100 percent per year—that was ruining its economy in the later 1970's.

During the late 1970's Turkey was wracked with political instability, giving rise to virulent terrorism which threatened the very fabric of Turkish society. The armed forces intervened in a move which while evidently supported by a majority of Turks nevertheless resulted in a severe abridgement of personal and political liberties and in the inevitable excesses associated with any military regime. The imposition of military rule resulted in the political isolation of Turkey in the Western alliance and in a slowdown in the military modernization plans. For better or for worse, few NATO countries were willing to help modernize a military—whatever its role in the overall defense of the West—which was not subordinate to civilian control.

Turkey is on the road back to democracy. While its constitution provides that General Evren will continue as President until 1988, the military acquiesced in Prime Minister Ozal's assumption of power after the 1983 elections, even though it had backed an opposing candidate. In 1984, Prime Minister Ozal's party won a significant victory in local elections over all parties. Those elections were open to several political parties which has not been permitted to participate in 1983 elections, and whose absence had rendered the 1983 results suspect in some circles in Europe.

With the political legitimacy of the Turkish Government more widely recognized, Turkey will no doubt be able to find more willing partners in economic, military, and political endeavors—particularly in Europe—than had previously been the case. The United States should actively encourage such cooperation. Turkey's historically close links with the United States should also lead to much closer bilateral ties as the source of tension within the Turkish body political subside. The United States should also do its part. While never forgetting the close ties that bind us to Greece, and despite the irritation to our relations still caused by the Turkish presence on Cyprus, we must not ignore the importance of overall bilateral relationship. Such recognition on our part may result in allaying Turkish concerns about our reliability as a partner in the security and economic realms, and in increased Turkish flexibility in those areas which still remain problematic from our point of view, and which unnecessarily complicate the relationship with its other NATO partners.

A TRIBUTE TO BARBARA R. MORGAN

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. CRAIG. Mr. Speaker, about this time last year, President Reagan announced that he had directed the National Aeronautics and Space Administration to select a teacher as the first private citizen to be launched into space aboard the space shuttle. As a result of this decision, more than 10,000 teachers from every discipline in America's elementary and secondary schools competed for the honor of being designated as the first teacher in space. On the basis of criteria such as originality and creativity, dedication to the teaching profession, a high degree of community involvement, and ability to communicate the space flight experience, 10 finalists were ultimately selected. The finalists were further subjected to rigorous medical evaluations and space flight suitability testing at NASA's Johnson Space Center and other installations. At a formal ceremony at the While House recently, Vice President BUSH announced the winner as well as backup candidate, Barbara R. Morgan, a constituent of mine from McCall, ID, where she teaches second grade at McCall-Donnelly Elementary School.

Over the next several months, Barbara will receive approximately 120 hours of training in flight operations and mission procedures, identical to that experienced by the designated candidate and other mission specialists. In the event the designated candidate is unable to continue training or to fulfill the many requirements for space travel, Barbara will become the actual space flight participant on a mission scheduled for next January. In addition to her training, Barbara will assist NASA by sharing her experiences and perceptions with the educational community for the purpose of inspiring student interest in the space age and in the career opportunities it offers.

NASA also intends to make use of the special abilities of the other eight finalists, including those of David Marquart, a computer science teacher from Boise High School, by requesting their assistance in designing the lessons and actual demonstrations to be conducted aboard the flight next January. They will be broadcast live via satellite to thousands of classrooms throughout the Nation.

Besides its interest in generating enthusiasm for the space age and the wonders of its technology, NASA also hopes to help restore prestige to the noble profession of teaching, something which it has sadly lacked in recent years. Barbara Morgan has brought pride not only the students, teachers, and citizens of McCall, ID, but to the entire teaching profession. On behalf of my colleagues, the citizens of Idaho's First District, and the Nation, I extend warm congratulations and best wishes to her. We all look forward to receiving her thoughts and impressions of this unique and exciting educational opportunity from the space age.

CONSECRATION OF DAYTON'S GREEK ORTHODOX CHURCH

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. HALL of Ohio. Mr. Speaker, in the Greek Orthodox community, the consecration of a church is a very important moment. That is when the church is initiated into the service of God, and set apart for exclusive use as a house of worship.

It is a time of revitalization and renewal. A consecration takes place only once in the history of a church; 37 years ago, the Greek Orthodox community in Dayton constructed a church building. However, it has never been consecrated, and thus remains incomplete.

On Sunday, October 6, the church will be consecrated during a ceremony officiated by His Eminence Archbishop Iakovos, leader of 4 million Greek Orthodox Christians in North and South America, and recipient of our Nation's highest civilian award, the Medal of Honor.

Also participating will be His Excellency Bishop Timotheos of Detroit, leader of the diocese to which the Dayton church belongs, and Father Stratton Dorozenski, priest of the Dayton parish.

Other participants will be Fathers Jerry Tasikas, Philemon Payiatis, and George Hiotis, past priests of the community; and Fathers Nick Tsaknides and Dean Gigicos, priests who are from and were ordained in Dayton.

I join the 400 families who are members of the Greek Orthodox Church of Dayton, special guests, and the entire Dayton community in congratulations on this very special occasion.

I offer my deepest hope that the church building continue as a house of worship, fulfillment, and peace for many years to come.

SAINT MARY, REFUGE OF SINNERS CATHOLIC CHURCH'S 100TH ANNIVERSARY COMMEMORATION

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. DYSON. Mr. Speaker, I would like to bring to the attention of my colleagues the 100th anniversary celebration of Saint Mary, Refuge of Sinners Catholic Church in Cambridge, MD.

As we in Maryland commemorate Saint Mary, Refuge of Sinners Church's untiring and unwavering commitment to faith during the past century, I believe it is altogether fitting that we give thanks to the many church members who, over the generations, have brought comfort and light to the people of Cambridge. On momentous occasions such as this, we not only share remembrances of a rich and vibrant past, but we also prepare to perpetuate our ideals far into the future.

On October 27, Rev. James P. Eckrich and his parishioners will mark the centennial anniversary of the founding of Saint Mary, Refuge of Sinners Catholic Church with a Mass celebrated by Bishop Robert E. Mulvee, Diocese of Wilmington. As this special day approaches, I praise Saint Mary's for its spirit of community and compassion, and hope that this proud place of worship continues to grow and prosper in the years to come.

SUPERFUND—THE MOST IMPORTANT ENVIRONMENTAL ISSUE FACING THIS CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. LANTOS. Mr. Speaker, we in the Congress will soon be facing one of the most important decisions before us this session—the decision about the continuation of the Superfund Program. Toxic wastes spewn from our Nation's industries are being dumped haphazardly in dangerous sites all across our Nation. The crisis is growing daily.

My own congressional district is no exception. Recent revelations of hazardous waste sites on and around the San Francisco Peninsula have emphasized the universality of this problem. In a recent survey, which I conducted to assess the views of my constituents in the 11th Congressional District of California, 82 percent indicated that they favored an increase in Federal Government funding for programs to clean up hazardous toxic waste dumps. There is a strong concern and a desire for action to remedy this growing crisis.

Mr. Speaker, I would like to call to the attention of my colleagues in Congress a recent article by Douglas P. Wheeler, executive director of the Sierra Club, which appeared in Sierra, the national publication of the Sierra Club. This article is one of the best analyses of the current status of this issue.

The text of the article follows:

THE VOTE OF THE YEAR

(By Douglas P. Wheeler)

(The upcoming Superfund vote will be the most important pollution decision this Congress makes. Will the law serve polluters better than the public?)

The American people are deeply troubled by the dangers of toxic wastes. According to a recent poll, 93 percent of the population is seriously concerned. The highly hazardous effluvia of our nation's industries, dumped indiscriminately across landscapes urban, suburban, and rural, pose a deadly threat to individuals, and they know it.

But in the crowded chamber of the House Energy and Commerce Committee on June 20, there was no evidence of the widespread public demand to clean up toxic dumps. Instead it was business as all-too-usual, as the Subcommittee on Commerce, Transportation and Tourism voted on legislation to extend the five-year-old federal Superfund program. Encouraged by chemical and oil industry lobbyists, the subcommittee struck down a strong Superfund bill by a vote of 13 to 5. After repudiating its own chair's draft bill, the subcommittee substituted a diluted measure crafted by Reps. John Dingell (D-Mich.) and James Broyhill (R-N.C.), respectively the chair and ranking Republican on the Energy and Commerce Committee.

Environmentalists were appalled. The Dingell-Broyhill bill, said subcommittee chair James Florio (D-N.J.), would perpetuate the agonizingly slow pace of cleanup the nation has endured for the last five years. "Power politics, pure and simple," was Sierra Club lobbyist Blake Early's assessment. "Polluters couldn't have written a better bill for themselves."

In fact, the vote marked a stunning reversal. Just ten months earlier, in August of a presidential election year, the full House of Representatives had adopted a much stronger Superfund bill by a lopsided 323-to-33 margin. Now the subcommittee had rejected a bill modeled on that earlier version and substituted a much weaker bill in its place.

Members of the subcommittee who voted for the Dingell-Broyhill bill had various explanations and excuses for adopting a bill so compatible with the desires of the chemical industry. Several suggested they had voted for it because nothing stronger could possibly pass this timorous subcommittee—a prediction made certain by their defections. Several talked hopefully about strengthening the bill later, when the full committee took up the issue, a prospect Rep. Gerry Sikorski (D-Minn.) likened to "putting wings on a sow."

Through July the full Energy and Commerce Committee labored over the Dingell-Broyhill bill, but the results were consistently the same. Amendments to strengthen the bill were defeated day after day. Ultimately the committee approved the bill in about the same form they had received it—all sow and no wings. As a result, the entire House will be faced in September with the most important pollution and public health vote of the year: It will either ratify or reject the Dingell-Broyhill Superfund.

The nation's toxic waste cleanup program was in trouble even before this legislative setback. Created five years ago to finance emergency cleanup of abandoned hazardous waste dumps, the program has only begun to tackle the effort. Hundreds of sites identified by the Environmental Protection Agency have yet to be studied, let alone cleaned up. Hundreds more are being added to the backlog each year. There are now more sites classified as extremely dangerous than when the law was first enacted in September 1980.

Cleaning up toxic waste dumps is extremely difficult. Many of the sites contain dozens of chemically diverse, highly toxic substances in a morass of abandoned mine shafts, underground springs, or swamps. Cleanup is also expensive. But the EPA needs motivation and support as much as it needs money and know-how. The agency's current administrator, Lee Thomas, lacks the political base to serve as advocate for an effective program.

Congress has the opportunity to rectify these problems. It can mandate that the EPA proceed on an aggressive schedule to study the most dangerous sites and get them cleaned up promptly, and ensure enough funding to do so. It can empower citizens whose health is theatened by abandoned dumps to sue those responsible. It

can put the EPA on an enforceable schedule to move the cleanup along, and it can ensure that the agency gives preference to permanent, complete cleanup plans that involve a maximum use of waste destruction and treatment technologies such as incineration.

In each of these key respects, the Dingell-Broyhill bill sides with the polluters instead of the public. The Energy and Commerce Committee's decision to approve a bill significantly weaker than the one passed a year ago is not mysterious. It reflects two facts: First, the membership of the committee does not accurately reflect the environmental concerns of the House as a whole. (This is the same committee that has blocked congressional action on clear air and acid rain for more than four years.) Second, 1984 was an election year, 1985 is not. When they voted in August 1984, members of the House knew their votes would be fresh in the minds of constituents as they went to the polls in November. The 1985 votes on the Superfund will occur more than a year before the next election.

The Dingell-Broyhill bill is deceptive. For page after page it appears to be identical to the stronger bill supported by environmentalists. On the important subject of money, it would authorize $10 billion over five years, about the same level of funding environmentalists seek.

But will this money be spent effectively to get the most dangerous dumps cleaned up? This is where the Dingell-Broyhill bill fails—and why it is supported by the chemical and oil lobbyists. While the bill purports to spend $10 billion over the next five years to clean up toxic dumps, in reality it would allow the EPA to drag the program out. By failing to move quickly to complete the required pre-cleanup studies of each site, the EPA could readily escape the bill's cleanup schedule and move as slowly as it chooses. A Superfund for the public would require the EPA to meet a fixed schedule to initiate full-scale cleanup at a minimum number of dumps each year.

The Dingell-Broyhill bill allows the EPA to continue to do partial, short-term cleanups and then walk away announcing that the cleanup has been completed. Such cosmetic cleanups could even violate other environmental laws. A Superfund for the public would require permanent and complete cleanup of toxic dumps to bring them into compliance with the minimum standard of existing health, water quality, and waste disposal laws.

The Dingell-Broyhill bill would prevent a citizen endangered by an abandoned toxic waste dump from suing its owner to force cleanup. The law that governs operating toxic dumps allows such citizen suits, but Dingell-Broyhill would grant immunity to owners of abandoned or closed dumps. A Superfund for the public would permit citizen suits as the only way to force cleanup of dumps not included on the EPA's limited National Priority List.

Unfortunately, many in Congress and the media have lost sight of these fundamental flaws in the Dingell-Broyhill bill. They have accepted the argument that the EPA should be trusted with flexibility on such issues as schedules, cleanup standards, and citizen suits. They have failed to take into account the continuing and unremitting hostility toward toxic waste cleanup at higher levels of the Reagan administration and in the chemical industry. In calling for EPA flexibility and efficiency, these legislators and editorial writers are calling for five more years of the same kind of Superfund we have had for the past five years—a law lacking an aggressive schedule, hamstrung by hostility from the federal budget office, and bogged down in negotiations with stonewalling toxic waste dumpers.

These are the crucial issues. They have little to do with funding, but they are the very guts of the Superfund law. They decide whether the law works to protect the public—or the polluters.

THE SANDINISTAS AND MIDDLE EASTERN RADICALS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. McCOLLUM. Mr. Speaker, I wish to submit a copy of an August 1985 State Department report entitled, "The Sandinistas and Middle Eastern Radicals" for the purposes of having it printed in the CONGRESSIONAL RECORD.

This is an unclassified report on the Sandinista ties to Middle Eastern Radicals for nearly the past two decades. The report states that the current Nicaraguan Interior Minister, Thomas Borge, was one of the original trainees of a PLO training camp set up in 1969. Other members of the Nicaraguan Cabinet were in training in Libya during the same period. The Sandinistas participated in a rash of hijackings that started the "Black September" fighting in Jordan in 1970; and one, Patrick Arguello Ryan, was killed during an attempted hijacking on an El Al flight from Tel Aviv to London.

The report concludes what I have been saying all along. The Sandinistas are linked to the most heinous and well-organized terrorist groups in the world; the German Baader-Meinhof gang, the Italian Red Brigades, the Basque terrorists as well as Managua's relations with Libya and Iran. The recent facts brought to light by the defection of Alvaro Baldizon Aviles, of Nicaragua's Interior Ministry serve to confirm the true character of the Sandinistas as ruthless and devoid of any concern for human rights. There can be no doubt now of the incredible atrocities committed by the Sandinistas. In just one instance, they were responsible for the arrest and torture of 500 Miskito Indians, 150 of whom were later executed.

And what do the Soviets have to say about the State Department report? Not surprisingly, they called it, "libellous scribble" and "provocative falsehood." This just shows what side of the fence they're on.

I urge my colleagues to read this report to ascertain exactly what type of government is in power in Nicaragua today.

THE SANDINISTAS AND MIDDLE EASTERN RADICALS

An unclassified report on Sandinista ties to Middle Eastern radicals, including Sandinista participation in Middle East aircraft hijacking and terrorism in 1970, and their continuing relations with these groups and states in the 1980's.

THE FIRST CONTACTS: TRAINING AND ARMS

The PLO made its international debut in 1966 in Havana, Cuba, at the First Conference of the Organization of Solidarity of the Peoples of Asia, Africa, and Latin America (also known as the Tri-Continental Conference). At this conference, Fidel Castro brought together 500 delegates from radical leftist groups around the world to devise a strategy for what they called the global revolutionary movement.

Results of that conference soon became apparent. In the months following the conference, guerrilla training camps appeared in various countries, with major clusters in Cuba, the Soviet Union, Lebanon, and Libya. Members of the PLO were among the first to be trained in the Cuban and Soviet camps, thanks to the close ties developed at the Tri-Continental Conference.

Training courses at these camps generally lasted six months and included ideological indoctrination as well as practical training in the use of weapons and explosives. The indoctrination focused on the theories of Marx, Lenin, and Stalin. Lecture topics included: "Russian Ties to the Third World," "The Struggle Against Imperialism," "The Soviet Contribution to Palestinian Liberation," Zionist Ties to Imperialism," and "The Reactionary Nature of North Yemen and Saudi Arabia." Practical training in techniques of warfare included blowing up munitions dumps, bridges, and vehicles; planting personnel mines; the rudiments of biological and chemical warfare; marksmanship and camouflage; urban and field tactics; and the use of maintenance of Soviet equipment such as rockets and shoulder-borne missile launchers.

Upon graduation, PLO guerrillas set up camps of their own for training terrorists, at first in Lebanon and later in Libya. Reportedly among the Nicaraguans trained in the Lebanon camps in 1969 was Tomas Borge, Interior Minister and one of the nine commandantes on the FSLN National Directorate.

Sandinista representative Benito Escobar arranged with three PLO representatives in Mexico City, also in 1969, for joint PLO-Cuban training in Lebanon for a contingent of 50-70 Sandinistas. Subsequently, other contingents of Sandinistas were sent to PLO camps in Libya. Present Vice Minister of the Interior Rene Vivas, the late Telecommunications Minister Enrique Schmidt, and Henry Ruiz, Minister for External Cooperation, also were among those trained by the PLO during 1969-70.

SANDINISTA PARTICIPATION IN MIDDLE EAST TERRORISM IN THE 1970'S

The investment in training Nicaraguans had some immediate dividends for the PLO. When the PLO and its radical component groups, including the Popular Front for the Liberation of Palestine (PFLP), attempted to overthrow the government of King Hussein of Jordan in 1970, PLO-trained Sandinistas participated.

One PLO-Sandinista operation was discussed in an interview by Sandinista spokesman Jorge Mandi with al-Watan, a Kuwaiti newspaper: "A number of Sandinistas took part in the operation to divert four aircraft which the PFLP seized and landed at a desert airfield in Jordan. One of our comrades was also wounded in another hijack operation in which Leila Khaled was involved. She was in command of the operation and our comrades helped her carry it out." He continued, "Many of the units belonging to the Sandinista movement were at

Palestinian revolutionary bases in Jordon. . . . Nicaraguan and Palestinian blood was spilled together in Amman and other places during the 'Black September battles.'" Mandi's reference to a "hijack operation" concerned the hijacking of an El Al airliner en route from Tel Aviv to London, on September 6, 1970. Sandinista Patrick Arguello Ryan was killed in this hijacking attempt; he had been trained at one of the PLO camps. Arguello is now revered by the Sandinistas as a hero and a large dam under construction has been named in his honor.

During that same period, Tomas Borge, one of the founders of the FSLN, reportedly was the major contact between the Sandinistas and the PLO. Borge became a familiar figure in both Damascus and Beirut, not only because of his trips there on behalf of the Sandinistas, but also on behalf of Fidel Castro. Borge appeared to be functioning as Castro's envoy in the Middle East during the early 1970's because of his good relationship with the PLO and his earlier guerrilla training in the area.

Thus began the symbiotic relationship between the Sandinistas and the PLO. From the PLO, the Sandinistas got training in guerrilla warfare and an opportunity to practice their skills by aiding the PLO in terrorist acts such as airline hijackings and a campaign against King Hussein in Jordan. The PLO got help from the Sandinistas in operations that brought the PLO to world attention and served as an example for countless other terrorists.

THE SANDINISTA REVOLUTION AND PLO INVOLVEMENT IN THE LATE 1970'S

The Sandinistas who trained in PLO camps in the Middle East gained an asset almost as valuable to them as their guerrilla training: contacts with sources of aid and arms. Again, Tomas Borge was the major go-between in aid and arms negotiations. While acting in his dual capacity as the Sandinista's PLO liaison and as Castro's emissary, the wide range of contacts he amassed in the radical Middle East served him well as he prepared for the Sandinistas' own revolution.

Borge used PLO assistance to obtain arms from North Korea and Vietnam for the Sandinistas. Libyan money helped pay for some of these arms. Reportedly, other shipments of supplies and arms came from the PLO itself. In July 1979, one planeload was intercepted when it stopped in Tunis. This PLO-chartered aircraft, ostensibly carrying medical supplies from Beirut for Nicaraguan refugees, was found instead to hold 50 tons of arms, including an anti-aircraft gun. The Tunisian government did not allow the shipment to go through.

At the same time, the Sandinistas were formalizing their ties with the most radical PLO elements. Benito Escobar, who had earlier made arrangements with the PLO to train Sandinistas in PLO camps, met in Mexico City in February 1978 with Issam Ali, Latin American liaison of the PLO, and members of the Democratic Front for the Liberation of Palestine (DFLP). The PLO and the Sandinistas issued a joint communique on February 5, 1978, affirming "the bonds of solidarity which exist between the two revolutionary organizations." This communique was followed by a DFLP-FSLN joint declaration from Havana on March 6, 1978, which expressed a mutual declaration of war against "Yankee imperialism, the racist regime of Israel," and the Nicaraguan government.

PLO-Sandinista relations intensified in 1978 and the beginning of 1979, with a substantial assist from Libya. In 1979, Qadhafi invited the leaders of Central American guerrilla groups, including the Sandinistas, to a meeting in Benghazi during which he pledged financial and political support for their movement.

REVOLUTIONARY SOLIDARITY: MILITARY AND ECONOMIC TIES

Shortly after the Sandinistas seized power, they rewarded the PLO for its assistance in their revolution by granting it unprecedented "government to government" ties. In most countries the PLO was at best permitted to open an "office"; in Managua it was permitted to open an "embassy," with the ranking representative holding the title of "ambassador." The PLO ambassador and his staff were accorded full diplomatic privileges.

In July 1980, Yasser Arafat made a four-day "state visit" to Nicaragua to formalize full diplomatic ties between the Nicaraguan government and the PLO. On July 22 at a reception in his honor Arafat praised "the strategic and military ties between the Sandinista and Palestinian revolutions." Interior Minister Borge responded, "We say to our brother Arafat that Nicaragua is his land and the PLO cause is the cause of the Sandinistas." Arafat replied: "The links between us are not new. Your comrades did not come to our country just to train, but also to fight. Your enemies are our enemies." Arafat expanded on this theme in an interview with Radio Sandino the same day: "the Nicaraguan people's victory is the victory of the Palestinians. . . . The freedom in Nicaragua is the same in Palestine. . . . The only way, then, is for increased struggle against imperialism, colonialism, and Zionism." He closed the broadcast by reiterating, "Together against imperialism, colonialism, and Zionism." In a speech at the Cesar Augusto Silva Convention Center (also on July 22), standing with Borge and several other of the nine comandantes, Arafat said, "Anyone who threatens Nicaragua will have to face Palestininan combatants."

Arafat's talk about "strategic and military ties" was not mere diplomatic pleasantry. Shortly after his Nicaraguan visit, he sent Colonel Mutlag Hamadan to the PLO, at the head of a contingent of 25 military technicians, to instruct the Sandinistas in the use of Eastern-bloc weapons. In November 1980, the PLO provided the Sandinistas with a $12 million loan. In January 1981, a group of PLO pilots were sent to Nicaragua to assist the Sandinistas in flying helicopters and transport aircraft. By May 1981, the PLO was deeply involved in military and guerrilla training activities in Nicaragua. Reports in mid-1982 indicated that PLO officers were involved in special guerrilla training in Nicaragua. Although the breakup of the PLO power base in Lebanon in 1982 reduced the PLO's ability to project itself aggressively and to finance radical regimes and movements around the world, the PLO presence, training, and other activities in Nicaragua have continued.

The Sandinistas' anti-Zionist rhetoric, close relations with radical Arab groups, and efforts to organize Nicaragua's society and economy according to Marxist-Leninist precepts all contributed to the departure from Nicaragua by 1981 of nearly all of Nicaragua's Jewish community.

SEAT BELTS IN ALHAMBRA SAVE LIVES

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. MARTINEZ. Mr. Speaker, I rise today to commend the Alhambra City Council for the adoption of a resolution declaring September 1985 as "Seat Belts Work Month" in Alhambra. Mayor Michael Blanco, along with city council members Mary Bunker, Talmage Burke, Michael Messina, and J. Parker Williams, should be recognized as leaders in promoting the benefits of seat belts as a means of improving public safety in our communities. In conjunction with this resolution, the Alhambra City Council, with the help of the Alhambra Chamber of Commerce, the Alhambra Police Department, and the Automobile Club of Southern California, are conducting a citywide campaign this month to both improve community awareness and increase the usage of seat belts in automobiles.

In my home State, California, 3,000 are killed and over 240,000 are injured as a result of automobile accidents. It is in our neighborhood streets where many of these accidents take place as result of everyday driving; 75 percent of these accidents occur within 25 miles of home, with more than 50 percent of all injury-producing accidents occurring at speeds lower than 40 mph; 20 percent of all serious injuries suffered in accidents result from nonbelted occupants being thrown into each other. The most frightening statistic is that traffic accidents are now the leading cause of death among people under the age of 45.

The benefits of seat belts are well documented. Seat belts worn properly cut fatalities by 45 percent and reduce the probability of suffering a moderate to serious injury by 50 percent. Seat belts also help drivers in emergency situations maintain vehicle control as well as avoid being thrown from their vehicles. Seat belts are now designed to allow riders to move freely in their cars, but are also designed to lock in place when cars come to a sudden halt. Most alarming is the fact that, though nearly all cars now have seat belts, less than 20 percent of all Americans buckle up when they operate their cars.

Mr. Speaker, actions such as these to encourage the use of seat belts should be commended. It is my hope that other local governments will follow Alhambra's lead, and remind their communities that seat belts work and save lives.

A TRIBUTE TO MISS HEATHER GUNN

HON. PAT SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. SWINDALL. Mr. Speaker, I would like to invite my colleagues in the House to join with me in congratulating 17-year-old Miss Heather Gunn of Lakeside High School in De Kalb County, GA, for achieving a perfect score of 1600 on her scholastic aptitude test.

Last year, 1,556,341 students took the SAT's and only 7 equaled Heather's achievement. The awesome accomplishment of answering every question correctly seems fitting for a girl who has a perfect 4.0 record at Lakeside and is known for her outgoing, friendly, and dynamic personality.

While speaking to a large group of Fourth District residents, Heather gave her parents a great deal of credit because they read to her constantly as a child. I know my wife Kim and I will follow such an example with our 9-month-old baby, Kelley Alice.

I must admit how relieved I am that Heather has 9 years ahead of her before she can run for my seat, but I know that whatever she chooses to do, she will do it well.

VIDEO SURVEILLANCE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill regulating the use of video surveillance in places where there is a reasonable expectation of privacy. This bill represents a modest step toward protecting the civil liberties of our citizens from unwarranted intrusions into their privacy.

When George Orwell wrote "1984" he described the use of a telescreen which permitted every sound to be overheard and every movement scrutinized. When that book was written, the specter of that type of surveillance was only a vague technological possibility. Today this type of surveillance is in use by at least a dozen Federal law enforcement agencies and by countless private individuals and organizations. More ominously, current Federal law does not adequately regulate the use of video surveillance. Only one Federal appellate court has addressed the troubling questions presented by video surveillance. While the court approved the use of video surveillance in limited circumstances.[1] it invited Congress' attention to statutory amendments. The urgent need for this inquiry is highlighted by Judge Posner in *United States* v. *Torres* (7th Cir., Dec. 19, 1984):

> Electronic interception, being by nature a continuing rather than one-shot invasion, is even less discriminating than a physical search, because it picks up private conversations (most of which will usually have nothing to do with any illegal activity) over a long period of time . . . electronic interception is thought to pose a greater potential threat to personal privacy than physical searches . . . Television surveillance is identical *in its indiscriminate character* to wiretapping and bugging (emphasis in original).

As the recent, limited use of video surveillance by the Department of Justice has shown, the availability of such a technique can be a useful investigative tool when other means have proven unfeasible. Any use of such a technique, however, should be strictly controlled and limited to the most urgent circumstances. Therefore, the bill I am introducing today:

One, limits the use of video surveillance to the same narrow procedural requirements of the wiretapping law;

Two, requires that other less intrusive investigative techniques have either been tried and failed or be shown to be unfeasible;

Three, limits the length of any court order approving the use of video surveillance to 30 days; and

Four, limits the range of crimes which can be used as a predicate for the application for a court order to crimes punishable by more than 10 years in prison.

Video surveillance is defined in the bill to mean "the recording of visual images of individuals, without the consent of one of the individuals, by television, motion picture, video tape or other similar method, in a position not readily observable from a public location and under circumstances in which there is a reasonable expectation of privacy." Thus, the bill would regulate the placement of a video camera in the home without the consent of a party being recorded. The bill would not regulate the use of cameras in undercover operations, because under the current law it is clear that in such situations one party to the filmed transactions—the undercover agents—is deemed to have consented. The bill does not regulate the filming of employees in the workplace, unless there is a reasonable expectation of privacy. Finally, the bill does not bar the use of cameras in locations which are readily observable from a public location.

I should note that there may be some concern about this bill from the private sector. The bill is drafted so as to parallel the provisions of the current wiretap statute. In my view, it would be anomalous and illogical to prohibit the use of telephone taps and bugs while leaving unregulated the use of technologies with respect to video surveillance which are equally if not more intrusive and indiscriminate. I welcome receiving further information about the nature and extent of this type of surveillance in the private sector.

As my former colleague, Senator Tunney, pointed out 10 years ago:

> Control over the technology of surveillance conveys effective control over our privacy, our freedom and our dignity—in short, control over the most meaningful aspects of our lives as free human beings.

It is my hope that my colleagues will turn their attention to this issue.[2] Interested parties with comments on the legislation should file their comments with the Subcommittee on Courts, Civil Liberties and the Administration of Justice, 2137B Rayburn House Office Building, Washington, DC 20515. Immediately following are two articles from the press which cogently address this issue.

THE NO MAN'S LAND OF HIGH TECH—NEW DEVICES AID POLICE BUT THREATEN THE RIGHT OF PRIVACY

On the morning of Nov. 2, 1983, Francis Lynch, then chief of detectives of the Woonsocket, R.I., police department, got a strange call. "You may think I'm crazy," said an excited young woman, "but there is some guy dealing drugs, and I can hear it on my radio." Lynch was skeptical, but he sent two detectives to the woman's house.

It turned out that the transmissions that the woman had heard on her AM radio were coming from a nearby home whose occupant, Leo DeLaurier, owned a cordless telephone. DeLaurier was apparently unaware that such devices are little more than short-range radio transmitters whose signals can sometimes be picked up by ordinary radio receivers. During the next month, the police say, they recorded more than 100 hours of incriminating conversations by DeLaurier about the sale of cocaine and marijuana. Then they arrested DeLaurier, his wife and 22 other people on drug charges. DeLaurier objected to the use of the tapes, and his trial has been postponed pending the outcome of an appeal to the Rhode Island Supreme Court. DeLaurier argues that the monitoring of his phone was an illegal invasion of his privacy since it was done by the policy without a warrant.

Legal experts point out that cordless phones are one of many new-age technological devices that fall into a legal no man's land, an ambiguous region inhabited by such consumer products as personal computers and the ubiquitous message beepers and by sophisticated policy equipment like mini-video cameras. The lack of clear legal rules for police use of the equipment promises to keep the courts busy. Just last month two federal courts clashed on the issue when the U.S. Court of Appeals for the Seventh Circuit in Chicago overruled a federal district court and found that video surveillance of four suspected members of the Puerto Rican terrorist group FALN did not violate the Fourth Amendment's guarantee against "unreasonable searches and seizures." Says University of Chicago Law Professor Geoffrey Stone: "Technology—bugs,

[1] The *Torres* court applies only part of the Federal wiretapping law to video surveillance through the application of the fourth amendment (that is, exhaustion of other investigative techniques; court order based on specific facts; 30-day limit; and minimization requirements). The court did not, however, apply any limit on the predicate crimes which can justify such surveillance, nor did the court include the statutory exclusionary rule. Most importantly, the court did not address the use of such surveillance by State and local officials or private persons.

[2] As commentator Gary Marx pointed out, we may be moving toward a society were the words of the song by the Police, "Every Breath You Take" (I'll be watching you) may be a reality. See Marx "I'll Be Watching You," winter 1985 Dissent 26.

beepers that police attach to cars, parabolic microphones—all of this enables the Government to invade privacy in ways far more extreme than one could possibly have imagined when the Fourth Amendment was written."

The Kansas Supreme Court was the first state high court to rule on the cordless-phone issue, holding last March that those who use such phones are broadcasting over the public air waves and have "no reasonable expectation of privacy," a finding that may surprise the 7 million or so owners of the popular instruments. But to rule otherwise, Rhode Island's attorneys argued before that state's supreme court, could mean that the woman who inadvertently overheard DeLaurier's conversation might be held criminally liable for violating the federal wiretapping law. DeLaurier's lawyer, however, asserted that this 1968 legislation, which forbids wiretapping without court authorization, does apply to cordless phones, since the statute defines a "wire communication" as any conversation this is carried "in whole or in part" by wire. Even cordless instruments must utilize regular phone lines at some point to transmit calls.

Video surveillance is as knotty an issue as the new telephones. Abscam, the De Lorean drug investigation and other well-publicized "sting" operations have made it seem that police have broad authority to videotape criminal activity. In fact, cameras have usually been employed to record only those meetings where an undercover agent or informer with prior knowledge of the filming is also in the room. This was not the situation in the Chicago FALN case, in which the FBI had authorization for both audio and video surveillance from a federal judge. The agency resorted to the video surveillance of two "safe house" apartments after two of the four suspects successfully thwarted wiretaps and bugs. Once the cameras had been installed, agents say, they observed some of the defendants constructing time bombs. The four were arrested in June 1983 on seditious-conspiracy and weapons charges when the FBI learned that they allegedly planned to mark the July 4 holiday by blowing up military installations.

U.S. District Judge George Leighton threw out the FBI's 130 hours of videotape evidence in 1984, saying that "no one, not even in the name of ferreting out crime, has the right to invade the privacy of a home" without proper legal authority. He ruled that the 1968 wiretap law provided no such authority because it says nothing about video surveillance. The Seventh Circuit panel, in an opinion written by Supreme Court Hopeful Richard Posner, held that the wiretap law did not apply but found that video surveillance is permitted under the Constitution without specific legislative approval. Paraphrasing a famous dissent by Justice Louis Brandeis, Posner wrote, "There is no right to be let alone while assembling bombs in safe houses." The accused FALN members plan to appeal the ruling to the U.S. Supreme Court.

Many legal observers are frightened by the prospect of widespread video surveillance. Raising the specter of Nineteen Eighty-Four and Big Brother, Herman Schwartz, a law professor at American University, denounces it as "very dangerous" to everyone's civil liberties. Harvard Law Professor Laurence Tribe cautions that technological innovations like video cameras may be rendering the traditional protections of the Fourth Amendment "irrelevant." Columbia University Law Professor Richard Uviller, a former prosecutor, says of the new high-tech snooping, "When there is no alternative, when the crime is terror, there is a strong law-enforcement need for this." But he adds that "its uses should be reserved for only the most serious circumstances: kidnapping, murder, espionage and terrorism."

To clarify the legal muddle, several federal statutes have been proposed, including one by Wisconsin Congressman Robert Kastenmeier that would force police to satisfy a series of strict requirements in order to get a warrant for video prying. Though the Kastenmeier bill died in the last Congress, it will be reintroduced in this session. Judges, legislators and civil libertarians agree that the privacy problems presented by technological changes make necessary a new assessment of existing statutes and court rules. Warns John Shattuck, a former American Civil Liberties Union officials: "In many ways, technology is now outstripping the law."

When Television Watches People

(By David Burnham)

Washington.—The unblinking eyes of the tiny television cameras peered into every room of the Chicago apartment used by the terrorists. The F.B.I. had secretly broken in and installed the hidden lenses because the agents believed the targets of their surveillance, wise to ways of hidden microphones, might try playing the radio loudly when they spoke or working in silence as they assembled their bombs.

The agents' strategy worked. Shortly after the cameras were installed two suspects, alleged members of a secret Puerto Rican terrorist organization, were televised as they built their bombs. The two, tailed as they left their informal bombs factory, led Federal agents to a second "safe house," where additional secret cameras, as well as microphones, were installed.

Five years ago, on the basis of this and other evidence, 10 members of the F.A.L.N., the Armed Forces of National Liberation, were arrested, and later convicted and sentenced to long terms in Federal prison on charges of bombing and conspiring to bomb 28 buildings in the Chicago area. Although the physical tremors from those explosions have subsided, the legal echoes from the television surveillance continue to reverberate through the courts and Congress, where a bill dealing with some of the more troublesome issues will be reintroduced shortly.

They were raised late last year in a Federal court considering an appeal from the Chicago convictions. Secret television surveillance, the United States Court of Appeals for the Seventh Circuit warned, was exceedingly intrusive and unless controlled could "eliminate privacy as understood in modern Western nations." The court coupled its warning with a recommendation that Congress pass legislation setting down specific criteria for police use of television surveillance.

Only recently have television cameras become sufficiently inexpensive, compact and light sensitive to permit surveillance in many different situations. As a result, their use in law enforcement has begun to increase. Six weeks ago, for example, the Justice Department reported that Federal agents installed secret television surveillance cameras in 16 cases last year. A spokesman for Manhattan District Attorney Robert M. Morgenthau said secret cameras were used six or seven times in 1984. Michael Bozza, assistant director of the New Jersey Division of Criminal Justice, estimated such equipment was used 6 to 10 times in the last few years.

All three reports emphasized, however, that the figures were only for instances in which hidden television cameras were installed in private homes or offices. They do not include the far more frequent occasions when law enforcement agencies install hidden cameras in public places. Nor do they include the kind of investigation, such as the Federal Bureau of Investigation's Abscam inquiry, in which undercover agents have agreed to the presence of the equipment and therefore no warrant is required.

The appeals court decision was written by Judge Richard A. Posner, frequently mentioned as a leading candidate to the Supreme Court because of his generally conservative and closely reasoned opinions. He upheld the legality of the F.B.I.'s warrants in the F.A.L.N. case. "We do not think the Fourth Amendment prevents the Government from coping with the menace of this organization by installing and operating secret television cameras in this organization's safe houses," he wrote. But, he added, "we think it also unarguable that television surveillance is exceedingly intrusive, especially in combination (as here) with audio surveillance, inherently indiscriminate, and that it could be grossly abused—to eliminate personal privacy as understood in modern Western nations."

Defense lawyers challenging the Government's action argued that the warrants had been granted even though the 1968 law governing electronic surveillance does not mention television.

The appeals court decision said: "We would think it a very good thing if Congress responded to the issues discussed in this opinion" by amending the 1968 law "to bring television surveillance within its scope." Legislation to achieve this goal was introduced in Congress last fall by Representative Robert W. Kastenmeier, chairman of the House Judiciary Subcommittee on Constitutional Rights, and was given qualified support by the Justice Department. But the Wisconsin Democrat, who plans to reintroduce the bill in the next few weeks, also hopes to close a far broader, loophole in the nation's surveillance law.

A big problem with the 1968 law, according to Mr. Kastenmeier and experts such as W. J. William Caming, former legal adviser to the American Telephone and Telegraph Company on privacy matters, is that it is so narrowly worded that it applies only to telephone wiretaps and electronic bugs that pick up conversations that, actually can be heard by the human ear.

One result is that the rapidly growing volume of information transmitted all over the United States in computerized or digital form is largely unprotected. Unethical corporations, organized crime, organizations, foreign espionage agents and state and local law enforcement agencies are violating no Federal law when they intercept and record computerized banking data, computerized stock transactions and electronic mail services offered by such companies as MCI.

The failure of the law to keep up with technology has caught bipartisan interest on Capitol Hill. It also has prompted the American Civil Liberties Union, in conjunction with the Public Interest Computer Association, to sponsor conferences designed to develop a consensus among business and civil liberties groups on possible legislative solutions. "Government-operated television cameras in the home raise the spectre of

George Orwell's telescreen," Representative Kastenmeier said. "Any use of such a method of survelliance should be strictly controlled and limited to the most urgent circumstance."

TRIBUTE TO LUCIE BRUNS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. MCEWEN. Mr. Speaker, I would like to take this opportunity to recognize the heroism of a constituent of mine, Miss Lucie Bruns.

During her summer off from Wilmington College, Miss Bruns was working as a lifeguard at the Cowan Lake State Park. On June 30, 1985, Lucie saved the life of a 2-year-old boy. Jonathan Kohorst was pulled from the water, where he was found unconscious with no apparent pulse or breathing. Miss Brun ran to the boy and immediately began to administer cardiopulmonary resuscitation to revive him.

After giving CPR for 3 minutes, Miss Bruns was successful in bringing Jonathan back to consciousness. The boy was kept in the hospital overnight for observation where he was released the next day in good health.

Again, I would like to commend to my colleagues Miss Bruns for her alertness and ability to stay under control in the face of a potential tragedy. It is always gratifying to be able to give praise to young people like Lucie Bruns.

AMERICAN EDITOR RELEASED

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1985

Mr. LEACH of Iowa. Mr. Speaker, last week I took to the floor to point out that now and then a small event occurs that underscores a profound problem for United States foreign policy, such as the recent arrest in Taiwan of Lee Ya-ping, an editor of a United States-based newspaper.

The Taiwan Government announced Thursday, September 26, 1985, that Ms. Lee has been released on bail and assigned to reformatory education.

Although the idea of reeducation is antithetical to the democratic principle of pluralism, conjuring up cultural revolution images, the release of Ms. Lee must be considered, from a congressional setting, a positive step which effectively negates the urgency of bringing to the floor a resolution of concern. On the other hand, concern remains that a chilling message has been sent to all Americans of Taiwanese descent that if they publicly criticize the Taiwan Government, they may be arrested upon returning to the island.

Therefore, as positive as the release of Ms. Lee is, the fact she was incarcerated in the first place underlines the concerns of Taiwan's democratic friends about the capricious nature of martial law. Thus, at the same time we in Congress take positive note of the release of Ms. Lee, the larger issue that led to her arrest remains as a sore point in United States-Taiwan relations.

It is my hope that the good judgment and reason which has prevailed in the release of Ms. Lee will likewise prevail in the eventual democratizing of political institutions on the island.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, October 1, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 2

9:30 a.m.

Armed Services

To hold hearings on nuclear winter and its implications.

SR-222

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Roger W. Jepsen, of Iowa, to be a Member of the National Credit Union Administration, Joseph A. Grundfest, of the District of Columbia, to be a Member of the Securities and Exchange Commission, and Paul Freedenberg, of Maryland, to be an Assistant Secretary of Commerce.

SD-538

Finance

To continue hearings on the President's tax reform proposal.

SD-215

Labor and Human Resources

To hold hearings on the nomination of Edward A. Curran, of Maryland, to be Chairman of the National Endowment for the Humanities.

SD-430

Select on Intelligence

To resume closed hearings on the development of a national intelligence strategy.

SH-219

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To continue hearings on S. 1440, the Non-Smokers Rights Act.

SD-342

Judiciary

To hold hearings on the nominations of Michael K. Block, of Arizona, Ilene H. Nagel, of Indiana, and Paul H. Robinson, of New Jersey, each to be a member of the U.S. Sentencing Commission.

SR-301

Judiciary

Security and Terrorism Subcommittee

To hold hearings on mercenary counterterrorism training camps.

SD-106

Select on Indian Affairs

To hold hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian Tribe of Nevada.

SR-485

1:00 p.m.

Select on Indian Affairs

To continue hearings on S. 1558, to settle certain claims affecting the Pyramid Lake Paiute Indian tribe of Nevada.

SR-428

1:30 p.m.

Governmental Affairs

Business meeting, to consider pending calendar business.

SD-342

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Rules and Administration

Business meeting, to consider S. 581, S. 582, and S. 583, bills authorizing funds for activities of the Smithsonian Institution, proposed amendment to the mass mail regulations to provide for printing pictures of missing children on Senate mail, and other legislative and administrative business.

S-128, Capitol

3:00 p.m.

Judiciary

To hold hearings on S. 412, to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

SD-226

OCTOBER 3

9:00 a.m.

Office of Technology Assessment

The Board, to hold a general business meeting.

EF-100, Capitol

9:30 a.m.

Finance

To continue hearings on the President's tax reform proposal.

SD-215

Veterans' Affairs
To hold hearings on proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.
SR-418

9:45 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William R. Graham, of California, to be Deputy Administrator of the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Mary L. Walker, of Maryland, to be Assistant Secretary of Energy (Environment, Safety and Health), Anthony G. Sousa, of Hawaii, to be a Member of the Federal Energy Regulatory Commission, and Donna R. Fitzpatrick, of the District of Columbia, to be an Assistant Secretary of Energy (Conservation and Renewable Energy).
SD-366

Foreign Relations
European Affairs Subcommittee
To resume hearings to review the North Atlantic Treaty Alliance.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on the problem of illiteracy in the United States.
2175 Rayburn Building

Joint Economic
Agriculture and Transportation Subcommittee
To hold hearings on livestock and retail meat prices.
SD-342

10:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to evaluate the United States earthquake hazard reduction and preparedness program.
SR-253

1:30 p.m.
Foreign Relations
European Affairs Subcommittee
To continue hearings to review the North Atlantic Treaty Alliance.
SD-419

3:00 p.m.
* Armed Services
To continue hearings on nuclear winter and its implications.
SD-562

4:00 p.m.
* Select on Intelligence
Closed briefing on chemical, biological and radiological terrorism.
SH-219

OCTOBER 4

9:30 a.m.
Finance
To continue hearings on the President's tax reform proposal.
SD-215

Joint Economic
To hold hearings on the employment-unemployment situation for September.
2359 Rayburn Building

10:00 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on certain land conveyance measures, including S. 304, S. 360, S. 446, S. 565, S. 567, S. 829, S. 1503, S. 1625, and S. 1690.
SD-366

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold oversight hearings on the implementation of the Randolph-Sheppard Act of 1936.
SD-342

OCTOBER 7

10:00 a.m.
Labor and Human Resources
To hold hearings on alternative programs for troubled youth.
SD-430

OCTOBER 8

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 1310, the Clean Campaign Act.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold joint hearings with the Committee on Environment and Public Works' Subcommittee on Nuclear Regulation on S. 1517, to provide continued financial and technical assistance of the Department of Energy to the regional low-level waste compact regions, and to revise the guidelines and procedures for the establishment and use of regional disposal facilities for low-level radioactive waste, and S. 1578, to improve procedures for the implementation of compacts providing for the establishment and operation of regional disposal facilities for low-level radioactive waste.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Energy Research and Development on S. 1517, to provide continued financial and technical assistance of the Department of Energy to the regional low-level waste compact regions, and to revise the guidelines and procedures for the establishment and use of regional disposal facilities for low-level radioactive waste, and S. 1578, to improve procedures for the implementation of compacts providing for the establishment and operation of regional disposal facilities for low-level radioactive waste.
SD-366

OCTOBER 9

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on Robert Elsner, of Alaska, and Karen Pryor, or Washington, each to be a Member of the Marine Mammal Commission.
SR-253

Finance
To resume hearings on the President's tax reform proposal.
SD-215

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Commerce, Science, and Transportation
To hold oversight hearings in conjuction with the National Ocean Policy Study on Pelagic driftnets.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to examine certain barriers to health care.
SD-430

OCTOBER 10

9:30 a.m.
Energy and Natural Resources
Public Lands, Reserved Water and Resource Conservation Subcommittee
To hold hearings on S.J. Res. 187, to designate Patrick Henry's last home and burial place, in Virginia, as a National Memorial to Patrick Henry, S. 1596, to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia, and S. 1116, to authorize funds for financial assistance and grants to the Bethune Museum and Archives in the District of Columbia.
SD-366

* Finance
To continue hearings on the President's tax reform proposal.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on fishing vessel safety and insurance.
SD-562

Labor and Human Resources
To hold hearings on mandatory nutritional labeling.
SD-430

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SR-385

10:30 a.m.
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the promotion of domestic tourism.
SR-253

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on the Philippines.
SH-219

OCTOBER 16

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Select on Intelligence
To resume closed hearings on the development of a national intelligence strategy (Phase II).
SH-219

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Select on Indian Affairs
To hold hearings on the nomination of Ross O. Swimmer, of Oklahoma, to be an Assistant Secretary of the Interior.
SR-325

OCTOBER 17

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on espionage activities in the United States.
SD-342

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to examine measures to discourage students from dropping out of high school.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold hearings on pension accrual and the older worker.
SD-628

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 21

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Household Goods Transportation Act (P.L. 96-454), and the Bus Regulatory Reform Act (P.L. 97-261).
SR-253

OCTOBER 22

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on espionage activities in the United States.
SD-342

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on the impact of trade on employment and productivity.
SD-430

OCTOBER 23

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 445 and S. 1225, bills to revise certain provisions of the Atomic Energy Act of 1954 regarding liability for nuclear incidents.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 24

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the role of the entertainment industry in deglamorizing drug use.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on worldwide intelligence matters.
SH-219

4:30 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

OCTOBER 28

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on S. 1551, to provide for administrative appeals and judicial review under Part B of Medicare, and to review the beneficiary and provider appeals provisions under Parts A and B of the Medicare program.
SD-215

OCTOBER 29

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold hearings on the Tenth Anniversary of the Education for All Handicapped Children Act (P.L. 94-142).
SD-430

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on the Federal enforcement of the Bank Secrecy Act (title 31 of the U.S. Code).
SD-342

OCTOBER 30

9:30 a.m.
Labor and Human Resources
To resume hearings to examine certain barriers to health care.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the effects of domestic violence.
SD-628

OCTOBER 31

10:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1209, to establish the National Commission to Prevent Infant Mortality.
SD-342

Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on the impact of trade on employment and productivity.
SD-430

4:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

NOVEMBER 6

9:30 a.m.
Labor and Human Resources
To hold hearings on nutrition and fitness in public health.
SD-430

NOVEMBER 7

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on insurance and space commercialization.
SR-253

NOVEMBER 12

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on the impact of trade on employment and productivity.
SD-430

10:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on regulatory activities of the Office of Management and Budget.
SD-342

CANCELLATIONS

OCTOBER 3

9:30 a.m.

Veterans' Affairs

Business meeting, to mark up proposed legislation to provide a cost-of-living increase for fiscal year 1986 in the rates of veterans disability compensation and dependency and indemnity compensation for surviving spouses and children.

SR-418

10:00 a.m.

Governmental Affairs

To hold hearings on the President's management initiatives and related measures.

SD-342